

Serial Number 1940/273.



THE ALIENS EMERGENCY REGULATIONS 1940.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 24th 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.

PART I.—PRELIMINARY.

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

2. These regulations shall come into force on the day following the day on which notification of the making thereof is published in the *Gazette*.

3. These regulations are divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Interpretation and Exemptions.

Part III.—Administration.

Part IV.—Registration of Aliens.

Part V.—Investigation and Classification of Aliens.

Part VI.—Internment and Deportation.

Part VII.—Restrictions on Aliens.

Part VIII.—Miscellaneous.

4. The following regulations are hereby revoked, namely:—

The Alien Control Emergency Regulations 1939 (Serial number 1939/132):

The Alien Control Emergency Regulations 1939, Amendment No. 1 (Serial number 1939/233):

The Alien Control Emergency Regulations 1939, Amendment No. 2 (Serial number 1939/248):

The Alien Control Emergency Regulations 1939, Amendment No. 3 (Serial number 1940/119):

The Alien Control Emergency Regulations 1939, Amendment No. 4 (Serial number 1940/183):

Paragraph (a) of Regulation 3 and Regulation 4 of the Arms Emergency Regulations 1940 (Serial number 1940/139).

5. All applications, registrations, certificates, registers, notices, permissions, licenses, permits, exemptions, orders, directions, appointments, and generally all acts of authority which originated under the regulations hereby revoked and are subsisting or in force on the commencement of these regulations shall enure for the purposes of these regulations as if they had originated under these regulations, and accordingly shall, where necessary, be deemed to have so originated.

6. All matters and proceedings commenced under the regulations hereby revoked and pending or in progress on the commencement of these regulations may be continued, completed, and enforced under these regulations.

PART II.—INTERPRETATION AND EXEMPTIONS.

7. (1) In these regulations, unless the context otherwise requires,—

“Alien” means a person of the age of sixteen years or over who is not a natural-born British subject; and includes any natural-born British subject of that age or over who has at any time ceased to be a British subject or who is or has at any time been a national of any foreign State; and also includes any person of alien origin or associations who is for the time being declared under Regulation 8 hereof to be an alien; but, notwithstanding the foregoing provisions of this definition, does not include any other person of alien origin or associations:

“Aliens Authority” means an Aliens Authority appointed under these regulations:

“Appeal Tribunal” means the Aliens Appeal Tribunal appointed under these regulations:

“Enemy alien” means an alien who (whether or not he is also a British subject by birth or otherwise) is or has at any time been a national of any enemy State; and includes any person of enemy origin or associations who is for the time being declared under Regulation 8 hereof to be an enemy alien; but, notwithstanding the foregoing provisions of this definition, does not include any other person of alien origin or associations:

“Enemy State” means a State with which His Majesty is at war:

“Foreign State” means a State not forming part of His Majesty’s dominions:

“Minister” means the Minister of Justice:

“Person of alien origin or associations” means a person of the age of sixteen years or over who is—

(a) A natural-born British subject who has never been a national of any foreign State, if the husband or wife or either of the parents of that person is or has at any time been not a British subject; or

(b) A natural-born British subject who is or has at any time been a national of any foreign State, if he was born in New Zealand and has been continuously resident in New Zealand for the whole of his life; or

(c) A natural-born British subject who is or has at any time been a national of any foreign State, if he has not at any time ceased to be a British subject, and if each of his parents is (or was up to the time of his or her death) a natural-born British subject or became a naturalized British subject (whether in New Zealand or elsewhere) before the 4th day of August, 1914, and has not at any time since naturalization ceased to be a British subject; or

(d) A person who became a naturalized British subject (whether in New Zealand or elsewhere) before the 4th day of August, 1914, if he has not at any time since naturalization ceased to be a British subject; or

(e) A person who has become a naturalized British subject (whether in New Zealand or elsewhere) at any time, if he has not at any time since naturalization ceased to be a British subject, and if neither he nor either of his parents has at any time been a national of any enemy State; or

(f) A woman who at the time of her marriage to an alien was a British subject by birth and who by declaration made under section 3 of the British Nationality and Status of Aliens (in New Zealand) Amendment Act, 1934-35, is within New Zealand entitled to the political and other rights to which a natural-born British subject is entitled, if there is not a subsisting marriage between that woman and an enemy alien and if she has not by any means other than by contracting marriage with an alien acquired any foreign nationality.

