

Serial Number 1939/155.



**THE BUILDING EMERGENCY REGULATIONS 1939.**

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 11th day of September, 1939.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Public Safety Conservation Act, 1932, there being 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.

REGULATION 1.—PRELIMINARY.

(1) These regulations may be cited as the Building Emergency Regulations 1939.

(2) These regulations shall be read together with and deemed part of the Supply Control Emergency Regulations 1939.

(3) In these regulations, unless inconsistent with the context,—

“Controller” means the Building Controller appointed under these regulations; and includes any person for the time being authorized to exercise or perform any of the Controller’s powers or functions :

“Constructional work” includes—

(a) The construction, extension, or alteration of any building or other erection ;

(b) The fabrication of materials for the purposes of any kind of constructional work hereinbefore mentioned, whether carried on at the site or elsewhere :

“ Building-materials ” means any materials or goods capable of being used in or for the purposes of any constructional work or capable of being dealt with in or for the purposes of any constructional work, whether by being manufactured, fabricated, improved, altered, or prepared, or otherwise ; and includes goods that have been wholly or partly so dealt with ; and also includes any tools, machinery, plant, or equipment capable of being used in or for the purposes of any constructional work ; and also includes any patent rights relating to any such materials, goods, tools, machinery, plant, or equipment :

“ Owner,” in relation to any building-materials, includes any person having the materials in his possession or control or on order by him.

#### REGULATION 2.—BUILDING CONTROLLER.

(1) The Minister may from time to time appoint a Controller to be known as “ the Building Controller.”

(2) The Controller shall hold office during the pleasure of the Minister.

(3) The general functions of the Controller shall be to organize and promote the undertaking of constructional works according to the importance thereof in the public interest, and for that purpose to determine the precedence and order of urgency thereof and to ensure the supply of materials and labour for the prosecution of constructional works according to the order of urgency laid down from time to time by the Controller.

(4) The Controller shall be subject in all things to the control of the Minister, and shall act in accordance with all directions, general or special, given to him by the Minister.

#### REGULATION 3.—STOPPING OF CONSTRUCTIONAL WORK.

(1) The Controller may at any time, by notice to the owner or person in charge of any constructional work, whether it was commenced before or after the making of these regulations and whether or not it is the subject of any permit granted under these regulations, direct that the constructional work be wholly stopped, or be stopped except so far as the notice otherwise provides.

(2) Where a notice has been given under this regulation in respect of any constructional work, no person shall, except with the precedent consent of the Controller, proceed with that work in contravention of the terms of the notice, or cause or permit any other person so to do.

(3) For the purpose of determining the rights and liabilities of any party to a contract relating to constructional works, any restriction imposed under or by virtue of this regulation shall be deemed to be equivalent to the occurrence of a strike, lockout, or interruption by *force majeure*.

#### REGULATION 4.—CONSTRUCTIONAL PERMITS.

The Controller may from time to time direct, either generally, or in respect of any special constructional work or class of constructional work, that no work shall commence except in accordance with a permit issued by the Controller under these regulations.

## REGULATION 5.—CONTROL OF BUILDING-MATERIALS.

(1) The Controller may from time to time regulate, restrict, and control the use, sale, supply, distribution, and disposal of building-materials. The powers conferred by this regulation may be exercised either generally or in respect of any specified area, industry or class of industries, constructional work or class of constructional works, materials or class of materials, or person or class of persons.

(2) Without limiting the general powers conferred on the Controller by this regulation, it is hereby declared that they shall be deemed to include power to do all or any of the following things :—

- (a) To require or direct owners of building-materials to furnish such information and particulars in relation thereto, at such times and in such form and manner as the Controller thinks fit :
- (b) To require or direct owners of building-materials to supply or transfer the whole or any part thereof to His Majesty the King or to any other person, in such quantities, at such places, at such times or intervals, in such order of urgency, and generally in such manner as the Controller thinks fit :
- (c) To require or direct owners and persons in charge of constructional works and owners of building materials not to use, dispose of, part with the possession or control of, or otherwise deal with building-materials except with the precedent consent of the Controller or in accordance with his directions :
- (d) To require or direct owners and persons in charge of constructional works to use such substitutes for building-materials as the Controller thinks fit.

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

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Issued under the authority of the Regulations Act, 1936.

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These regulations are administered by the Housing Construction Department.