

Serial Number 1939/132.



THE ALIEN CONTROL EMERGENCY REGULATIONS 1939.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 4th day of September, 1939.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Public Safety Conservation Act, 1932, and to a Proclamation of Emergency now in force under that Act, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

PRELIMINARY.

1. These regulations may be cited as the Alien Control Emergency Regulations 1939.
2. In these regulations, unless inconsistent with the context,—
 - “ Minister ” means the Attorney-General :
 - “ British subject ” means a person—
 - (i) Who is a natural-born British subject ; or
 - (ii) To whom letters of naturalization have been granted under any enactment in force in New Zealand prior to the coming into force of the British Nationality and Status of Aliens (in New Zealand) Act, 1928 ; or
 - (iii) To whom a certificate of naturalization has been granted under the British Nationality and Status of Aliens (in New Zealand) Act, 1928 ; or
 - (iv) To whom a certificate of naturalization has been granted in any part of His Majesty's Dominions wherein Part II of the British Nationality and Status of Aliens Act, 1914 (Imp.), applies or has been adopted ; or

(v) Who has become the subject of His Majesty by reason of any annexation of territory ;
and who (in any of the above-mentioned cases) has not ceased to be a British subject ;
and includes—

(vi) Any woman 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 such woman and an alien who is or at any time has been according to the laws of any State with which His Majesty is at war a national of that State and if she has not by any means other than by contracting marriage with an alien acquired any foreign nationality ; and

(vii) Any woman who at the time of her marriage to an alien (not being an alien who is or at any time has been according to the laws of any State with which His Majesty is at war a national of that State) was a British subject as hereinbefore defined if by such marriage she does not acquire the nationality of her husband and if she has not thereafter by any other means acquired any foreign nationality :

“ Alien ” means a person of the age of sixteen years or over—

(i) Who is not a British subject as herein defined ; or

(ii) Who, notwithstanding that he may also be a British subject by birth or naturalization or otherwise, is or at any time has been according to the laws of any State with which His Majesty is at war a national of that State ;

but does not include—

(iii) A woman who is deemed for the purposes of these regulations to be a British subject by virtue of paragraph (vi) or paragraph (vii) of the foregoing definition of “ British subject ”:

“ 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 :

“ Wharf ” means any wharf, quay, pier, jetty, or other place used for the loading or unloading of ships ; and includes all warehouses or other buildings adjacent to any such wharf, quay, pier, jetty, or other place used in connection therewith ; and also includes any public highway so far as it intercepts any such wharf, quay, pier, jetty, or other place :

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

REGISTRATION.

3. (1) Every alien in New Zealand on the coming into force of these regulations shall, within fourteen days from the date of these regulations, make application for registration in the form marked AL. 1 in the Schedule hereto.

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

(3) Every such application 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 application is made, affix to the application such thumb-prints or finger-prints or other means of identification as the police officer may require.

4. The police officer to whom the application is made shall, upon receipt thereof, forward the same to a Registration Officer in that police district.

5. The Registration Officer shall file the application in his office and issue a certificate of registration in the form marked AL. 2 in the Schedule hereto, one copy of which shall be retained at his office, one copy forwarded to the Commissioner of Police, and one copy delivered to the alien on his application at the police-station where his application for registration was delivered and on his signing the certificate as therein prescribed.

6. The Commissioner of Police shall cause to be compiled a register of the names, places of abode, and such other particulars as he may deem it expedient to include, of all registered aliens, to be called the Register of Aliens, which shall be amended from time to time by correcting errors therein, by entering changes of name or abode on the part of any alien, by adding thereto the names of aliens to whom certificates of registration have been issued, and by removing therefrom the names of aliens who die, or who leave New Zealand, or who otherwise cease to be subject to the regulations.

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

(2) Notwithstanding the provisions of clause (1) of this regulation, 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 such certificate relates.

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

(5) A certificate under the hand of the Commissioner of Police of the absence of an entry in the register shall be *prima facie* evidence of the facts stated in such 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 the Registration Officer to any certificate of registration.

8. Every alien who arrives in New Zealand after the coming into force of these regulations shall, before being permitted to land, make application for registration in the manner set out in Regulation 3 hereof, save that the application may be delivered to any officer of Customs to be dealt with by him as provided in Regulation 4 hereof and save that in the form of application the applicant's intended place of abode in New Zealand shall be set out.

