



# The Hong Kong Government Gazette Extraordinary

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COLONIAL SECRETARY'S DEPARTMENT.

**Hong Kong.**

In exercise of the powers conferred on him by the Emergency Powers (Colonial Defence) Order in Council, 1939, the Emergency Powers (Colonial Defence) Order in Council, 1940, and all other powers enabling him in that behalf, His Excellency the Officer Administering the Government makes the following regulations in substitution for the regulations made under the Emergency Powers (Colonial Defence) Order in Council, 1939, and published in the Gazette as Government Notifications Nos. 703 of 26th August, 1939, 737 of 2nd September, 1939, 740 of 3rd September, 1939, 747 of 4th September, 1939, 820 of 18th September, 1939, 103 of 26th January, 1940, 181 of 16th February, 1940, and 386 of 10th April, 1940, which are hereby rescinded, subject to the proviso that, notwithstanding the rescission of any of the said regulations, any order or appointment made and anything done thereunder and hitherto unrevoked shall continue in full force and validity until revoked by a further order or appointment under these regulations.

## PART I.

*Preliminary.*

Citation  
and date of  
coming into  
operation.

1. These Regulations may be cited as the Defence Regulations, 1940, and shall come into operation on the date of their publication in the Gazette.

Interpreta-  
tion.

2.—(1) For the purpose of these regulations, unless the context otherwise requires—

“aircraft” has the same meaning as in any Order in Council for the time being in force under Part I of the Air Navigation Acts, 1920 and 1936;

Ordinance  
No. 2 of  
1933.

“ammunition” has the same meaning as in the Arms and Ammunition Ordinance, 1933;

“Dominion” means a Dominion within the meaning of the Statute of Westminster, 1931, and includes any territory administered by His Majesty’s Government in such a Dominion;

“Dominion ship or aircraft” means a British ship or aircraft registered in any Dominion other than Newfoundland, or in India, Burma or Southern Rhodesia, not being a ship or aircraft which is for the time being placed at the disposal of, or chartered by or on behalf of, His Majesty’s Government in the United Kingdom, and “Dominion ship” and “Dominion aircraft” shall be construed accordingly;

“enemy alien” means a person who, not being either a British subject or a British-protected person, possesses the nationality of a State at war with His Majesty;

“essential services” means such services as may for the time being be declared by order of the Governor to be of public utility or to be essential for the prosecution of the war or essential to the life of the community;

Ordinance  
No. 23 of  
1913.

“explosive” has the same meaning as in the Explosive Substances Ordinance, 1913;

“firearm” means any lethal firearm or other weapon of any description from which any shot, bullet or other missile can be discharged, or any part thereof;

“land” includes land covered with water and parts of houses or buildings;

“officer of police” means a police officer of or above the rank of lance-sergeant;

“photographs” includes any photographic plates, photographic films or other sensitized articles which have been exposed in a camera, whether they have been developed or not;

“postal packet” has the same meaning as in the Post Office Ordinance, 1926; Ordinance  
No. 7 of  
1926.

“requisition” means, in relation to any property, take possession of the property or require the property to be placed at the disposal of the requisitioning authority;

“seaplane” includes a flying boat and any other aircraft designed to manœuvre on the water;

“ship” and “vessel” have respectively the same meanings as in the Merchant Shipping Ordinance, 1899, but shall not include a ship or vessel belonging to His Majesty; Ordinance  
No. 10 of  
1899.

“telegram” means any message or other communication transmitted or intended for transmission by any apparatus for transmitting messages or other communications by means of electric signals;

“the war” means any war in which His Majesty may be engaged;

“United Kingdom ship or aircraft” means a ship or aircraft registered in the United Kingdom, and includes any ship or aircraft which is for the time being placed at the disposal of, or chartered by or on behalf of, His Majesty’s Government in the United Kingdom;

“war offence” means—

(a) treason, in so far as it consists in adhering to the King’s enemies, giving them aid and comfort;

(b) an offence of trading with the enemy;

(c) an offence under any of the provisions of the Official Secrets Acts, 1911 to 1939;

(d) an offence against any of these regulations;

(e) an offence against any Order in Council or order made under Part I or section seven of the Air Navigation Acts, 1920 and 1936;

(f) attempting or conspiring to commit, or aiding, abetting, counselling or procuring the commission of, or being accessory to, any offences specified in paragraphs (a) to (e) of this definition;

“wireless transmitting apparatus” means apparatus for making communications by means of wireless telegraphy, wireless telephony or wireless television, and “wireless receiving apparatus” means apparatus for receiving communications or information made or given by the said means.

(2) Any reference in these regulations to the master of a vessel or the pilot of an aircraft shall be construed as including a reference to the person for the time being in charge of the vessel or aircraft, as the case may be.

(3) Any reference to the making, sending or receiving of communications which is made in any of the provisions of these regulations relating to wireless telegraphy, wireless telephony or wireless television shall be construed as including a reference to the giving of warning or information or, as the case may be, to the receiving of warning or information.

Ordinance  
No. 31 of  
1911.

(4) The Interpretation Ordinance, 1911, shall apply to the interpretation of these regulations, and of any orders or rules made thereunder, as it applies to the interpretation of an Ordinance, and for the purposes of Part III of the said Ordinance, these regulations and such orders and rules as aforesaid shall be deemed to be Ordinances.

(5) Any reference in any document to these regulations or to any of them shall, unless the contrary intention appears, be construed as a reference to these regulations or to that regulation, as amended by any subsequent regulations made under the Emergency Powers Order in Council, 1939, or any Order in Council made under subsection (1) of section four of the Emergency Powers (Defence) Act, 1939.

Competent  
authority.

3.—(1) The Competent Authority shall be the person appointed by the Governor in writing for the purposes of all or any of the regulations in which such expression occurs, and any person so appointed is in these regulations referred to as the Competent Authority.

(2) Where the holder of a designated office has been appointed to be the Competent Authority, then, unless express provision is made to the contrary, the appointment shall be deemed to extend to the person for the time being performing the duties of the office designated.

Authorized  
officer.

4. An "authorized officer" means any officer of police, and also the following persons—

(a) for the purposes of all or any of these regulations, any public officer authorized in that behalf by the Governor;

(b) for the purposes of all or any of these regulations, any person, or member of a class of persons, performing duties of a public nature, authorized in that behalf by the Governor;

(c) for the purposes of regulations 7, 31, 32, 33, 35, 37, 38, 39, 59, 62, 74, 75, a person holding a commission in any of His Majesty's forces.

## PART II.

### *Censorship and the control and suppression of publications, writings, maps, plans, photographs, communications and means of communication.*

Appoint-  
ment of  
censor and  
censorship.

5.—(1) The Governor may appoint a censor of postal matter and telegrams and such number of assistant and deputy assistant censors as he shall think fit, and the word censor in these regulations includes any assistant censor so appointed.

(2) The Governor may by warrant under his hand authorize the Postmaster General and any person in charge of cable and radio stations to detain and produce to the censor all postal packets and telegrams coming into their possession either for transmission or delivery.

(3) The censor, or any person authorized by him, may open, examine, censor or detain either permanently or for so long a period as he may deem necessary any postal packet or telegram of any description whatsoever which may be in course of, or intended for, transmission to, from or through this Colony.

(4) Any person who without lawful authority transmits any telegram at any place in this Colony or on any vessel or aircraft within the territorial waters thereof unless such telegram has first been passed for transmission by the censor is guilty of an offence against these regulations.

6.—(1) The Governor may make provision by order for securing that postal packets of any such description as may be specified in the order shall not be despatched by post from this Colony to destinations outside this Colony, except in accordance with the order; and in particular, but without prejudice to the generality of the preceding provisions of this paragraph, any such order may, in relation to any description of postal packets, direct that no postal packet of that description shall be so despatched as aforesaid otherwise than under the authority of a permit granted by such authority or person as may be specified in the order.

Postal communications.

(2) The Governor may make provision by order for securing that, subject to any exemptions for which provision may be made by the order, and except in accordance with such conditions as may be contained therein, no document, pictorial representation or photograph or other article whatsoever recording information shall be sent or conveyed from this Colony to any destination outside this Colony otherwise than by post, or conveyed into this Colony otherwise than by post.

No person shall have any article in his possession for the purpose of sending or conveying it in contravention of an order made under this paragraph.

