

Serial Number 1940/265.



THE PROTECTED PLACES EMERGENCY REGULATIONS 1940.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 16th day of
October, 1940.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

1. These regulations may be cited as the Protected Places Emergency Regulations 1940.

2. In these regulations, unless the context otherwise requires,—

“ Occupier ”, in relation to any place, means the person by whom or on whose behalf the place is actually occupied ; and includes the owner of the place ; and also includes any person acting or apparently acting in the general management or control of the place :

“ Place ” means any land, building, or other premises :

“ Protected place ” means a place in respect of which a notice under Regulation 3 hereof is for the time being in force :

“ Watchman ” means a watchman stationed under these regulations.

3. (1) Any Superintendent or Inspector of Police, if it appears to him to be necessary or expedient for securing the public safety, the defence of New Zealand, or the efficient prosecution of any war in which His Majesty may be engaged, or for maintaining supplies and services essential to the life of the community, may, by notice in writing, require the occupier of any place—

(a) To station and maintain at that place at all times, or at such times as may be specified in the notice, a watchman or such number of watchmen as may be specified in the notice :

(b) To provide in respect of that place such lighting, fencing, and other aids to security as may be specified in the notice.

(2) Any notice under this regulation shall contain such instructions as the Superintendent or Inspector thinks fit as to the exhibition on the protected place by the occupier of notices restricting, regulating, or prohibiting entry to that place by any persons or classes of persons.

(3) Any notice under this regulation may be at any time amended, added to, or revoked by any Superintendent or Inspector of Police by a subsequent notice in writing.

(4) In the exercise of his functions under these regulations every Superintendent or Inspector of Police shall act in accordance with all directions, general or special, from time to time given by the Minister in Charge of the Police Department.

(5) Any notice given under this regulation to any occupier of any place shall be binding on every other occupier of that place and on every person who subsequently becomes an occupier thereof.

4. Any occupier of a protected place or any watchman at a protected place—

- (a) May direct any person not to enter or remain in the protected place or loiter in the vicinity of any entrance to the protected place :
- (b) May give such directions as the watchman thinks fit to any person who enters or remains in or is about to enter the protected place for regulating his conduct while in the protected place, whether in relation to anything that he has with him or otherwise :
- (c) May search any person approaching, entering, remaining in, or leaving, or attempting to approach, enter, or leave, the protected place, and may detain any such person for the purpose of searching him :
- (d) May detain until the arrival of the police any person who commits or is reasonably suspected of having committed or of being about to commit an offence against these regulations.

5. (1) No action, claim, or demand whatsoever shall lie or be made or allowed by or in favour of any person against any occupier of a protected place or against any watchman at a protected place or against any employer of any such occupier or watchman for or in respect of any damage, loss, or injury sustained or alleged to have been sustained by reason of anything done or purporting to be done by any such occupier or watchman under the authority of these regulations.

(2) The provisions of this regulation shall be in addition to and not in derogation of the provisions of section 7 of the Emergency Regulations Act, 1939.

6. Every person commits an offence against these regulations who—

- (a) By any act or default, whether wilful or negligent, endangers the safety of any protected place or of anything in any protected place :
- (b) Being an occupier of any protected place or a servant or agent of any occupier of any protected place, permits any person to commit an offence against these regulations in relation to the protected place or negligently fails to prevent any person from committing any such offence :

- (c) Resists, obstructs, or deceives any person who is exercising or attempting to exercise any power or function under these regulations :
 - (d) Without lawful excuse acts in contravention of or fails to comply in any respect with any provision of these regulations or any requirement, instruction, direction, or notice given, imposed, or exhibited under these regulations.
7. Every person who commits an offence against these regulations shall be liable on summary conviction,—
- (a) In the case of an individual, to imprisonment for a term not exceeding three months, or to a fine not exceeding £50, or (if the offence is a continuing one) to a fine not exceeding £10 for every day during which the offence continues :
 - (b) In the case of a body corporate, to a fine not exceeding £200, or (if the offence is a continuing one) to a fine not exceeding £20 for every day during which the offence continues.

C. A. JEFFERY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette* : 17th day of October, 1940.
These regulations are administered in the Police Department.