“Person of enemy origin or associations” means a person of alien origin or associations who or whose husband or wife or either of whose parents is or has at any time been a national of any enemy State:

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

“Police officer” means a member of the Police Force of any rank:

“Police district” means an area accepted for the time being as a police district for the purpose of the administration of the Police Force Act, 1913:*

“Registration Officer” means an officer of police of a rank not lower than that of Sub-Inspector:

“Ship” means any description of vessel used in navigation, whether seagoing or not, other than a vessel propelled exclusively by oars; and includes any lighter, barge, boat, or other vessel used in connection with the loading or unloading of a ship as so defined:

“Wharf” means any wharf, quay, pier, jetty, or other place used or capable of being used for the loading or unloading of ships or for the storage of cargo immediately prior to loading on a ship or subsequent to unloading and prior to delivery from the wharf; and includes any place belonging to or in the possession of or under the control of a Harbour Board; and also includes any railway or public highway so far as it intersects or is contiguous to or runs on any such wharf, quay, pier, jetty, or other place.

* See Reprint of Statutes, Vol. VI, page 832.

(2) Where any person is recognized as a national by the law of more than one State, or where for any reason it is uncertain what nationality (if any) is to be ascribed to any person, that person may be treated for the purposes of these regulations as a national of the State with which he appears to be more closely connected for the time being in interest or sympathy, or as being of uncertain or of no nationality. Subject to a right of appeal to the Aliens Authority for the district, every determination made by a Registration Officer for the purposes of this clause shall be final. The allowing of any such appeal shall not affect the validity of anything done before the appeal is allowed.

8. (1) The Minister may by notice in writing served on the person concerned and notified to the Commissioner of Police declare that any person of alien origin or associations shall from the time of the service of the notice be an alien for the purposes of these regulations.

(2) The Minister may by a notice under this section declare that any person of enemy origin or associations shall from the time of the service of the notice be an enemy alien for the purposes of these regulations.

(3) Any notice under this regulation may be at any time in like manner amended or revoked.

9. The Minister may by notice in writing served on the person concerned and notified to the Commissioner of Police exempt wholly or partly from the provisions of these regulations any person to whom it is in his opinion desirable in the public interest that such exemption should be granted.

PART III.—ADMINISTRATION.

10. (1) For the purposes of these regulations there shall be established such number of Aliens Authorities as the Minister from time to time thinks necessary.

(2) Every Aliens Authority shall consist of such person or number of persons, not exceeding three, as the Minister in each case thinks fit, to be appointed by the Minister and to hold office during his pleasure.

(3) Where an Aliens Authority consists of more than one person one member shall be appointed by the Minister to be the Chairman of the Authority, and the quorum at sittings shall be such number as the Minister determines.

11. (1) For the purposes of these regulations there shall be established an Aliens Appeal Tribunal, which shall consist of such person or number of persons, not exceeding three, as the Minister thinks fit, to be appointed by the Minister and to hold office during his pleasure.

(2) Whenever the Appeal Tribunal consists of more than one person one member shall be appointed by the Minister to be the Chairman of the Tribunal, and the quorum at sittings shall be such number as the Minister determines.

(3) The persons holding office on the commencement of these regulations as the Chairman and members of the Aliens Tribunal established under the Alien Control Emergency Regulations 1939* shall be deemed to have been appointed under this regulation to be the Chairman and members respectively of the Appeal Tribunal.

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

Amendment No. 3: Statutory Regulations 1940, Serial number 1940/119.

12. (1) The Minister may from time to time appoint a Deputy Chairman of the Appeal Tribunal or of any Aliens Authority and such deputy members thereof as he thinks fit, to hold office during his pleasure.

(2) On the occurrence from any cause of a vacancy in the office of Chairman or member of the Appeal Tribunal or of any Aliens Authority, and in the case of the absence of the Chairman or of any member (from whatever cause arising) and so long as the vacancy or absence continues, the powers and functions of the Chairman or member may be exercised and performed by the Deputy Chairman or by a deputy member, as the case may be.

