

*The Alien Control Emergency Regulations 1939, Amendment No. 3.*

GALWAY, Governor-General.

## ORDER IN COUNCIL.

At the Government House at Wellington, this 18th day of June, 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. (1) These regulations may be cited as the Alien Control Emergency Regulations 1939, Amendment No. 3.

(2) These regulations shall be read together with and deemed part of the Alien Control Emergency Regulations 1939\* (hereinafter referred to as the principal regulations).

2. Regulation 2 of the principal regulations is hereby amended by inserting, before the definition of the term "Minister", the following definition:—

" 'Enemy alien' means an alien who is or at any time has been a national of any State with which His Majesty is at war : "

3. Regulation 20 of the principal regulations is hereby amended by adding to clause (2) thereof the following proviso:—

" Provided that, if the Minister so orders, any such alien who is an enemy alien shall be delivered into the custody of such other person and shall be detained in such place and under such conditions as the Minister from time to time thinks fit."

4. The principal regulations are hereby amended by inserting therein, after Regulation 20 thereof, the following heading and regulation:—

## "ALIENS TRIBUNALS.

" 20A. (1) For the purposes of these regulations there shall be established such number of Aliens Tribunals as the Governor-General from time to time thinks necessary. Every Aliens Tribunal shall be given such distinctive name as the Governor-General determines, and any such name may from time to time be changed by the Governor-General.

" (2) Every Aliens Tribunal shall consist of such number of persons, not exceeding three, as the Governor-General in each case thinks fit, to be appointed by the Governor-General, and to hold office during his pleasure. Where a Tribunal consists of more than one person one of the members shall be appointed by the Governor-General to be the Chairman of the Tribunal, and the quorum at sittings shall be such number as the Governor-General determines.

" (3) Any person may be appointed to hold office concurrently as a member of two or more Aliens Tribunals.

" (4) In the event of the sickness or other incapacity of any member of an Aliens Tribunal the Governor-General may appoint any person to act in the place of that member during his incapacity.

" (5) Every Aliens Tribunal shall within the scope of its jurisdiction be deemed to be a Commission under the Commissions of Inquiry Act, 1908, and all the provisions of that Act shall apply accordingly.

" (6) The procedure of an Aliens Tribunal shall, subject to these regulations, be such as the Tribunal thinks fit. An Aliens Tribunal may admit and accept such evidence as it thinks fit, whether admissible in a Court of law or not. Any alien who appears before an Aliens Tribunal, whether pursuant to a summons or otherwise, may be represented by a barrister or solicitor or, with the leave of the Tribunal, by any other person.

" (7) The functions of an Aliens Tribunal shall be to advise the Minister as to any matters arising under Regulation 20 hereof and as to any other matters referred to it by the Minister relating to the administration of that regulation, and in particular to inquire into and report upon any question as to whether any alien should be taken into custody or released from custody under the said Regulation 20.

\* Statutory Regulations 1939, Serial number 1939/132, page 603.

Amendment No. 1: Statutory Regulations 1939, Serial number 1939/233, page 958.

Amendment No. 2: Statutory Regulations 1939, Serial number 1939/248, page 997.