

New Zealand.



Title.

ANALYSIS.

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| <ol style="list-style-type: none"> 1. Short Title. 2. Validation of regulations. 3. Power to make further regulations. 4. Power to make regulations for cancellation of publicans' licenses in certain cases. | <ol style="list-style-type: none"> 5. Publication in <i>Gazette</i> to be notice to all persons concerned. 6. Act extended to Cook Islands. 7. Repeal. Duration of Act. |
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1916, No. 9.

AN ACT to amend the War Regulations Act, 1914.

Title.

[7th August, 1916.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the War Regulations Amendment Act, 1916, and shall be read together with and deemed part of the War Regulations Act, 1914 (hereinafter referred to as the principal Act). Short Title.

2. All regulations heretofore made by the Governor in Council under the principal Act or its amendments shall for all purposes whatever be deemed, as from the making thereof, to have been made with full power and authority, and to be and to have been valid and of full effect; and the powers, rights, duties, and liabilities of all persons in respect of all things done or suffered, whether before or after the passing of this Act, shall be determined accordingly. Validation of regulations.

3. (1.) In addition to, and without in any manner restricting, the powers conferred by the principal Act and its amendments, the Governor in Council may by regulations make— Power to make further regulations.

(a.) Such provisions as he thinks necessary for the suppression, restriction, or control of enemy trade:

(b.) Such provisions as he thinks advisable with respect to enemy property:

(c.) Such provisions as he thinks advisable for enabling an attorney, agent, trustee, executor, or administrator, while out of New Zealand, to exercise and perform his powers, functions, and duties, as such, in New Zealand through the agency of the Public Trustee or any other attorney, delegate, or substitute, and for determining the rights and liabilities resulting from any such delegation of authority:

- (d.) Such provisions as he thinks advisable providing that any power of attorney or other authority heretofore or hereafter granted by a member of an Expeditionary Force raised under the Expeditionary Forces Act, 1915, shall continue in force for all purposes, notwithstanding any notice of the death or any incapacity of the donor of such power of attorney or authority, until the donee of such power of attorney or authority shall receive express notice in writing signed by the donor of the revocation by the donor of such power or authority, or until probate of the will or administration of the estate of the donor shall have been granted by the Supreme Court of New Zealand; and if probate of the will or letters of administration of the estate of the donor shall have been first granted by any other Court, then until such probate or letters of administration shall have been resealed in the Supreme Court of New Zealand :
- (e.) Such provisions as he thinks advisable empowering minors who may be members of any such Expeditionary Force to execute and grant valid powers of attorney and other authorities :
- (f.) Such provisions as he thinks advisable modifying or altering, in the case of powers of attorney granted by members of any such Expeditionary Force, all or any of the provisions of sections one hundred to one hundred and three of the Property Law Act, 1908 :
- (g.) Such provisions as he thinks advisable modifying or altering the provisions of section one hundred and nineteen of the Property Law Act, 1908, and of section one hundred and seventy-six of the Land Transfer Act, 1915 (relating to the verification of instruments executed out of New Zealand), in the case of instruments executed out of New Zealand by members of any such Expeditionary Force or by persons serving with any other portion of His Majesty's Naval or Military Forces :
- (h.) Such provisions as, having regard to the exigencies of the present war or the conditions created thereby, he thinks advisable for all or any of the following purposes, namely :—
- (i.) For the prevention of the sale of intoxicating liquor by any person not being the holder of a license under the Licensing Act, 1908 ;
 - (ii.) For the prevention of the sale of intoxicating liquor by the holders of licenses under the last-mentioned Act otherwise than in conformity with the terms of such licenses ;
 - (iii.) For the regulation of the sale of intoxicating liquor to women ;
 - (iv.) For the suppression or regulation of the practice of treating, as hereinafter defined ;
 - (v.) For the suppression of prostitution, or for the prevention of venereal disease ; and
 - (vi.) For the maintenance of industries essential for the public welfare.

(2.) For the purposes of this Act the term "treating" includes the act of any person who, directly or indirectly,—

(a.) Pays, or undertakes or offers to pay; or

(b.) Gives or lends, or offers or undertakes to give or lend, money with which to pay—

for any intoxicating liquor sold or to be sold on licensed premises within the meaning of the Licensing Act, 1908, for consumption on those premises by any person other than the person first mentioned, and also includes any other act that the Governor may by Order in Council declare to be treating.

(3.) All such regulations shall have the force of law as if enacted in this Act, anything to the contrary in any other Act notwithstanding, and all the provisions of the principal Act or its amendments with respect to regulations made by the Governor in Council shall extend and apply to regulations made under the authority of this section.

(4.) In addition to, and without in any manner restricting, the powers conferred by the principal Act or its amendments, regulations so made in relation to enemy trade or enemy property may confer upon the Supreme Court such civil jurisdiction as is thought necessary, and may regulate the procedure of the Court in the exercise of such jurisdiction, and may create, determine, and affect civil rights, obligations, and liabilities.