(3) No act done by the Appeal Tribunal or by any Aliens Authority sitting with a Deputy Chairman or a deputy member, or done by any such Deputy Chairman or deputy member, shall be questioned on the ground that the occasion for the deputy's acting had not arisen or had ceased.

13. Any person may be appointed to hold office concurrently as a member of two or more Aliens Authorities, or as the Deputy Chairman or a deputy member of the Appeal Tribunal and one or more Aliens Authorities, or as the Deputy Chairman or a deputy member of two or more Aliens Authorities.

14. (1) The Appeal Tribunal and every Aliens Authority 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.

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

15. There shall be paid out of moneys appropriated by Parliament for the purpose to the members of the Appeal Tribunal and every Aliens Authority, not being officers of the Public Service, such remuneration by way of salary, fees, or allowances and such travelling expenses and allowances as may from time to time be directed or approved by the Minister of Finance.

PART IV.—REGISTRATION OF ALIENS.

16. (1) Every alien in New Zealand on the date of the commencement of these regulations shall, within fourteen days from that date, unless he is registered under the Alien Control Emergency Regulations 1939, make application for registration as an alien in a form to be provided by the Minister for the purpose.

(2) Every person who immediately before the commencement of these regulations is registered under the Alien Control Emergency Regulations 1939 shall be deemed to be registered under these regulations.

(3) Every application for registration shall be in writing, in duplicate, and shall be made by delivering it personally to the officer in charge at the police-station nearest to which the applicant resides.

* See Reprint of Statutes, Vol. I, page 1036.

(4) Every application for registration shall be signed by the applicant in person with his usual signature, unless he is unable to write, in which case he shall, in the presence of the police officer to whom the application is made, affix to the application such thumb-prints or finger-prints or other means of identification as the police officer may require.

17. Every person who after the commencement of these regulations becomes an alien as hereinbefore defined, whether by attaining the age of sixteen years or, in the case of a woman, by marriage to an alien, or otherwise howsoever, shall within fourteen days thereafter make application for registration as an alien in the manner provided in Regulation 16 hereof, and the provisions of that regulation shall apply accordingly.

18. Subject to Regulation 19 hereof, every alien who arrives in New Zealand after the commencement of these regulations shall, before being permitted to land, make application for registration as an alien in the manner provided in Regulation 16 hereof, and the provisions of that regulation shall apply accordingly, except that the application may be delivered to any officer of Customs and that the applicant's intended place of abode in New Zealand shall be specified in the application.

19. (1) A Collector of Customs may grant a temporary permit in writing to land in New Zealand to any alien being the master or a member of the crew or a passenger of any ship or aircraft arriving in New Zealand who is the holder of a passport as hereinafter defined, or who is lawfully entitled to land in New Zealand without producing a passport; and so long as the permit is in force and the alien complies with the conditions upon or subject to which it is granted the alien shall not be liable to comply with the requirements of Regulation 18 hereof.

(2) In this regulation the term "passport" means a passport or other document of identity—

- (a) Which establishes to the satisfaction of the Collector of Customs the nationality and identity of the person to whom it relates; and
- (b) Which has been issued by the Government of the State of which the person to whom it relates is a national or a protected person, and which is for the time being in force, and to which is attached a photograph of the person to whom it relates; and
- (c) Which relates to the person in whose possession it is; and
- (d) Which, except where it relates to the master or a member of the crew of any ship or aircraft, has been marked with a *visa* that is for the time being in force by a British Diplomatic or Consular Officer or some British public official duly authorized in that behalf:

Provided that no *visa* shall be required in respect of nationals of any State between the Government of which and His Majesty's Government in New Zealand there is for the time being in force an agreement, notified in the *Gazette*, to dispense with the requirement of passport *visas*.

20. The police officer or officer of Customs to whom any application for registration is made shall, upon receipt thereof, forward it to a Registration Officer in the police district in which the applicant's place of abode or intended place of abode is situated.

21. (1) The Registration Officer shall file every application received by him in his office and issue a certificate of registration in a form to be provided by the Minister for the purpose, one copy of which shall be retained in his office, one copy forwarded to the Commissioner of Police, and one copy delivered to the alien on his applying at the police-station nearest to which he resides and on his signing the certificate as therein prescribed.