(3) Any person who is about to embark on any vessel or aircraft at any place in this Colony for the purpose of leaving this Colony, or lands from any vessel or aircraft at any place on coming to this Colony, (which person is hereafter in this paragraph referred to as "the traveller") shall, if requested so to do by an authorized officer—

(a) declare whether or not the traveller has with him any such article as is mentioned in paragraph (2) of this Regulation;

(b) produce any such article as aforesaid which he has with him;

and an authorized officer, and any person acting under his directions, may examine or search any article which the traveller has with him, for the purpose of ascertaining whether he is conveying or has in his possession any article in contravention of paragraph (2) of this regulation, and, if the authorized officer has reasonable ground for suspecting that the traveller has any article about his person in contravention of that paragraph, search him, and may seize any article produced as aforesaid or found upon such examination or search as aforesaid, being an article as to which the authorized officer has reasonable ground for suspecting that it is being sent or conveyed in contravention of the said paragraph or is in the traveller's possession in contravention of that paragraph:

Provided that no female shall be searched in pursuance of this paragraph except by a female.

(4) Where, at any place in this Colony, any person is on any occasion found in circumstances in which it is reasonable to suppose that on that occasion he has communicated,

or intends to communicate, at that place with a person embarking thereat on a vessel or aircraft for the purpose of leaving this Colony, or landing thereat from a vessel or aircraft on coming to this Colony, the provisions of paragraph (3) of this regulation shall apply in relation to the person so found, as they apply in relation to a person about to embark on a vessel or aircraft for the purpose of leaving this Colony; and where any person is on any occasion found travelling in this Colony to or from any place in such circumstances as aforesaid, the said provisions shall apply in relation to him as they would apply if, when so found, he had been about to embark on a vessel or aircraft for the purpose of leaving this Colony.

Where there is declared or produced to the authorized officer in compliance with this regulation, or discovered by the authorized officer in circumstances in which it ought to have been so declared or produced, any such plate, film or other article as aforesaid which he suspects to have been exposed in a camera but not developed, he may cause to be taken, or require the person by whom it is declared or produced or in whose possession it is discovered to take, such steps (including subsection of the article to the process of development) as may be reasonably necessary for enabling the authorized officer to ascertain whether or not it has been so exposed.

Wireless  
telegraphy,  
etc.

7.—(1) The Governor may by order direct that, subject to any exemptions for which provision may be made by the order, no person shall, except under the authority of a written permit granted by such authority or person as may be specified in the order, have in his possession or under his control—

(a) any such article as may be specified in the order, being an article which is designed for the purpose only of being used for the operation of wireless transmitting apparatus;

(b) any such apparatus as may be specified in the order, being a type of apparatus which is designed to be used also as wireless transmitting apparatus or which appears to the Governor to be readily adaptable for the purpose of being so used:

Provided that nothing in any such order shall restrict the doing of anything by any servant of His Majesty acting in the course of his duty as such, or apply in relation to any apparatus in respect of which there is in force a licence under the Telecommunication Ordinance, 1936, authorizing the use of the apparatus for transmission or in relation to any article forming part of any such apparatus; and in any proceedings taken by virtue of this paragraph against any person by reason of his having in his possession or under his control any article not forming part of any such apparatus, it shall be a defence for him to prove that at the material time he had the article in his possession or under his control for the purpose only of the operation of an apparatus in respect of which such a licence was then in force.

Ordinance  
No. 18 of  
1936.

(2) In any proceedings arising out of a contravention of paragraph (1) of this regulation, it shall be a defence for the defendant to prove that at the date of the contravention application had been made by him (for the first time) for the

necessary permit in relation to the objects in respect of which the proceedings are taken, and that the application was still pending at that date.

(3) The competent authority may by order provide for prohibiting in certain circumstances, and otherwise for regulating, the use of wireless transmitting apparatus; and if any apparatus is used in contravention of an order under this paragraph, then (without prejudice to any proceedings which may be taken against any other person) the occupier of the premises on which the apparatus is situated, or, where the apparatus is on board any vessel or aircraft, the master of the vessel or the pilot of the aircraft, as the case may be, shall each be guilty of an offence against this regulation:

Provided that, in any proceedings which, by virtue of this paragraph, are taken against any person in respect of the use of any apparatus by some other person in contravention of such an order, it shall be a defence for the defendant to prove that the apparatus was so used without his permission and that he exercised all due diligence to prevent any contravention of the order.

(4) An authorized officer may, in relation to any ship or aircraft, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under paragraph (2) of this regulation relating to the ship or aircraft, or, where a contravention of such an order has occurred in the case of the ship or aircraft, for enabling proceedings in respect of the contravention to be effectually taken.

(5) Notwithstanding anything in the Telecommunication Ordinance, 1936, the Governor in Council or the Governor, as the case may be, in his discretion may refuse to grant a licence under the said Ordinance and may revoke at any time a licence granted under that Ordinance.

**8.** No person shall knowingly—

(a) cause interference with the sending or receiving of communications by means of wireless telegraphy, wireless telephony or wireless television, or

(b) cause interference with, or intercept, telegraphic or telephonic communications made otherwise than by the said means:

Interference  
with tele-  
graphic com-  
munications.

Provided that this regulation shall not apply to anything done by, or with the permission or under the direction of, any servant of His Majesty or police constable acting in the course of his duty as such.

**9.** No person shall, except with permission granted by or on behalf of the Governor, make any signal (either visually or by means of sound or otherwise) to any foreign vessel or foreign aircraft:

Signalling  
to foreign  
vessels or  
aircraft.

Provided that this regulation shall not restrict the making of any signal by any servant of His Majesty acting in the course of his duty as such, or the making of any signal for the purpose only of saving life or of regulating or aiding the navigation, on the water or in the air, of any vessel or aircraft other than a vessel or aircraft being used in the service of a Power at war with His Majesty.

Signalling  
apparatus.

**10.**—(1) Subject to any exemptions for which provision may be made by order of the Governor, no person shall, except with permission granted by a competent authority, have in his possession or under his control any apparatus or contrivance for signalling (whether visually or otherwise) which is of such a nature that it could be used for a purpose prejudicial to defence:

Provided that this regulation shall not restrict the doing of anything by any servant of His Majesty or police constable acting in the course of his duty as such, and (without prejudice to regulation No. 7) shall not apply—

(a) in relation to any wireless transmitting apparatus, or

(b) in relation to any apparatus forming part of the equipment of a vessel or aircraft, being an apparatus which is required by law to be carried therein.

(2) In any proceedings arising out of a contravention of this regulation, it shall be a defence for the defendant to prove that at the date of the contravention application had been made by him (for the first time) for the necessary permission in relation to the objects in respect of which the proceedings are taken, and that the application was still pending at that date.

Pigeons.

**11.**—(1) Subject as hereinafter provided, no live pigeon shall be imported into this Colony except under the authority of a licence granted by a competent authority; and pigeons shall, if imported into this Colony otherwise than under the authority of such a licence, be deemed to be goods the importation of which is prohibited by the Governor in Council under the Importation and Exportation Ordinance, 1915, and the provisions of that Ordinance and any regulations thereunder shall apply accordingly:

Ordinance  
No. 32 of  
1915.

Provided that this paragraph shall not apply to anything done by any servant of His Majesty acting in the course of his duty as such.

(2) Subject as hereinafter provided, no person shall—

(a) have in his possession or under his control, or liberate, any racing pigeon or homing pigeon except under the authority of a written permit granted by the competent authority,

(b) knowingly kill, wound or take any such pigeon, or

(c) remove or tamper with any article attached to such a pigeon, being an article which he has reasonable cause to believe to be a means of identifying the pigeon or of communicating information:

Provided that—

(i) this paragraph shall not apply to anything done by, or with the permission or under the direction of, any servant of His Majesty or police constable acting in the course of his duty as such; and

(ii) nothing in sub-paragraphs (b) and (c) of this paragraph shall apply to anything done in relation to a pigeon by the person entitled to possession thereof or by any person acting on his behalf.



(3) In any proceedings arising out of a contravention of sub-paragraph (a) of paragraph (2) of this regulation, it shall be a defence for the defendant to prove that at the date of the contravention application had been made by him (for the first time) for the necessary permit in relation to the pigeons in respect of which the proceedings are taken, and that the application was still pending at that date.

(4) With a view to the enforcement of this regulation, any officer of police may liberate any pigeons found by him at any place, and may enter any premises for the purpose of exercising his powers under this paragraph.

(5) Whenever any person finds dead or unable to fly a racing pigeon or homing pigeon to which there is attached any article which he has reasonable cause to believe to be a means of identifying the pigeon or of communicating information, he shall forthwith cause the pigeon to be delivered to some member of His Majesty's forces or any officer of police:

Provided that nothing in this paragraph shall impose any obligation in respect of a pigeon upon any person, or the servant or agent of any person, who is entitled to have that pigeon in his possession or under his control by virtue of a permit granted under paragraph (2) of this regulation.