9. (1) A Collector of Customs may, by writing under his hand, grant temporary permission to land in New Zealand, subject to such conditions as he thinks fit, to any alien being the master or a member of the crew or a passenger of any vessel 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 such permission is in force and such alien complies with the conditions thereof such alien shall not be liable to comply with the requirements of the last preceding regulation.

(2) In this regulation "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 country of which the person to whom it relates is a subject or citizen, or protected person and which is still in force, and to which there 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 in the case of an alien landing in New Zealand (other than the master or a member of the crew of any vessel) has been marked with a *visa* that is still in force by a British Diplomatic or Consular Officer or some British public official duly authorized in that behalf:

Provided that such *visa* shall not be required in respect of nationals of any country between the Government of which and His Majesty's Government in New Zealand there is for the time being in force an agreement to dispense with the requirement of passport *visas*, the existence of which agreement is notified from time to time in the *Gazette*.

10. Every person who after the date of these regulations becomes an alien as herein 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 manner hereinbefore provided, and the provisions of Regulations 3 and 4 hereof shall thereupon apply to the case.

CHANGE OF ABODE.

11. Every alien to whom a certificate of registration has been granted who changes the place of his abode shall, within seven days thereafter, give, in the form marked AL. 3 in the Schedule hereto, 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 such notice, surrender his certificate of registration.

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

13. If the change 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 at his office, shall advise the Commissioner of Police, and shall endorse particulars of the new address on the certificate of registration, which shall then be returned to the alien.

14. If the change of abode is from one police district to another, the Registration Officer in whose district such alien has taken up residence shall notify the Registration Officer in whose district such alien formerly resided and shall obtain from him the duplicate certificate of registration filed in his office and shall then advise the Commissioner of Police and deal with such duplicate certificate and the surrendered certificate as provided by the last preceding regulation.

CHANGE OF NAME.

15. 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 such change to the officer in charge of the police-station nearest his or her place of abode, and shall, together with such notice, surrender his or her certificate of registration.

16. Every police officer to whom a notice of change of name has been given shall forward the same and the surrendered certificate of registration to the Registration Officer in whose office is filed the duplicate copy of the alien's certificate of registration.

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

PRODUCTION OF CERTIFICATE OF REGISTRATION.

18. (1) After the expiration of fourteen days from the date of these regulations, every alien registered under these regulations shall produce a certificate of registration when required to do so by any police officer.

(2) It shall be a defence to any person charged with an offence against the last preceding clause 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 such duplicate had not been forwarded to the police-station for delivery to him.

ARREST AND DETENTION OF ALIENS.

19. Any police officer or member of His Majesty's Forces who has reason to believe that any alien, whether registered or not, 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 public safety or the interests of His Majesty, may take that alien into custody pending the decision of the Minister.

20. (1) Upon its being made clear to the Minister that the liberty of any alien is a source of public danger or that he is disaffected or has acted or is about to act in any manner injurious to public safety or the interests of His Majesty, he may order that such alien may be taken into custody during his pleasure.

(2) Any alien taken into custody and detained by the order of the Minister shall be delivered into the custody of the military authorities.

(3) In making any order under this regulation the Minister shall be deemed to be acting in an executive and not in a judicial capacity.

EMPLOYMENT OF ALIENS ON A WHARF OR SHIP.

21. (1) Save 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 engaged in the work of loading or unloading a ship or to be engaged in any manner of work whatever 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 who has arrived in that ship from any place out of New Zealand.

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

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

(4) Every license issued by a Registration Officer under this regulation may be in the form marked AL. 4 in the Schedule hereto and may contain such terms and conditions as such Registration Officer thinks fit and shall be revocable at the will of a Registration Officer.

22. Any person to whom a Registration Officer has refused to grant a license, or whose license has been revoked by a Registration Officer under the last preceding regulation, may appeal therefrom in writing to the Minister, and the Minister in his executive capacity may thereupon give to the Registration Officer such final directions in the matter as he thinks fit.

23. Any police officer or officer of Customs may question any person engaged on or about to be engaged on the work of loading or unloading a ship or on any manner of 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 shall be guilty of an offence against these regulations and shall be liable accordingly.