(2) Every Registration Officer shall, as soon as practicable after the commencement of these regulations or the date of registration, whichever is the later, give notice to the Secretary of the Aliens Authority for the district of the name and place of abode of every enemy alien registered by him.

22. The Commissioner of Police shall cause to be compiled a register of the names, places of abode, and such other particulars as he thinks fit, of all registered aliens, to be called the Register of Aliens. The register shall be amended from time to time by correcting errors therein, by entering changes of name or abode or other particulars in respect of any alien, by adding thereto the names of aliens to whom certificates of registration are issued, and by removing therefrom the names of aliens who die, or who leave New Zealand, or who otherwise cease to be subject to these regulations.

23. (1) The Register of Aliens shall not be open as of right to inspection by any person.

(2) The Court may in any proceedings for an offence against these regulations order or permit a certified copy of any entry in the register to be produced to the Court.

(3) Any certificate of registration shall be *prima facie* evidence of the registration of the person to whom the certificate relates.

(4) A copy certified by the Commissioner of Police of any entry in the register shall be *prima facie* evidence of the entry.

(5) A certificate signed by the Commissioner of Police of the absence of an entry in the register shall be *prima facie* evidence of the facts stated in the certificate.

(6) The absence of an entry in the register relating to any person shall be *prima facie* evidence that no application for registration has been made by that person.

(7) Judicial notice shall be taken of the signature of the Commissioner of Police to any certificate or certified copy referred to in this regulation and of the signature of a Registration Officer to any certificate of registration.

PART V.—INVESTIGATION AND CLASSIFICATION OF ALIENS.

Investigation.

24. It shall be the duty of all police officers, in accordance with the general or special directions of the Commissioner of Police in that behalf, to make such investigations into the affairs and conduct of any alien as may be required for the purposes of these regulations.

Classification by Aliens Authorities.

25. (1) It shall be the function of every Aliens Authority to report to the Minister on every enemy alien registered in its district, and in its report to classify each alien into one of the following classes :—

- (a) Class A, comprising persons recommended for immediate internment :
- (b) Class B, comprising persons recommended for internment in the event of a threat of invasion or enemy attack, whether or not also recommended for the imposition in the meantime of special restrictions under Regulation 50 hereof :
- (c) Class C, comprising persons not recommended for internment, but recommended for the imposition of special restrictions under Regulation 50 hereof :
- (d) Class D, comprising persons recommended to remain subject to these regulations, without internment or any special restrictions :
- (e) Class E, comprising persons recommended for exemption from the provisions of these regulations under Regulation 9 hereof, or recommended for the revocation of any notice under Regulation 8 hereof declaring them to be aliens or enemy aliens.

(2) It shall also be the function of every Aliens Authority to report on and classify aliens not being enemy aliens in accordance with the directions of the Minister whenever required by the Minister so to do.

(3) Any Aliens Authority may from time to time, and shall if required by the Minister or by any Registration Officer, review its report on any alien and make a further report to the Minister.

26. In the exercise of its functions under these regulations every Aliens Authority shall have regard to all directions, whether special or general, given to it by the Minister.

27. Any Registration Officer or any alien may appeal to the Appeal Tribunal against any recommendation of an Aliens Authority.

Functions of Aliens Appeal Tribunal.

28. (1) The functions of the Appeal Tribunal shall be—

- (a) To hear appeals against the recommendations of Aliens Authorities :
- (b) To advise the Minister on any matters referred to it by the Minister in relation to these regulations.

(2) After hearing an appeal against any recommendation of an Aliens Authority the Appeal Tribunal shall report its recommendation to the Minister and shall send a copy thereof to the Aliens Authority.

29. The Minister may from time to time refer to the Appeal Tribunal for its consideration—

- (a) The case of any alien, whether or not a report has been made on him by an Aliens Authority :
- (b) Any other matter in relation to these regulations.

PART VI.—INTERNMENT AND DEPORTATION.

Internment of Enemy Aliens.

30. If in the case of any enemy alien or person of enemy origin or associations the Minister at any time deems it to be conducive to the public good so to do, whether or not the alien has been classified under these regulations, the Minister may order that the alien or person be taken into custody during his pleasure.

Deportation and Internment of Aliens.