**12.**—(1) Subject to the provisions of this regulation no person shall, except with permission granted by the Governor, knowingly have in his possession, or knowingly send by post or otherwise to any destination, whether within or outside this Colony—

Means of  
secret com-  
munication.

(a) any instructions for utilizing any means of secretly conveying, receiving or recording information,

(b) any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information, or

(c) any document or other article secretly conveying or recording any information.

(2) Any person who has in his possession any such instructions as are mentioned in sub-paragraph (a) of paragraph (1) of this regulation shall, if requested by or on behalf of the Governor so to do, deliver up those instructions to such authority or person as may be specified in the request.

(3) Any person who has in his possession, in contravention of this regulation, any substance or article manufactured or designed for the purpose of secretly conveying, receiving or recording information shall, if requested by or on behalf of the Governor so to do, deliver up that substance or article to such authority or person as may be specified in the request.

(4) Nothing in paragraphs (2) and (3) of this regulation shall be taken to prevent the prosecution of any person in respect of a contravention of paragraph (1) of this regulation.

(5) In this regulation the expression "instructions for utilizing any means of secretly conveying, receiving or recording information" includes any code or cipher, but paragraph (1) of this regulation shall not apply—

(a) to the possession of—

(i) any code or cipher the use of which is approved by the Governor, or

(ii) any document conveying or recording information by means of such a code or cipher, being a document which specifies in clear the code or cipher used, or

(b) to the use, in accordance with conditions imposed by the Governor, of any such code or cipher as is mentioned in sub-paragraph (a) of this paragraph,

and shall not restrict the doing of anything by any servant of His Majesty or police constable acting in the course of his duty as such.

General provisions for safe-guarding information

**13.** No person shall, in any manner likely to prejudice the defence of the realm or the efficient prosecution of the war—

(1) obtain,

(2) record, communicate to any other person or publish, or

(3) have in his possession any document containing, or other record whatsoever of,

any information being, or purporting to be, information with respect to any of the following matters, that is to say—

(a) the number, description, armament, equipment, disposition, movement or condition of any of His Majesty's forces, vessels or aircraft;

(b) any operations or projected operations of any of His Majesty's forces, vessels or aircraft;

(c) any measures for the defence or fortification of any place on behalf of His Majesty;

(d) the number, description or location of any prisoners of war;

(e) munitions of war;

(f) any other matter whatsoever information as to which would or might be directly or indirectly useful to the enemy.

Communication with enemy agents.

**14.** No person shall communicate or associate with any other person having reasonable cause to believe that that other person is engaged in assisting the enemy:

Provided that in any proceedings taken by virtue of this regulation in respect of any particular communication or association, it shall be a defence to prove that the purpose of the communication or association was not prejudicial to public safety or to defence.

Photography, etc.

**15.—(1)** Subject to any exemptions for which provision may be made by order of the Governor no person shall, except under the authority of a written permit granted by the Governor or a competent authority—

(a) have a camera with him in any place in this Colony to which the public have access, or

(b) make any photograph, sketch, plan or other representation of any area, or of any part of or object in such area, which may be specified by the Governor being an area

in relation to which the restriction of photography appears to him to be expedient in the interests of public safety or of defence.

(2) In any proceedings arising out of a contravention of sub-paragraph (a) of paragraph (1) of this regulation, it shall be a defence for the defendant to prove that at the time of the contravention application had been made by him (for the first time) for the necessary permit in relation to the camera in respect of which proceedings are taken, and that the application was still pending at that date.

(3) The Governor may make such orders as he thinks necessary for securing that photographs, sketches, plans and other representations made under the authority of a permit granted in pursuance of sub-paragraph (b) of paragraph (1) of this regulation shall not be published unless and until they have been submitted to, and approved by, such authority or person as may be specified in the order; and such person or authority may, if he thinks it necessary in the interests of public safety or defence so to do, retain or destroy or otherwise dispose of anything submitted as aforesaid.

(4) This regulation shall not apply to anything done by any servant of His Majesty or police constable acting in the course of his duty as such.

**16.**—(1) Where, either before or after the coming into force of this regulation, an application has been made to the Registrar of Patents for the grant of a patent or the registration of a design, the Governor, if satisfied that it is expedient in the interests of defence so to do, may require the Registrar of Patents to omit or delay the doing of anything which he would otherwise be required to do in relation to the application, and give directions for prohibiting or restricting the publication of information with respect to the subject matter of the application, or the communication of such information to particular persons or classes of persons. Inventions  
and designs.

(2) No person shall, except under the authority of a written permit granted by the Governor, make any application for the grant of a patent, or the registration of a design, in any foreign country.

(3) The Governor, if it appears to him to be necessary or expedient in the interests of defence or the efficient prosecution of the war so to do, may give directions to any person requiring him to furnish to such authority or person as may be specified in the directions any such information in his possession relating to any invention, design or process as may be specified in the directions, or demanded of him by the said authority or person.

(4) The right of a person to apply for, or obtain, a patent in respect of an invention or registration in respect of a design shall not be prejudiced by reason only of the fact that the invention or design has previously been communicated to a person in compliance with paragraph (3) of this regulation, or used by a person in consequence of such communication, and a patent in respect of an invention, or the registration of a design, shall not be held to be invalid by reason only that the invention or design has been so communicated or used as aforesaid.

(5) In connexion with the making, use or exercise of any invention or design on behalf of, or for the services of, the Crown (whether by virtue of any enactment or otherwise), the Governor may authorize the use of any drawing, model, plan or other document or information in such manner as appears to him to be expedient in the interests of defence or the efficient prosecution of the war, notwithstanding anything to the contrary contained in any licence or agreement; and any licence or agreement, if and so far as it confers on any person, otherwise than for the benefit of the Crown, a right to receive any payment in respect of the use of any document or information in pursuance of such an authorization, shall be inoperative.

### PART III.

#### *Movements and activities of persons.*

Restriction  
of move-  
ments of  
suspected  
persons.

**17.**—(1) The Governor, if satisfied, with respect to any particular person, that, with a view to preventing his acting in any manner prejudicial to public safety or defence, it is necessary so to do, may make an order for either or both of the following purposes, that is to say—

(a) for securing that, except in so far as he may be permitted by the order, or by such authority or person as may be specified in the order, he shall not be in any such place or area in this Colony as may be so specified;

(b) for requiring him to notify his movements, in such manner, at such times and to such authority or person as may be specified in the order.

(2) If any person is in any place or area in contravention of an order made under this regulation, or fails to leave any place or area in accordance with the requirements of such an order, then, without prejudice to any proceedings which may be taken against him, he may be removed from that place or area by any police constable or any person authorized in that behalf by the Governor.

Detention  
orders.

**18.**—(1) If the Governor has reasonable cause to believe any person to be of hostile origin or associations or to have been recently concerned in acts prejudicial to public safety or defence or in the preparation or instigation of such acts and that by reason thereof it is necessary to exercise control over him, he may make an order against that person directing that he be detained.

(2) At any time after an order has been made against any person under this regulation, the Governor may direct that the operation of the order be suspended subject to such conditions—

(a) prohibiting or restricting the possession or use by that person of any specified articles;

(b) imposing upon him such restrictions as may be specified in the direction in respect of his employment or business, and in respect of his association or communication with other persons,

as the Governor thinks fit; and the Governor may revoke any such direction if he is satisfied that the person against whom the order was made has failed to observe any condition so

imposed, or that the operation of the order can no longer remain suspended without detriment to public safety or defence.

(3) For the purposes of this regulation, there shall be an advisory committee consisting of persons appointed by the Governor; and any person aggrieved by the making of an order against him, by a refusal of the Governor to suspend the operation of such an order, by any condition attached to a direction given by the Governor or by the revocation of any such direction, under the powers conferred by this regulation, may make his objections to that committee.

(4) It shall be the duty of the Governor to secure that any person against whom an order is made under this regulation shall be afforded the earliest practicable opportunity of making to the Governor representations in writing with respect thereto and that he shall be informed of his right, whether or not such representations are made, to make his objections to the advisory committee.

(5) The Governor may make rules as to the manner in which objections against such an order as aforesaid may be made to the advisory committee, and such rules shall contain provisions for enabling any person in respect of whom an order is made under this regulation to make objections against the order either in person or by counsel, solicitor or agent.

(6) Any meeting of the advisory committee held to consider such objections as aforesaid shall be presided over by a chairman, who shall be the Chief Justice, and it shall be the duty of the chairman to inform the objector of the grounds on which the order has been made against him and to furnish him with such particulars as are in the opinion of the chairman sufficient to enable him to present his case.

(7) The Governor shall make a report to the Secretary of State at least once in every month as to the action taken under this regulation (including the number of persons detained under orders made thereunder) and as to the number of cases, if any, in which he has declined to follow the advice of the advisory committee.

