

Serial Number 1940/26.



THE PUBLIC SAFETY EMERGENCY REGULATIONS 1940.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 21st day of
February, 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.

REGULATION 1.—PRELIMINARY.

(1) These regulations may be cited as the Public Safety Emergency Regulations 1940.

(2) Regulation 14 of the Censorship and Publicity Emergency Regulations 1939* is hereby revoked.

(3) In these regulations, unless the context otherwise requires,—

“ Bank ” has the same meaning as in the Banking Act, 1908, and includes—

(a) The Post Office Savings-bank established under the Post and Telegraph Act, 1928 ; and

(b) Any savings-bank established under the Savings-banks Act, 1908 :

“ Banker ” means the manager or other person for the time being in charge of the office of a bank in which any account is kept :

“ Cinematograph film ” includes a sound-track and any other article on which sounds have been recorded for the purpose of their being reproduced in connection with the exhibition of cinematograph film :

“ Gramophone record ” includes any article on which sounds have been recorded for the purpose of their being mechanically or electrically reproduced :

* Statutory Regulations 1939, Serial number 1939/121, page 562.

- “Graphic representation” includes a photograph, photographic plate, photographic film, or other sensitized article that has been exposed in a camera, whether developed or not; and also includes a gramophone record:
- “His Majesty’s Forces” includes the New Zealand and all other naval, military, or air forces raised by the Government of any territory forming part of His Majesty’s dominions:
- “Meeting” means any assembly at which more than twelve persons are present:
- “Money” means Reserve Bank notes and any other New Zealand currency; and includes the bank-notes and other currency of any country other than New Zealand; and also includes bills of exchange and promissory notes:
- “Person” includes a corporation sole, and also a body of persons, whether corporate or unincorporate:
- “Place” means any house, building, land, ship, or other premises:
- “Public place” means a road, street, footpath, footway, court, alley, or thoroughfare of a public nature, or open to or used by the public as of right; and includes every place of public resort so open or used:
- “Public safety” includes the effective conduct of the naval, military, or air operations of His Majesty, the maintenance of industries essential to the public welfare, the prevention of disturbances of the public peace, and the prevention of subversive statements:
- “To publish” means to communicate to the public or to any person or persons, whether in writing or orally or by radio-telegraphy or radio-telephony or by means of a gramophone record or otherwise; and in relation to cinematograph film includes the mechanical or electrical reproduction of any sound in connection with the projection of the film; and “publication” has a corresponding meaning:
- “Statement” means any oral or written statement; and includes any graphic representation, however produced; and also includes any other significant expression or representation whatsoever:
- “Subversive statement” includes—
- (a) A statement intended or likely to cause disaffection to His Majesty:
 - (b) A statement intended or likely to interfere with the success of His Majesty’s Forces or those of his Allies by land, sea, or air:
 - (c) A statement intended or likely to prejudice the recruiting or training of His Majesty’s Forces or the discipline or administration of His Majesty’s Forces:
 - (d) A statement intended or likely to interfere with the national effort by disruption of the morale of the civil population or His Majesty’s Forces:
 - (e) A statement intended or likely to cause undue alarm to the public or to any person or persons in relation to the public safety or to the war:

(f) A statement intended or likely to cause unlawful resistance to or interference with the enforcement or administration of any law of New Zealand or any other part of His Majesty's dominions relating to military training or service during the war, or relating to the administration of justice :

Provided that reasonable and temperate discussion in good faith of any existing laws or measures shall not be deemed to constitute a subversive statement within the meaning of this paragraph :

(g) A statement intended or likely to prejudice or interfere with the manufacture, production, output, supply, delivery, or carriage, by land, sea, or air, of any goods or articles, or the carrying on of any services, required by reason of or in connection with the war :

“ The war ” means the present war against Germany, and includes any other war in which for the time being His Majesty may be engaged.

REGULATION 2.—SUBVERSIVE STATEMENTS.

(1) No person shall publish or attempt to publish any subversive statement.

(2) No person shall do any act or have in his possession any thing or matter with a view to making, or to facilitating the publication of, any subversive statement.

(3) No prosecution for an offence against this regulation shall be commenced except with the written consent of the Attorney-General. Judicial notice shall be taken of the signature to any consent given under this clause.

REGULATION 3.—PROHIBITED PROCESSIONS AND MEETINGS.

(1) If the Commissioner of Police is satisfied that the holding or continuance in a public place or within the view thereof of any procession, or that the holding or continuance (whether in a public place or elsewhere) of any meeting, is likely to be injurious to the public safety, he may prohibit the holding or continuance of the procession or meeting.