31. If the Minister at any time deems it to be conducive to the public good so to do, he may, by an order in writing (hereinafter referred to as a deportation order), order any alien or person of alien origin or associations who was not born in New Zealand to leave New Zealand. Subject to these regulations, where any deportation order has been made the provisions of the Undesirable Immigrants Exclusion Act, 1919,* shall, so far as they are applicable, apply as if the deportation order were an order duly made under section 6 of that Act.

32. Where a deportation order has been made with respect to any person and, in the opinion of the Minister,—

(a) The deportation of that person would be impracticable or prejudicial to the efficient prosecution of any war in which His Majesty is engaged; and

(b) The detention of that person is necessary or expedient for securing the public safety, the defence of New Zealand, or the maintenance of public order,—

the Minister may direct that the person be taken into custody during his pleasure. The provisions of this regulation shall be in addition to and not in derogation of the provisions of section 7 of the Undesirable Immigrants Exclusion Act, 1919.

General Provisions as to Internment, &c.

33. Any police officer or member of His Majesty's Forces who has reason to believe that any person is an alien and is guilty of such conduct that his liberty is a source of public danger, or is disaffected, or has acted or is about to act in any manner injurious to the public safety or to the interests of His Majesty, may take that person into custody pending the decision of the Minister.

34. Any person taken into custody under these regulations shall be delivered into the custody of the person in control of and shall be detained in such place of detention and under such conditions as the Minister from time to time thinks fit.

35. Any person taken into custody under these regulations may at any time be released by order of the Minister.

36. In making any order under this Part of these regulations the Minister shall be deemed to be acting in an executive and not in a judicial capacity.

* See Reprint of Statutes, Vol. III, page 90.

PART VII.—RESTRICTIONS ON ALIENS.

Change of Abode.

37. Every alien registered under these regulations who changes his place of abode shall, within seven days thereafter, give, in a form to be provided by the Minister for the purpose, notice in writing thereof and of his new place of abode to the officer in charge at the police-station nearest to his new place of abode, and shall, together with that notice, surrender his certificate of registration.

38. The police officer to whom any such notice of change of abode is given shall forward the surrendered certificate of registration and particulars of the alien's new place of abode to a Registration Officer in the police district in which the new place of abode is situated.

39. If the new place of abode is in the police district in which the alien is already registered, the Registration Officer shall note the change of address on the duplicate copy of the certificate of registration filed in his office, shall notify the change to the Commissioner of Police, and shall enter particulars of the new address on the certificate of registration, which shall then be returned to the alien.

40. If the new place of abode is in another police district the Registration Officer shall notify a Registration Officer in whose district the alien formerly resided, and shall obtain from him the duplicate certificate of registration filed in his office and shall then notify the change to the Commissioner of Police and deal with the duplicate certificate and the surrendered certificate as provided in Regulation 39 hereof.

Change of Name.

41. Every alien registered under these regulations who changes his or her name, whether by marriage or otherwise, shall, within twenty-eight days thereafter, give notice of the change to the officer in charge at the police-station nearest to his or her place of abode, and shall, together with that notice, surrender his or her certificate of registration.

42. The police officer to whom a notice of change of name is given shall forward it with the surrendered certificate of registration to the Registration Officer in whose office is filed the duplicate copy of the alien's certificate of registration.

43. The Registration Officer shall note the change of name on the duplicate copy of the certificate of registration filed in his office, shall notify the change to the Commissioner of Police, and shall enter particulars of the change of name on the certificate of registration, which shall then be returned to the alien.

Production of Certificate of Registration.

44. (1) Every alien registered under these regulations shall produce his certificate of registration whenever required to do so by any police officer.

(2) It shall be a defence to any person charged with an offence against clause (1) of this regulation if he proves that he duly applied for registration and that at the time of the offence either—

(a) No certificate of registration had been forwarded to the police-station for delivery to him; or

- (b) That his certificate of registration was for the time being surrendered for any of the purposes of these regulations and had not been forwarded to the police-station for redelivery to him ; or
- (c) That his certificate of registration had been destroyed, stolen, or lost and that he had duly applied for a duplicate but no duplicate had been forwarded to the police-station for delivery to him.

Employment of Aliens on a Wharf or Ship.

45. (1) Except in pursuance of a license issued by a Registration Officer, it shall not be lawful for any alien or for any person who is a British subject by naturalization only to be employed in the work of loading or unloading a ship or to be engaged in any work on or about any wharf or ship.