(8) If any person fails to comply with a condition attached to a direction given by the Governor under paragraph (2) of this regulation that person shall, whether or not the direction is revoked in consequence of the failure, be guilty of an offence against this regulation.

(9) Any person detained in pursuance of this regulation shall be deemed to be in lawful custody and shall be detained in such place as may be authorized by the Governor and in accordance with instructions issued by him.

**19. No person shall—**

(1) do any act having reasonable cause to believe that it will be likely to prevent or interfere with the performance of their duties by members of His Majesty's forces or the carrying on of their work by persons engaged in the performance of essential services, or

(2) do, in relation to any person whom he knows to be a member of His Majesty's forces or to be a person so engaged, any act with intent thereby to render him incapable

Interference  
with His  
Majesty's  
forces, etc.

of efficiently performing his duties as such or, as the case may be, of efficiently carrying on his work as a person so engaged :

Provided that a person shall not be guilty of an offence under this regulation by reason only of his taking part in, or peacefully persuading any other person to take part in, a strike.

Misleading  
acts and  
misrepre-  
sentation.

**20.**—(1) No person shall—

(a) do any act calculated falsely to suggest that he or any other person is or is not acting (either generally or in a particular capacity) in the service, or on behalf, of His Majesty or a foreign Government, or as a member of a police force or fire brigade, or in the service, or on behalf, of an undertaking engaged in the performance of essential services, or

(b) do, in relation to any property, any act calculated falsely to suggest that the property does or does not belong to, or is or is not in his possession or under the control of, His Majesty, or has or has not been classified, selected or appropriated on behalf of His Majesty for any particular purpose, or

(c) do any act whereby there are communicated, or likely to be communicated, to the public or to any section thereof any directions, instructions or information falsely purporting to be duly issued or given for purposes connected with the defence of the realm or the securing of the public safety, or

(d) make any defence signal otherwise than for the purpose for which, or otherwise than in the circumstances in which, the making of that signal is authorized by or on behalf of the Governor, or do any act, or make any statement, having reasonable cause to believe that the act or statement is likely to result in such a signal being made otherwise than for that purpose or otherwise than in those circumstances, or do any act having reasonable cause to believe that the act is likely to be mistaken for the making of such a signal, or

(e) do any act, or make any statement, having reasonable cause to believe that the act or statement is likely to mislead any person in the discharge of any lawful functions in connexion with the defence of the realm or the securing of the public safety :

Provided that the provisions of sub-paragraph (a) of this paragraph shall not apply to anything done by any servant of His Majesty or police constable acting in the course of his duty as such.

(2) In this regulation the expression “defence signal” means any signal authorized by or on behalf of the Governor to be used for any purpose connected with defence or the securing of public safety.

Change of  
name.

**21.**—(1) Except in such circumstances as may be specified by order of the Governor, no alien who is in this Colony at any time when this regulation is in force, shall, while in this Colony during the continuance in force of this regulation, assume or use or purport to assume for any purpose any name other than that by which he was ordinarily known immediately before this regulation came into force.

(2) Where, after the coming into force of this regulation, any alien carries on or purports to carry on (whether alone or in association with any other person) any trade or business under any name or style other than that under which that trade or business was being carried on immediately before the coming into force of this regulation, he shall, for the purposes of paragraph (1) of this regulation, be deemed to be using a name other than that by which he was ordinarily known immediately before the coming into force of this regulation.

(3) In relation to any alien who, not having been in this Colony on the coming into force of this regulation, thereafter lands in this Colony, paragraphs (1) and (2) of this regulation shall have effect as if for any reference in those paragraphs to the coming into force of this regulation there were substituted a reference to the day on which he first lands in this Colony after the coming into force of this regulation.

(4) For the purposes of this regulation, the expression "name" shall be construed as including surname, and a name shall be deemed to be changed if the spelling thereof is altered.

**22.—**(1) No person shall—

(a) endeavour to seduce from their duty persons engaged (whether in this Colony or elsewhere) in His Majesty's service, or in the performance of essential services, or to cause among such persons disaffection likely to lead to breaches of their duty, or

Seducing  
persons  
from duty  
and causing  
disaffection.

(b) with intent to contravene, or to aid, abet, counsel or procure a contravention of, sub-paragraph (a) of this paragraph, have in his possession or under his control any document of such a nature that the dissemination of copies thereof among any such persons as aforesaid would constitute such a contravention.

(2) A prosecution for an offence against this regulation shall not be instituted except by, or with the consent of, the Attorney General.

**23.—**(1) No person shall—

(a) endeavour, whether orally or otherwise, to influence public opinion (whether in this Colony or elsewhere) in a manner likely to be prejudicial to defence or the efficient prosecution of the war, or

Propa-  
ganda.

(b) do any act, or have any article in his possession, with a view to making, or facilitating the making of, any such endeavour.

A prosecution in respect of a contravention of this paragraph shall not be instituted except with the consent of the Attorney General.

(2) The Governor may make provision by order for preventing or restricting the publication in this Colony of matters as to which he is satisfied that the publication, or, as the case may be, the unrestricted publication, thereof would or might be prejudicial to defence or the efficient prosecution of the war, and an order under this paragraph may contain such incidental and supplementary provisions as appear to the Governor to be necessary or expedient for the

purposes of the order (including provisions for securing that documents, pictorial representations, photographs or cinematograph films shall, before publication, be submitted or exhibited to such authority or person as may be specified in the order).

(3) Where any person is convicted on indictment of an offence against this regulation by reason of his having published a newspaper, the Governor may by order direct that, during such period as may be specified in the order, that person shall not publish any newspaper in this Colony.

(4) In this regulation—

(a) the expression “public opinion” includes the opinion of any section of the public;

(b) the expression “cinematograph film” includes a sound track and any other article on which sounds have been recorded for the purpose of their being reproduced in connexion with the exhibition of such a film;

(c) the expression “publication” means, in relation to a cinematograph film, the exhibition of the film to the public, and includes the mechanical or electrical reproduction of any sounds in connexion with the exhibition of the film as aforesaid; and

(d) the expression “newspaper” includes any journal, magazine or other periodical publication.

Display of  
flags, etc.

**23A.** The Governor may by order prohibit the display by any person in public of any flag, banner or emblem as to which the Governor is satisfied that the display thereof as aforesaid would be likely to cause a disturbance of the public order or to promote disaffection; and any such order may be made so as to apply either generally or to a specified area.

Unofficial  
uniforms,  
etc.

**24.**—(1) The Governor may by order prohibit the wearing or display by any person in public of any distinctive dress or article of apparel or any emblem, being a dress, article or emblem as to which the Governor is satisfied that the wearing or display thereof as aforesaid would be likely to cause a disturbance of public order or to promote disaffection; and any such order may be made so as to apply either generally or to a specified area.

(2) For the purposes of this regulation, a dress, an article of apparel or an emblem shall be deemed to be worn or displayed in public if it is worn or displayed so as to be visible to a person in any place to which the public have access.

Processions  
and  
meetings.

**25.**—(1) The Governor, if satisfied, with respect to any area in this Colony, that the holding of public processions or of any class of such processions in that area would be likely to cause a disturbance of public order or to promote disaffection, may by order prohibit, for such period as may be specified in the order, the holding in that area of processions or processions of that class, as the case may be.

(2) The Governor may give directions prohibiting the holding of any meeting as to which he is satisfied that the holding thereof would be likely to cause a disturbance of public order or to promote disaffection.



(3) Any police constable may take such steps, and use such force, as may be reasonably necessary for securing compliance with any order made or directions given under this regulation.

**26.**—(1) No person shall do any act with intent to Sabotage. impair the efficiency or impede the working or movement of any vessel, aircraft, vehicle, machinery, apparatus or other thing used or intended to be used in His Majesty's service or in the performance of essential services, or to impair the usefulness of any works, structure or premises used or intended to be used as aforesaid :

Provided that a person shall not be guilty of an offence against this regulation by reason only of his taking part in, or peacefully persuading any other person to take part in, a strike.

(2) The preceding provisions of this regulation shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to the public or to any person, to do, as they apply in relation to the doing of any act by a person.

(3) Any person convicted on indictment of an offence against this regulation shall be liable to imprisonment for any term not exceeding fourteen years or to a fine not exceeding ten thousand dollars or to both such imprisonment and such fine.

**27.** If, with intent to assist the enemy, any person does any act which is likely to assist the enemy or to prejudice the public safety, the defence of this Colony or any other part of His Majesty's dominions or the efficient prosecution of the war, then, without prejudice to the law relating to treason, he shall be guilty of an offence against this regulation and shall, on conviction on indictment, be liable to imprisonment for life. Acts done with intent to assist the enemy.