(2) Where the holding or continuance of any procession or meeting is prohibited under this regulation no person shall advise, encourage, organize, conduct, lead, or take part in the procession or meeting ; and no person who is present at the procession or meeting shall continue to be present thereat after being requested by a constable to leave.

(3) Any person found committing an offence against this regulation may be arrested without warrant.

(4) If any Superintendent or Inspector of Police has reason to suspect that any place is being used or is about to be used for the holding of a meeting that may be injurious to the public safety, the Superintendent or Inspector, or any constable authorized by him in that behalf, may at any time of the day or night enter upon that place and upon every part thereof, using such force as may be necessary.

REGULATION 4.—PAYMENTS FOR SUBVERSIVE ACTIVITIES.

(1) No person shall receive or attempt to receive any money from any other person (whether that other person is within New Zealand or elsewhere) for any purpose that is injurious to the public safety or is contrary to these regulations.

(2) No person shall do any act or have in his possession any thing or matter with a view to receiving any money in contravention of this regulation, or with a view to enabling, aiding, abetting, counselling, or procuring the receipt of any money by any other person in contravention of this regulation.

(3) No prosecution for an offence against this regulation shall be commenced except with the written consent of the Attorney-General. Judicial notice shall be taken of the signature to any consent given under this clause.

(4) Where any person is convicted of an offence against this regulation in respect of any money, the convicting Court may, as part of the conviction, order that the money or any part thereof shall be forfeited, and it shall thereupon become forfeited to the Crown accordingly, and shall be paid into the Public Account.

(5) If the Commissioner of Police has reason to suspect that any person has committed an offence against this regulation the Commissioner, or any constable authorized by him in that behalf, may inspect and take copies of any entries in the books of any bank relating to any account of that person, or of his servant or agent, by whatever name the account may be described, and may serve on the banker a notice requiring the banker not to pay any moneys out of any such account except in accordance with these regulations.

(6) Where any such notice has been served on any banker in respect of any account, the banker shall not pay any moneys out of that account until the notice is withdrawn or any proceedings against any person interested in the account for an offence against this regulation are concluded, unless the payment is authorized by the Attorney-General upon a request in that behalf, or is authorized by a Magistrate upon an application made by any person interested, with notice to the Attorney-General and to such other persons as the Magistrate directs.

REGULATION 5.—POWERS OF SEARCH.

(1) If any Superintendent or Inspector of Police has reason to suspect that any place is being used for any purpose or in any manner that is injurious to the public safety or is contrary to these regulations, or that there is in any place any thing or matter which may be evidence of any such purpose or which has been or is about to be used for any such purpose or in any such manner, the Superintendent or Inspector, or any constable authorized by him in that behalf, may at any time of the day or night enter upon that place and upon every part thereof, and may seize any such thing or matter found therein, using such force as may be necessary.

(2) If any Superintendent or Inspector of Police has reason to suspect that any person has in his possession or in or on any vehicle any thing or matter the possession of which would be a breach of these regulations or would be evidence of a breach of these regulations,

the Superintendent or Inspector, or any constable authorized by him in that behalf, may search and detain for the purpose of search that person and that vehicle (if any), and may take possession of any such thing or matter found upon such search.

(3) Any thing or matter seized under this regulation shall be detained under the custody of a Superintendent or Inspector of Police until the conclusion of any proceedings instituted in consequence of the search or until such time as the Attorney-General directs its return to a person appearing to him to be entitled thereto.

REGULATION 6.—DELEGATION OF POWERS BY COMMISSIONER
OF POLICE.

(1) The Commissioner may from time to time, either generally or in respect of any particular area or in respect of any particular class of activity, delegate to any Superintendent or Inspector of Police any of the powers and functions conferred on him by these regulations.

(2) Subject to the control of the Commissioner, every person to whom any such powers or functions are delegated by the Commissioner may, without confirmation by the Commissioner, exercise or perform them in the same manner and with the same effect as the Commissioner could himself have exercised or performed them.

REGULATION 7.—OFFENCES.

(1) Every person who without lawful excuse acts in contravention of or fails to comply in any respect with any provision of these regulations commits an offence against these regulations.

(2) Every person who obstructs any constable or other person in the exercise of any right or power conferred by these regulations commits an offence against these regulations.

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

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette*: 22nd day of February, 1940.
These regulations are administered in the Police Department.