(2) Nothing in this regulation shall apply to the work on or about any ship of the master or any member of the crew thereof if he has arrived in that ship from any place outside New Zealand.

(3) Every person who procures or permits any other person to be engaged in any work in breach of this regulation commits an offence against these regulations :

Provided that on a prosecution for any such offence it shall be a good defence that the accused believed on reasonable grounds that the engagement was not in breach of this regulation.

46. Any person to whom a Registration Officer has refused to grant a license, or whose license has been revoked by a Registration Officer under Regulation 53 hereof, may appeal therefrom in writing to the Aliens Authority for the district, and the Aliens Authority may thereupon give to the Registration Officer such final directions in the matter as it thinks fit.

47. Any police officer or officer of Customs may question any person engaged in the work of loading or unloading a ship or in any work on or about a ship or any person found upon a wharf or ship as to his identity and present or former nationality, and any person who refuses or neglects to answer any question so put to him or answers such question in a false or misleading manner commits an offence against these regulations.

Movements of Enemy Aliens.

48. (1) Every enemy alien shall, before leaving his registered place of abode for the time being—

- (a) For any continuous period exceeding twenty-four hours ; or
- (b) To go to any place distant more than twenty miles from his registered place of abode,—

obtain from a Registration Officer in the police district in which he resides a written permit authorizing him to be so absent.

(2) No enemy alien shall—

- (a) Be absent from his registered place of abode for any continuous period exceeding twenty-four hours ; or

(b) Go to any place distant more than twenty miles from his registered place of abode,—
except in accordance with the terms and conditions of a permit granted under this regulation.

(3) A permit under this regulation may relate to one occasion or to a series of occasions or to a specified period.

Restricting Possession of certain Articles by Enemy Aliens.

49. (1) An enemy alien shall not, except in accordance with the terms and conditions of a written permit granted by a Registration Officer in the police district in which he resides, have in his possession or control in New Zealand—

- (a) Any explosive or any material intended to be used for the manufacture of an explosive :
- (b) More than 3 gallons of inflammable liquid :
- (c) Any motor-vehicle within the meaning of the Motor-vehicles Act, 1924, any ship or vessel, or any aircraft :
- (d) Any camera or other photographic apparatus :
- (e) Any firearm or ammunition :
- (f) Any apparatus designed or capable of being used for the reception of radio-telephonic or radio-telegraphic communications :
- (g) Any map drawn to a scale larger than 4 miles to 1 in. :
- (h) Any nautical chart :
- (i) Any document intended for the use of members of any armed force :
- (j) Any document describing or depicting any ship, aircraft, vehicle, weapon, or equipment of a kind used by the armed forces of the Crown, or any list of persons in His Majesty's service.

(2) No permit shall be granted in respect of any apparatus to which paragraph (f) of clause (1) hereof relates if the apparatus is capable of the reception of communications transmitted on frequencies other than those between 550 kilocycles and 1,600 kilocycles. No such permit shall be granted except upon and subject to the conditions that the apparatus shall, at the expense of the enemy alien, be rendered incapable of the reception of communications on frequencies other than those hereinbefore referred to, and shall be housed in a cabinet approved by an officer of the Post and Telegraph Department authorized in that behalf, and shall be sealed by such an officer.

(3) In any proceedings arising out of a contravention of the provisions of this regulation it shall be a defence to prove that at the date of the contravention application had been made for the necessary permit in relation to the thing or matter in respect of which the proceedings are brought, and that the application was still pending at that date.

(4) On the conviction of any person of an offence against this regulation the Court may (without prejudice to any other penalty) order that any thing or matter found in the possession or under the control of that person in contravention of this regulation shall be forfeited.

Power to impose Special Restrictions on Aliens.

50. The Minister may by order in writing served on the person concerned and notified to the Commissioner of Police impose on any alien or class of aliens such restrictions (either in addition to or in substitution for the other restrictions imposed by these regulations), whether as to residence, reporting to the police, registration, occupation, employment, the use or possession of any thing or matter, or otherwise, as he may deem to be necessary in the public interest.

PART VIII.—MISCELLANEOUS.