**28.**—(1) No person shall—

(a) knowingly assist a prisoner of war to escape from custody, or knowingly harbour an escaped prisoner of war; or

(b) give an escaped prisoner of war any assistance with intent thereby to prevent, hinder or interfere with the apprehension of the prisoner.

(2) The Governor may by order provide—

(a) for regulating access to, and the conduct of persons in, places in this Colony where prisoners of war are detained, and for prohibiting or regulating the despatch or conveyance, from outside such places to or for prisoners of war therein, of any such articles as may be specified in the order;

(b) for prescribing conditions to be observed in connexion with the employment of, or the provision of board or lodging for, prisoners of war in this Colony while elsewhere than in places for the detention of prisoners of war.

(3) The preceding provisions of this regulation shall apply in relation to any person in respect of whom there is in force an order for his detention made either under this Part of these regulations or in exercise of the prerogative of the Crown, as those provisions apply in relation to a prisoner of war. Prisoners of war, etc.

(4) No proceedings shall be taken, by virtue of this regulation, against a person in respect of any act done by him when he is himself a prisoner of war.

52 Geo. 3,  
c. 156.

(5) The operation of the Prisoners of War (Escape) Act, 1812, shall be suspended during the continuance in force of this regulation.

Entering  
enemy  
territory.

**29.**—(1) Subject as hereinafter provided, no person being either a British subject or a British-protected person, shall, without the permission of the Governor, voluntarily enter any enemy territory or voluntarily go on board any vessel or aircraft being used in the service of a Power at war with His Majesty :

Provided that this paragraph shall not apply to anything done by any servant of His Majesty acting in the course of his duty as such.

(2) Any person convicted on indictment of an offence against this regulation shall be liable to imprisonment for any term not exceeding five years or to a fine not exceeding ten thousand dollars or to both such imprisonment and such fine.

(3) In this regulation the expression “ enemy territory ” means any area which is under the sovereignty of, or administered by, or for the time being in the occupation of, a Power at war with His Majesty, but does not include any area in the occupation of His Majesty or of a Power allied with His Majesty.

Entering  
and leaving  
this Colony.

**30.** The Governor may make provision by order for securing that, subject to any exemptions for which provision may be made by the order—

(a) no person shall, on coming by sea or by air from a place outside this Colony, disembark in this Colony from any vessel or aircraft elsewhere than at a place specified in the order;

(b) no person shall, for the purpose of proceeding by sea or by air to a destination outside this Colony, embark in this Colony on any vessel or aircraft elsewhere than at a place so specified;

(c) no person shall—

(i) enter this Colony; or

(ii) proceed from this Colony to a destination outside it,

except under the authority of a written permit granted by such authority or person as may be specified in the order.

Stopping of  
ships and  
aircraft.

**31.**—(1) A competent authority may, if it appears to him to be necessary in the interests of defence so to do, give, with respect to any particular ship or aircraft at a port or place in this Colony, directions that the ship or aircraft shall not leave the port or place until permitted to do so by such authority or person as may be specified in the directions; and if any ship or aircraft leaves or attempts to leave any port or place in contravention of any such directions as aforesaid, the master of the ship or the pilot of the aircraft, as the case may be, shall be guilty of an offence against this regulation :

Provided that any directions given under this paragraph shall cease to have effect twenty-four hours after the time at which they are given, unless in the meantime they have been confirmed by the Governor.

(2) An authorized officer may, in relation to any ship or aircraft, take such steps, and use such force, as may appear to that person to be reasonably necessary to secure compliance with any directions given under this regulation with respect to the ship or aircraft or, where an offence against this regulation has occurred in the case of the ship or aircraft, for enabling proceedings in respect of the offence to be effectually taken.

**32.**—(1) If, as respects any premises, it appears to the Governor to be necessary or expedient, in the interests of defence or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, that special precautions should be taken to prevent the entry of unauthorized persons, he may by order declare those premises to be a protected place for the purposes of these regulations; and so long as the order is in force, no person shall, subject to any exemptions for which provision may be made by the order, be in those premises without the permission of such authority or person as may be specified in the order.

Protected places.

Any premises in relation to which an order made under this regulation is in force are hereafter in these regulations referred to as "a protected place."

(2) Where, in pursuance of this regulation, any person is granted permission to be in a protected place, that person shall, while acting under such permission, comply with such directions for regulating his conduct as may be given by the Governor or by the authority or person granting the permission; and an authorized officer, or any person authorized in that behalf by the occupier of the premises, may search any person entering, or seeking to enter, or being in, a protected place, and may detain any such person for the purpose of searching him.

(3) If any person is in a protected place in contravention of this regulation, or, while in such a place, fails to comply with any direction given under this regulation, then, without prejudice to any proceedings which may be taken against him, he may be removed from the place by an authorized officer or any person authorized in that behalf by the occupier of the premises.

**33.**—(1) Without prejudice to any other of these regulations, the Governor, if satisfied with respect to any area that it is necessary or expedient, in the interests of defence or the efficient prosecution of the war, to regulate the entry of persons into that area, may by order declare that area to be a protected area for the purposes of these regulations; and so long as the order is in force, then, on and after such day as may be specified in the order, and subject to any exemptions for which provision may be made by the order, no person being an enemy alien shall be therein without the permission of such authority or person as may be specified in the order.

Protected areas.

Any area in relation to which an order made under this regulation is in force is hereafter in these regulations referred to as "a protected area".

(2) If any person is in a protected area in contravention of this regulation, then, without prejudice to any proceedings which may be taken against him, he may be removed from the area by or under the direction of an authorized officer.

Controlled  
areas.

**34.** Without prejudice to any other of these regulations the Governor may, as respects—

- (a) any protected place or protected area, or
- (b) any place in relation to which it appears to the Governor to be necessary to take special precautions owing to the presence in that place of members of His Majesty's forces or munitions of war,

make such rules regulating the conduct of persons in the said place or area as he thinks necessary for the protection of persons and property in that place or area, for safeguarding the discipline and efficiency of members of His Majesty's forces therein, or for facilitating the enforcement therein of these regulations; and a rule made in relation to any place by virtue of sub-paragraph (b) of this paragraph may make provision for restricting access to that place, and for removing therefrom any person who is therein in contravention of the rule.

Trespassing  
and  
loitering.

**35.—(1)** No person shall—

- (a) trespass on, or on premises in the vicinity of, any premises to which this regulation primarily applies,
- (b) unlawfully enter or board any vehicle, vessel or aircraft used or appropriated for any of the purposes of His Majesty's service, or trespass on premises in the vicinity of any such vehicle, vessel or aircraft, or
- (c) trespass on premises in the vicinity of any protected place,

and if any person is found trespassing on any premises in contravention of this paragraph, or is found on any vehicle, vessel or aircraft on any occasion on which he has entered or boarded it in contravention of this paragraph, then, without prejudice to any proceedings which may be taken against him, he may be removed by an authorized officer from the premises or from the vehicle, vessel or aircraft, as the case may be.

(2) No person shall, for any purpose prejudicial to the public safety or defence, be in, or in the vicinity of, any premises to which this regulation primarily applies or any such vehicle, vessel or aircraft as aforesaid; and where, in any proceedings taken against a person by virtue of this paragraph, it is proved that at the material time he was present in, or in the vicinity of, the premises, vehicle, vessel or aircraft concerned, the prosecution may thereupon adduce such evidence of the character of that person (including evidence of his having been previously convicted of any offence) as tends to show that he was so present for a purpose prejudicial to public safety or defence.

(3) No person loitering in the vicinity of a protected place, of any premises to which this regulation primarily applies or of any such vehicle, vessel or aircraft as aforesaid, shall continue to loiter in that vicinity after being requested by the appropriate person to leave it.

(4) The premises to which this regulation primarily applies are premises used or appropriated—

- (a) for any of the purposes of His Majesty's service or for defence against, or protection from, an enemy, or
- (b) for the performance of any essential services.

**36.** The Governor, if he considers it necessary in the interests of defence or public safety so to do, may by order provide for the stopping up or diversion of any highway, and for prohibiting or restricting the exercise of any right of way or the use of any waterway.

Control of highways.

#### PART IV.

##### *Control of ports and movements of vessels and aircraft.*

**37.**—(1) The Governor may by order make provision as to the places in or to which vessels may be or go, and generally for regulating the movements, navigation, pilotage, anchorage, mooring, berthing and lighting of vessels within the harbours and territorial waters of this Colony, and any order made under this regulation is hereafter in these regulations referred to as “a navigation order.”

General control of navigation.