ALTERATION AND DUPLICATION OF DOCUMENTS.

24. (1) For the purpose of this regulation "document" means any certificate of registration of an alien or variation thereof, or license to work on wharves or shipping, and includes a duplicate of a document.

(2) No person shall—

(a) Alter or deface any document, and any document so altered or defaced shall be void; or

(b) Lend or part with any license issued to him.

(3) 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 of the person to whom the document was issued, and upon payment of a fee of 2s., issue a duplicate of such 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.

EXEMPTIONS.

25. (1) The Minister may, by writing under his hand delivered to the person concerned and notified to the Commissioner of Police, exempt wholly or in part from the provisions of these regulations—

(a) Any person who is both a British subject as hereinbefore defined and is also or at any time has been according to the laws of any State with which His Majesty is at war a national of that State; or

(b) Any other person to whom it is in his opinion desirable in the national interest that such exemption should be granted.

(2) Any such exemption may in like manner at any time be withdrawn.

OFFENCES.

26. Any person who fails to comply with any of the foregoing requirements, or who in any application for registration or notice of change of abode or application for a duplicate document or in any communication relating to the subject-matter of these regulations makes any false or misleading statement, commits an offence against these regulations.

LEGAL PROCEEDINGS.

27. In any proceedings for an offence against these regulations the onus of proving that he has complied with the regulations shall lie on the person charged with such offence.

28. In any proceedings for a breach of 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 such evidence would otherwise be legally admissible or not.

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

SCHEDULE.

Form AL. 1.

APPLICATION FOR REGISTRATION AS AN ALIEN.

Surname : Forename :
 Place of abode :
 Sex : Date of birth : Place of birth :
 Present nationality :
 Any former nationality :
 Conjugal condition : [*Never married, married, widowed, or divorced*]. Occupation :
 Height : Build : Hair : Eyes :
 Distinctive marks (scars, &c.) :
 Date and place of arrival in New Zealand :
 Nature of permit or certificate of registration issued on arrival :
 Name of (wife) (husband) :
 Particulars of applicant's children resident in New Zealand, whether residing with applicant or not :—

Name.	Sex.	Date of Birth.	Place of Birth.

Date of application :, 19.. *Signature of alien* :
Witness to signature :
Rank :

Name of police-station where application is made :

[If alien is unable to write, a thumb-print or finger-print or other means of identification is to be made in the space provided in the presence of the officer of police to whom application is made, stating which print.] Thumb-print, &c.

Certificate of Registration No., issued at on
 by

Form AL. 2.

No.

CERTIFICATE OF REGISTRATION OF ALIEN.

Surname : Forename :
 Place of abode :
 Present nationality :
 Date and place of application for registration :
 Date of issue of certificate of registration :
 Place of issue of certificate of registration :

Signature of holder :*Signature of Registration Officer* :*Personal Description of Alien.*

Sex : Date of birth : Place of birth :
 Height : Build : Hair : Eyes :
 Distinctive marks, &c. :

IMPORTANT.—Every registered alien who changes his place of abode is required to give notice in writing of the fact within seven days at the police-station nearest his new place of abode.

Changes of Abode.

Former Address.	New Address.	Signature of Registration Officer.	Date.

Form AL. 3.

NOTIFICATION OF CHANGE OF ABODE OF REGISTERED ALIEN.

I,, the holder of Certificate of Registration No., issued at on hereby give notice that on I changed my abode from to my present address, namely

Signature of alien :

Signature and rank of police officer to whom notice has been given :

Change of address noted.

Date :

....., Registration Officer.

Date :

Form AL. 4.

No.

LICENSE TO WORK ON WHARVES OR SHIPPING.

Description of licensee :	IN pursuance of the Alien Control Emergency Regulations 19.. [Name] of [Address] being an alien, or a British subject by naturalization only, is hereby licensed to work as a
Native of :	on the wharves at and on any ship in the Port of* under the following conditions:
Age :	Dated this day of, 19..
Height :, Registration Officer.
Build :	
Complexion :	
Hair :	
Eyes :	
Marks, &c. :	

* Or as the case may require.

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

Issued under the authority of the Regulations Act, 1936.

Date of publication in *Gazette* : 4th day of September, 1939.

These regulations are administered by the Police Department.