(5.) In this section—

(a.) "Enemy trade" means any trade, business, undertaking, or transaction which is carried on or entered into by or for the benefit of or under the control of persons or companies of enemy nationality, descent, origin, residence, connections, or associations (whether present or past), or which may be to the advantage of an enemy State or of the subjects or inhabitants thereof, whether during or after the present war:

(b.) "Enemy property" means property of any kind whatever which belongs or at any time since the commencement of the present war with Germany has belonged to any person or company of enemy nationality, descent, origin, residence, connections, or associations (whether present or past), or to an enemy State, or in which any such person, company, or State has or at any such time has had any interest.

4. (1.) In addition to the powers conferred by the last preceding section, the Governor in Council may from time to time by regulations make such provisions as he thinks advisable—

(a.) Conferring authority on any Superintendent or Inspector of Police, with the approval of the Commissioner of Police, to apply to the Licensing Committee of a licensing district for the cancellation of any publican's license issued under the Licensing Act, 1908, and in force within that district, and to call upon the holder of such license to appear before the Licensing Committee to show cause why his license should not be cancelled on any of the grounds following, namely:—

Power to make regulations for cancellation of publicans' licenses in certain cases.

- (i.) That he has committed any breach of the Licensing Act, 1908, or of the regulations under the foregoing provisions of this Act relating to the sale of intoxicating liquor, or that he has committed a breach of the conditions of his license ; or
- (ii.) That he has permitted the licensed premises to be frequented by disorderly or disreputable persons ; or
- (iii.) That he has failed to conduct the licensed premises in an orderly manner ; or
- (iv.) That for any other reason he is not a fit and proper person to be the holder of such license :
- (b.) Conferring jurisdiction on the Licensing Committee of any district to hear and determine any application for the cancellation of a license pursuant to regulations under this section, and to cancel such license if, in its opinion, it is advisable so to do in the public interest :
- (c.) Conferring upon the Licensing Committee, or upon any other persons, such powers as may be necessary to compel a licensee whose license has been cancelled (whether under the Licensing Act, 1908, or under regulations pursuant to this Act) to vacate the licensed premises :
- (d.) Conferring upon the Chairman of the Licensing Committee authority to execute any transfer or assignment of a lease or other instrument of title, or to execute any other document that may be necessary for the purpose of enabling a new licensee to enter into possession of the licensed premises :
- (e.) Conferring upon the Licensing Committee such other powers, and making all such other provisions, as may be necessary for the effective carrying-out of any regulations that may be made under this section.
- (2.) The powers that may be conferred on a Licensing Committee by regulations under this section shall not be exercised at any meeting of the Committee unless the Magistrate who is for the time being a member of the Committee is present thereat.
- (3.) On the cancellation of a license pursuant to regulations under this section the Licensing Committee shall, with the approval of the owner of the licensed premises and of the Superintendent or Inspector of Police, grant a license in respect of such premises to some fit and proper person, to hold the same until the next succeeding quarterly meeting of the Committee ; and at that meeting, or as soon as possible thereafter, the Committee shall consider and dispose of the applications (if any) for a new license in respect of the said premises, and shall not fail to grant a new license in respect thereof if any applicant therefor is approved for the purpose by the owner of the premises and the Superintendent or Inspector of Police.
- 5. The publication in the *Gazette*, whether before or after the passing of this Act, of any Order in Council, Proclamation, regulation, notice, warrant, license, or other act of authority under the principal Act or any amendment thereof, including this Act, shall for all purposes be deemed to be notice thereof to all persons

Publication in
Gazette to be
notice to all persons
concerned.

concerned, and in any prosecution under any such Act the liability of the accused shall be determined accordingly.

6. (1.) The principal Act and all amendments thereof, including this Act, shall be in force in the Cook Islands. Act extended to Cook Islands.

(2.) Regulations made under those Acts, whether before or after the passing of this Act, shall not be in force in the Cook Islands except so far as expressly extended thereto.

7. (1.) Section five of the War Regulations Amendment Act, 1915, and section fourteen of the War Regulations Amendment Act, 1915 (No. 2), are hereby repealed. Repeal.

(2.) The principal Act and all amendments thereof, including this Act, and all regulations heretofore made or hereafter to be made thereunder, shall, unless sooner repealed or revoked, remain in operation during the present war with Germany and for one year thereafter, or for such shorter period thereafter as the Governor may by Proclamation made after the end of that war determine, and on the expiration of such period shall be deemed to be repealed or revoked. In the application of the said Acts and regulations after the end of the war every State with which His Majesty is now at war shall be deemed to continue to be an enemy State at war with His Majesty so long as those Acts remain in force. Duration of Act.