(2) If, in the case of any vessel, a navigation order is contravened or not complied with, the master of the vessel shall be guilty of an offence against this regulation.

(3) An authorized officer may, in relation to any vessel, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under this regulation relating to the vessel, or, where an offence against this regulation has occurred in the case of the vessel, for enabling proceedings in respect of the offence to be effectually taken.

(4) This regulation shall apply in relation to seaplanes on the surface of the water as those provisions apply in relation to vessels, and seaplanes taking off from, or alighting on, the water shall be deemed, for the purpose of this regulation, to be on the surface of the water while in contact therewith.

**38.**—(1) The Governor may, if it appears to him to be necessary or expedient for the safety of ships registered in this Colony and of persons on board such ships so to do, make provision by order for securing that any ship registered in this Colony to which the order applies shall not, except under permission granted by a competent authority, proceed to sea from any port in this Colony, unless such requirements in respect of the alteration of the structure or external appearance of the ship, and in respect of the equipping of the ship with any particular apparatus, contrivance or appliance, as may be contained in the order have been complied with, and an order under this regulation may be made so as to apply either to a particular ship or to ships of a particular class.

Measures for safety of ships.

(2) If any ship proceeds or attempts to proceed to sea in contravention of an order made under this regulation, the master of the ship and the person having the management thereof shall each be guilty of an offence against this regulation.

(3) An authorized officer may, in relation to any ship, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under this regulation relating to the ship, or, where an offence against this regulation has occurred in the case of the ship, for enabling proceedings in respect of the offence to be effectually taken.

Employment  
in British  
ships and  
aircraft.

**38A.**—(1) The Governor, if it appears to him to be necessary or expedient in the interests of defence or the efficient prosecution of the war so to do, may, as respects ships registered in this Colony, make provision by order—

(a) for securing that, subject to any exemptions for which provision may be made by the order, any such class of persons as may be specified in the order shall not be employed on board ships to which the order applies;

(b) for prohibiting the employment of any persons or class of persons on board such ships unless they are holders of certificates of identity issued in such form and manner as may be prescribed by the order, and for determining the circumstances in which certificates of identity may be granted and revoked under the order.

and an order under this regulation may be made so as to restrict the employment of persons either in any capacity or in such capacity as may be specified in the order, and so as to restrict the employment of persons on such ships as aforesaid either wherever they may be or while in such waters, or engaged in such trades or on such voyages, as may be so specified.

(2) The preceding provisions of this regulation shall apply in relation to aircraft as they apply in relation to ships.

Employment  
outside the  
Colony of  
agents for  
ships and  
aircraft.

**38B.**—(1) The Governor, with a view to preventing the employment outside the Colony, in connexion with the management of ships registered in this Colony, of enemy aliens or persons connected with an enemy, may by order direct that, as from such date as may be specified in the order, the owner, manager or charterer of any ship registered in this Colony, being a person resident in this Colony or a corporation incorporated under the law of this Colony, shall not employ in any foreign country or territory, in connexion with the management of the ship, any person other than a person approved for the purpose by the Governor; and an order under this regulation may be made so as to apply either generally or to employment in all foreign countries or territories, or to employment in such foreign countries or territories, or such class of foreign countries or territories, as may be specified in the order.

(2) The preceding provisions of this regulation shall apply in relation to aircraft as they apply in relation to ships.

Control of  
trade by  
sea.

**39.**—(1) Without prejudice to any navigation order, the Governor, with a view to securing that ships registered in this Colony are used in such a manner only as may be considered expedient in the interests of the defence of this Colony or the efficient prosecution of the war, or for the maintenance of supplies and services essential to the life of the community, may by order provide that a ship registered in this Colony shall not proceed to sea from any port (whether within or outside this Colony) except under the authority of a licence granted by such authority or person as may be specified in the order; and any such order may contain provisions whereby a licence under the order may be granted subject to such limitations and conditions as the authority or person granting the licence thinks fit to impose with respect to—

(a) the trades in which the ship may be engaged, and the voyages which may be undertaken by the ship,

(b) the class of cargoes or passengers which may be carried in the ship, and

(c) the hiring of the ship, and the terms upon which cargoes or passengers may be carried in the ship,

and may also contain provisions for requiring any ship in respect of which such a licence is in force to comply with any directions given by such authority or person as may be specified in the order as to the ports to which the ship is to proceed for any particular purposes.

Any provision of an order under this paragraph may be framed so as to apply to any specified class of ship registered in this Colony, and so as to apply to any such ships either wherever they may be or while in such waters, or engaged in such trades or on such voyages, as may be specified in the order.

(2) If any ship proceeds or attempts to proceed to sea in contravention of an order made under this regulation, or if otherwise there is any contravention of such an order in the case of a ship, the master of the ship and the person having the management thereof shall each be guilty of an offence against this regulation.

(3) An authorized officer may, in relation to any ship, take such steps, and use such force, as may appear to that person to be reasonably necessary for securing compliance with any order under this regulation relating to the ship, or, where an offence against this regulation has occurred in the case of the ship, for enabling proceedings in respect of the offence to be effectually taken.

**40.**—(1) Except under permission granted by the Governor—

Control of  
lighthouses,  
etc.

(a) no light, buoy, beacon or other apparatus used in this Colony for the purpose of aiding navigation in or on the water, shall be discontinued, altered or removed; and

(b) no variation shall be made in the mode of exhibiting or operating any such light, buoy, beacon or other apparatus.

(2) The Governor may, if it appears to him to be necessary in the interests of public safety or defence so to do, give directions for prohibiting or restricting the exhibition or operation of, or requiring the removal, alteration or concealment of, or the making of any variation in the mode of exhibiting or operating, any such light, buoy, beacon or other apparatus as aforesaid.

(3) If this regulation, or any direction given under this regulation, is contravened or not complied with in the case of any light, buoy, beacon or other apparatus, the person responsible for the maintenance of the light, buoy, beacon or apparatus, as the case may be, shall be guilty of an offence against this regulation; and, in the case of a failure to comply with any such direction as aforesaid requiring the removal, alteration or concealment of any light, buoy, beacon or other apparatus, the Governor may (without prejudice to any proceedings which may be taken in respect of the offence) cause to be done all such work as may be necessary for securing compliance with the direction.

Deserters  
from ships.

**41.** Any person lawfully engaged to serve on board any ship belonging to, or chartered or requisitioned by, or on behalf of, His Majesty, who in this Colony is, by virtue of section two hundred and twenty-one of the Merchant Shipping Act, 1894, guilty of the offence of desertion or of absence without leave, may, notwithstanding anything contained in that Act, be conveyed on board his ship by, or under the direction of, any one or more of the following persons, that is to say, the master of the ship, the mate of the ship, the person having the management of the ship, any officer of police, any commissioned officer of His Majesty's forces and any superintendent within the meaning of the said Act.

Amendment  
of the  
Colonial Air  
Navigation  
(Application  
of Acts)  
Order, 1937.

**42.**—(1) The power of the Governor under paragraph 4 of the First Schedule to the Colonial Air Navigation (Application of Acts) Order, 1937, to regulate or prohibit by order the navigation of aircraft shall be exercisable in relation to the navigation of aircraft registered in this Colony over any area outside this Colony, as it is exercisable in relation to the navigation of any aircraft over this Colony, and the said paragraph shall have effect as if it enabled the Governor to make, in an order under that paragraph, such provision with respect to incidental and supplementary matters as appears to him to be necessary or expedient for the purposes of the order.

(2) In addition to the provisions authorized by the said paragraph 4, an order under that paragraph may, for the purpose of securing compliance with the order, contain provisions authorizing any commissioned officer in His Majesty's forces or any person acting under the orders of any such officer to fire at any aircraft that flies or attempts to fly in contravention of the order.

(3) Paragraph 11 of the First Schedule to the Colonial Air Navigation (Application of Acts) Order, 1937 (which enables a person alleged to be guilty of an offence under the Acts or under any Order in Council or regulations made thereunder to be tried in any place where he is for the time being), shall extend to offences under any order made under paragraph 4 of the said Schedule, and accordingly the said paragraph 11 shall have effect as if there were therein inserted after the words "Order in Council" the word "order".

## PART V.

### *Transport.*

Control of  
lines of com-  
munication  
for defence  
purposes.

**43.** A competent authority may, with a view to facilitating any operations of His Majesty's forces or the movement of persons and supplies in connexion with any such operations, give directions for prohibiting or restricting, within such area in this Colony, and for such period, as may be specified in the directions, the use of any dock or harbour or any highway, railway or inland waterway.

Traffic on  
highways.