51. Every person who applies to the Minister or to any police officer, officer of Customs, or other officer for any exemption, permit, license, consent, or order under these regulations shall furnish such information and particulars as the Minister or officer may from time to time require.

52. The Minister or officer, in his discretion, may refuse any such application, or may grant the application wholly or partly, and either unconditionally or upon or subject to such conditions as he thinks fit.

53. Any exemption, permit, license, consent, or order granted or made under these regulations may be at any time in like manner varied or revoked, and the conditions thereof may from time to time be varied, revoked, or added to by any person for the time being authorized to grant or make a similar exemption, permit, license, consent, or order.

54. (1) For the purposes of this regulation the term "document" means a certificate of registration, permit, or license, or any other document evidencing any exemption, consent, order, or variation issued to any person under these regulations; and includes a duplicate of a document.

(2) No person shall lend or part with any document issued to him.

(3) No person shall alter or deface any document. Every document so altered or defaced shall be void.

(4) Every person to whom any document is issued under these regulations shall on the expiry or revocation of the document or of the exemption, consent, or order evidenced by it forthwith deliver the document to a Registration Officer in the police district in which he resides.

(5) Upon the return of any document rendered illegible or spoilt by weather or otherwise, or upon proof to his satisfaction that a document has been destroyed, stolen, or lost, a Registration Officer may, upon application by the person to whom the document was issued and upon payment of a fee of 2s., issue a duplicate of the document. Every duplicate so issued shall have the word "Duplicate" written or printed thereon and be verified by the signature of a Registration Officer, and the production of a duplicate document shall be of the same effect as the production of the original document.

55. (1) If any Superintendent or Inspector of Police has reason to suspect—

(a) That an offence against these regulations has been or is being committed and that evidence of the commission of the offence is to be found at any place; or

(b) That evidence relevant to any investigation under Part V of these regulations is to be found at any place,—
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 thing or matter found in the place which he has reasonable ground for believing to be evidence as aforesaid, 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 which would be evidence as mentioned in clause (1) of this regulation, 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 seize any such thing or matter found upon such search.

(3) No female shall, in pursuance of this regulation, be searched except by a female.

56. (1) Subject to clause (4) of Regulation 49 hereof, any thing or matter seized under Regulation 55 hereof shall be disposed of in such manner and at such time as the Minister directs, and, pending its disposal, shall be detained in such custody as the Minister directs.

(2) Any person who is affected by any direction given by the Minister under this regulation may appeal against the direction to a Judge of the Supreme Court, whose decision shall be final.

(3) Every appeal under this regulation shall be made by notice of appeal filed in the Supreme Court. A copy of the notice shall be served on the Minister and upon such other persons as the Judge may direct.

(4) Upon any appeal under this regulation the Judge may confirm, modify, or revoke the direction appealed from, but no direction shall be revoked unless the Judge is satisfied that the acts which the direction was intended to prevent are not likely to be committed.

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

- (a) Without lawful excuse acts in contravention of or fails to comply in any respect with any provision of these regulations or any direction, restriction, order, requirement, or condition given or imposed under these regulations :
- (b) With intent to deceive makes any false or misleading statement or any material omission in any communication with or application to the Minister or any other person (whether in writing or otherwise) for the purposes of these regulations :
- (c) Resists, obstructs, or deceives any person who is exercising or attempting to exercise any power or function under these regulations.

58. Every person who commits an offence against these regulations shall be liable on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding £100, and (if the offence is a continuing one) to a further fine not exceeding £10 for every day during which the offence continues.

59. In any proceedings for an offence against these regulations the burden of proving that he has complied with these regulations or any direction, restriction, order, requirement, or condition given or imposed under these regulations shall be on the person charged with the offence.

60. In any proceedings for an offence against these regulations where nationality is in issue evidence of repute, belief, or hearsay or any other evidence shall be admissible in proof of nationality, whether that evidence would otherwise be legally admissible or not.

61. Section 50 of the Justices of the Peace Act, 1927,* shall have no application to a prosecution for an offence against these regulations.

62. All acts done before the commencement of these regulations that by virtue of these regulations would have been valid and lawful if these regulations had been in force when they were done shall be deemed to have been validly and lawfully done under these regulations.

T. R. AICKIN,
Acting Clerk of the Executive Council.

* See Reprint of Statutes, Vol. II, page 365.

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