**44.** Without prejudice to any other of these regulations, the Governor may by order provide for the regulation of traffic on highways, and, without prejudice to the generality of the power aforesaid, any such order may in particular provide—

(1) for determining the routes to be followed by any particular class of vehicles proceeding on highways, either



generally or in such circumstances as may be determined by or in accordance with the order;

(2) for prohibiting or regulating the use of vehicles or any class of vehicles on highways or the use by vehicles of specified roads or classes of roads, either generally or in such circumstances as may be so specified;

and may be made so as to apply either generally or to any specified area, and may make different provision for different parts of the area to which the order applies.

**45.**—(1) Where any person is under a duty to improve or maintain a highway, the Governor may give such directions with respect to the manner in which that duty is to be performed as he thinks necessary in the interests of defence, public safety or the efficient prosecution of the war. Maintenance of highways.

Directions under this paragraph shall apply in relation to any bridge over or under a highway, and to any tunnel in the course of a highway, as they apply in relation to a highway.

(2) If any directions given under this regulation are not complied with by the person to whom they are given, then (without prejudice to any proceedings which may be taken in respect of the offence) the Governor may cause to be done all such work as may be necessary for securing compliance with the directions.

**46.**—(1) Without prejudice to any navigation order, the Governor, if it appears to him to be necessary or expedient so to do in the interests of public safety, defence or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, may make provision by order— Control of traffic at ports.

(a) for prohibiting or restricting the shipping or unshipping of articles or persons, or any specified class of articles or persons, at any port in this Colony;

(b) generally for regulating, facilitating or expediting the traffic at any such port;

and an order under this regulation may contain such incidental and supplementary provisions as appear to the Governor to be necessary or expedient for the purposes of the order.

(2) The reference in this regulation to shipping or unshipping shall be construed as including a reference to embarking or putting on board seaplanes or disembarking or unloading from seaplanes.

**47.** An authorized officer may, if it appears to him to be necessary for the purpose of preventing or avoiding any undue congestion of traffic at any port or railway premises, cause to be removed from the port or premises, and to be kept at such place in this Colony as he thinks proper, any goods at the port or on the premises which are not removed therefrom with reasonable despatch by or on behalf of the consignee. Congestion of traffic at ports and on railways.

**48.**—(1) No restriction imposed by any enactment in relation to any port in this Colony shall apply— Handling and conveyance of ammunition, etc., in ports.

(a) to the shipping, unshipping, handling, storage or conveyance of ammunition, explosives or inflammable substances in the service of His Majesty or under instructions given by the Governor, or

(b) to the conveyance of ammunition, explosives or inflammable substances in any vessel for purposes of defence:

but the Governor may by order make such provision as appears to him to be required in the interests of safety for regulating the shipping, unshipping, handling, storage and conveyance of ammunition, explosives and inflammable substances as aforesaid in any such area.

(2) Any reference in this regulation to shipping or to unshipping shall be construed as including a reference to putting on board seaplanes or to unloading from seaplanes, as the case may be.

Power to  
stop and  
search  
vehicles.

**49.**—(1) The person driving, or in control of, any road vehicle in motion shall stop the vehicle on being required so to do by any air raid warden on duty, any police constable in uniform or by any member of His Majesty's forces being in uniform and on duty.

(2) If—

(a) as respects any road vehicle being on a public highway or in a place to which the public have access, or

(b) upon the overtaking of a road vehicle on any occasion on which the person driving, or in control of, the vehicle has been lawfully required to stop it but has failed to do so,

any police constable or member of His Majesty's forces has reasonable ground for suspecting that there is to be found in the vehicle evidence of the commission of a war offence, he may search the vehicle and may seize any article found therein which he has reasonable ground for believing to be evidence of the commission of such an offence.

(3) In this regulation the expression "road vehicle" means any vehicle designed or adapted for use on roads.

#### PART VI.

##### *Appropriation, control, forfeiture and disposition of property and of the use thereof.*

General  
control of  
industry.

**50.**—(1) A competent authority, so far as appears to that authority to be necessary in the interests of defence or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, may, subject to any general or special instructions of the Governor, by order provide—

(a) for regulating or prohibiting the production, treatment, keeping, storage, movement, transport, distribution, sale, purchase, use or consumption of articles of any description, and, in particular, for controlling the prices at which such articles may be sold;

(b) for regulating the carrying on of any undertaking engaged in essential work, and, in particular, for controlling the charges which may be made by the undertakers in respect of the doing of any work by them;

(c) for requiring persons carrying on, or employed in connexion with, any trade or business specified in the order to produce to such authority or person as may be so specified

any books, accounts or other documents relating to that trade or business, and for requiring any persons to furnish to such authority or person as may be specified in the order such estimates or returns as the competent authority may require;

(d) for any incidental and supplementary matters for which the competent authority thinks it expedient for the purposes of the order to provide, including, in particular, the entering and inspection of premises to which the order relates by persons authorized in that behalf by the competent authority, with a view to securing compliance with the order; and an order under this regulation may prohibit the doing of anything regulated by the order except under the authority of a licence granted by such authority or person as may be specified in the order, and may be made so as to apply either to undertakings generally or to any particular person or undertaking or class of persons or undertakings, and either to the whole or to any part of any undertakings, and so as to have effect either throughout this Colony or in any particular area therein.

(2) Where the right to make charges in connexion with the carrying on of any undertaking with respect to which an order may be made under this regulation is limited by law, any order so made in relation to that undertaking may authorize the undertakers to make in that connexion charges in excess of, or in addition to, those which they would otherwise be authorized to make.

(3) A competent authority, if it appears to that authority to be necessary so to do in the interests of public safety, defence or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community may, subject to any general or special instructions of the Governor, carry on the whole or any part of any existing undertaking, or authorize a person to carry on the whole or any part of the undertaking, in accordance with any instructions of the competent authority; and while by virtue of this paragraph a competent authority or a person so authorized is carrying on the whole or any part of an undertaking—

(a) the said authority or person shall be deemed to be acting as the agent of the undertakers, except that the undertakers shall not have any right to control the carrying on of the undertaking or part of the undertaking; and

(b) the undertakers shall not be bound, or, as the case may be, shall not in respect of such matters as may be specified by order of the competent authority be bound, by any obligation or limitation imposed on them by or by virtue of any Ordinance or other instrument determining their functions.

(4) In this regulation—

(a) the expression “essential work” means work appearing to the competent authority to be essential for defence or the efficient prosecution of the war or to be essential to the life of the community; and

(b) the expression “undertaking” means any public utility undertaking or any industrial or commercial enterprise, and the expression “undertakers,” in relation to any such enterprise, means the person by whom it is carried on;

and any reference in this regulation to articles shall be construed as including a reference to substances, vehicles, vessels or animals.

Power to  
do work  
on land.

**51.**—(1) Any member of His Majesty's forces acting in the course of his duty as such, and any person authorized by a competent authority to act under this regulation, may, for any purpose connected with defence, the prosecution of the war, the securing of the public safety or the maintenance of supplies and services essential to the life of the community, do any work on any land or place anything in, on or over any land.

(2) A competent authority, if it appears to that authority to be necessary or expedient so to do in the interests of public safety, defence, the efficient prosecution of the war or the maintenance of supplies and services essential to the life of the community, may by order provide for prohibiting or restricting the doing on any particular land of any such work as may be specified in the order.

(3) No person (other than a servant of His Majesty or police constable acting in the course of his duty as such) shall, except with permission granted by or on behalf of a competent authority, remove, alter or tamper with any work done, or thing placed in, on or over any land in pursuance of this regulation.

(4) For the purpose of this regulation, the doing of work shall, in relation to any land, be deemed to include the demolition, pulling down, destruction or rendering useless of anything placed in, on or over that land, the maintenance of any work or thing in, on or over the land, and the removal from the land of anything so placed, demolished or pulled down in pursuance of this regulation.

Taking  
possession  
of land.

**52.**—(1) A competent authority, if it appears to that authority to be necessary or expedient so to do in the interests of public safety, defence or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, may take possession of any land, and may give such directions as appear to the competent authority to be necessary or expedient in connexion with taking possession of that land.

(2) While any land is in the possession of a competent authority by virtue of this regulation, the land may, notwithstanding any restriction imposed on the use thereof (whether by any Ordinance or other instrument or otherwise), be used by, or under the authority of, the competent authority for such purpose, and in such manner, as that authority thinks expedient in the interests of public safety, defence or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community; and the competent authority, so far as appears to it to be necessary or expedient in connexion with the taking of possession or use of the land in pursuance of this paragraph—

(a) may do, or authorize persons using the land as aforesaid to do, in relation to the land, anything which any person having an interest in the land would be entitled to do by virtue of that interest, and

(b) may by order provide for prohibiting or restricting the exercise of rights of way over the land, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in land or otherwise.

(3) The owner or occupier of any land shall, if requested by or on behalf of a competent authority so to do, furnish to such authority or person as may be specified in the request such information in his possession relating to the land (being information which may reasonably be demanded of him in connexion with the execution of this regulation) as may be so specified.

**53.** Without prejudice to any other of these regulations, the Governor may by order authorize, subject to any restrictions and conditions imposed by the order, the use of any land specified therein for military purposes, for air force purposes or for any of the purposes of His Majesty's navy, as the case may be, during such period as may be specified in the order; and any such order may, so far as appears to the Governor to be necessary or expedient for the purposes thereof, provide—

Use of land for purposes of H.M. forces.

(a) for entitling persons using any land in pursuance of the order to do such acts in relation to that land as may be specified in the order, and

(b) for prohibiting or restricting the exercise of rights of way over that land, and of other rights relating thereto which are enjoyed by any person, whether by virtue of an interest in land or otherwise.

**54.** Any member of His Majesty's forces acting in the course of his duty as such, and any person authorized by a competent authority to act under this regulation—

Entry and inspection of land.

(1) may enter on any land for the purpose of exercising any of the powers conferred in relation to that land by regulations 55, 56 and 57;

(2) may enter and inspect any land for the purpose of determining whether, and, if so, in what manner, any of those powers are to be exercised in relation to the land; and

(3) may, for any purpose connected with defence, the prosecution of the war, the securing of the public safety or the maintenance of supplies and services essential to the life of the community, pass (with or without animals or vehicles) over any land.

**55.—**(1) Subject as hereinafter provided, the Governor, if it appears to him to be necessary or expedient so to do in the interests of public safety, defence or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, may by order provide for the requisitioning of—

Requisitioning of property other than land.

(a) any property other than land situated in this Colony;

(b) any article on board any vessel or aircraft for the time being within this Colony or the territorial waters thereof; and

(c) any ship or aircraft registered in this Colony, wherever it may be;

and may give such directions as appear to him to be necessary or expedient in connexion with the requisitioning:

Provided that this regulation shall not authorize the requisitioning of anything on board a United Kingdom or Dominion ship or aircraft.

(2) Where the Governor requisitions any property (including a ship or aircraft) under this regulation, he may use or deal with, or authorize the use of or dealing with, the property for such purpose and in such manner as he thinks expedient in the interests of public safety, defence or the efficient prosecution of the war, or for maintaining supplies and services essential to the life of the community, and may hold, or sell or otherwise dispose of, the property as if he were the owner thereof.

(3) The Governor, if it appears to him to be necessary for the effectual exercise of his powers under paragraph (1) of this regulation so to do, may, by order made as respects the whole of this Colony or any part thereof—

(a) direct that no person who, at the time when the order takes effect, has in his possession or under his control, at any premises in the area to which the order relates, any such articles as may be described in the order, shall remove the articles, or cause or permit them to be removed, from the premises until the removal of the articles therefrom is permitted by such authority or person as may be specified in the order;

(b) require the owner or occupier of any premises in the said area to send to such authority or person as may be specified in the order a written declaration stating or estimating whether or not, on such date as may be specified in the order, any such articles as aforesaid were or will be on the premises, and, if so, the number or quantity of those articles which was or will be on the premises on that date, according as the order may direct.

(4) An order under this regulation may authorize any person, or any class of person, to perform such functions in connexion with the requisitioning, and may contain such directions, as appear to the Governor to be necessary or expedient.

Power to require storing, cooling, etc., services.

**56.** The Governor may require any person who carries on the business of storing, cooling, transporting or distributing goods of any description to afford similar services in relation to the storage, cooling, transport or distribution of goods for the purpose of any of His Majesty's forces.

Power to require water and power services.

**57.** The Governor may require any company, authority or person supplying or authorized to supply water, light, heat or power, or supply water, light, heat or power to any building, premises or camp belonging to or used for the purposes of any of His Majesty's forces or any essential services and to carry out such work and render such services in connexion with such supply as may be directed by the Governor.

Derelict articles.

**58.—(1)** Whenever any person finds an article as to which he has reasonable cause to believe that it has been lost or abandoned, and that, immediately before being lost or abandoned, it was used or intended to be used for the purposes of an armed force or was in the possession of a person who had it with him while serving with an armed force, the person so finding the article—

(a) shall forthwith report the nature and situation thereof, or, if the article is a document, cause it to be delivered, to some member of His Majesty's forces on duty in the neighbourhood or to a constable at a police station, and

(b) save as aforesaid, shall not remove or tamper with the article except with permission granted by the Governor:

Provided that the Governor may by order direct that the obligations and restrictions imposed by this regulation shall not apply in relation to any such description of articles as may be specified in the order.

#### PART VII

##### *Passive defence measures and lighting restrictions.*

59.—(1) The Governor may, if it appears to him to be necessary or expedient so to do for the purpose of meeting any actual or apprehended attack by the enemy or of protecting persons and property from the dangers involved in such attack, make, as respects any area in this Colony, either or both of the following orders, that is to say—

Evacuation  
of areas.

(a) an order directing that after such time as may be specified in the order, no person, vehicle or vessel other than a person, vehicle or vessel of such a class as may be so specified shall be in that area without the permission of such authority or person as may be so specified;

(b) an order directing that any such animals or things in that area as may be specified in the order shall, by such time as may be so specified, be removed from that area or, if they cannot reasonably be so removed before that time, be destroyed or rendered useless so far as practicable, and that after that time no such things or animals shall be brought into the area except under such permission as aforesaid.

(2) An order made under paragraph (1) of this regulation for the removal of persons or property from any area—

(a) may prescribe the routes by which persons or property, or any particular classes of persons or property, are to leave or be removed from the area;

(b) may prescribe different times as the times by or at which different classes of persons or property in the area are to leave or be removed therefrom;

(c) may prescribe the places to which persons are to proceed on leaving that area in compliance with the order;

(d) may make different provision in relation to different parts of the area.

and may contain such other incidental and supplementary provisions as appear to the Governor to be necessary or expedient for the purposes of the order.

(3) Where an order is made under this regulation requiring the removal of any animals or things from any area by a specified time, the Governor may, while the order is in force, cause those animals or things, or any of them, to be removed from the area, if the Governor is satisfied that such action is the most effectual means of securing compliance with the order; and if any person or any animal or thing is in any area in contravention of an order made under this regulation, then (without prejudice to any proceedings which may be taken in respect of the offence) he or it may be removed from that area by, or under the direction of, any authorized officer.

(4) If any order made under this regulation is contravened or not complied with in the case of any animal or thing, the person in charge thereof shall be guilty of an offence against this regulation.

Accommodation for persons who leave places exposed to attack, or are otherwise rendered homeless.

**60.**—(1) If the Governor is satisfied that it is necessary that special steps should be taken to provide accommodation for persons who have left or are likely to leave their homes in consequence of or in apprehension of attacks by the enemy, or who have become homeless in consequence of such attacks, he may appoint or authorize the appointment of persons to act under this regulation subject to any general or special instructions of the Governor; and any person acting in pursuance of an appointment under this paragraph may require the occupier of any premises to provide, subject to the following provisions of this regulation, accommodation in those premises for such persons as the person so acting may assign thereto.

(2) The occupier of any premises shall, if requested so to do by a person acting in pursuance of an appointment under paragraph (1) of this regulation, furnish to that person such information with respect to the accommodation contained in the premises, and with respect to the persons living therein, as he may require for the purposes of this regulation.

(3) A person acting in pursuance of an appointment under paragraph (1) of this regulation may revoke the requirement made under that paragraph with respect to the provision of accommodation in any premises for any person, and may direct that that person shall not thereafter be in those premises except with the consent of the occupier.

(4) The Governor, if satisfied that it is no longer necessary that persons or any class of persons should continue to be provided under this regulation with accommodation in any particular area, may by order—

(a) revoke, as from a specified date, all requirements made under paragraph (1) of this regulation with respect to the provision of accommodation for persons or for persons of that class, as the case may be, in the said area, and

(b) direct that on and after that date no person, or, as the case may be, no person of that class, shall be in any premises in the said area to which he has been assigned under this regulation, except with the consent of the occupier of those premises.

(5) If any person contravenes or fails to comply with any requirement, direction or order made or given under this regulation, he shall be liable to a fine not exceeding one thousand dollars.

(6) In this regulation the expression “accommodation” means shelter, with reasonable access to such water supply and sanitary conveniences as are available to the occupier of the premises.

Evacuations against possible attacks.

**61.**—(1) The Governor may by order prescribe the steps which are to be taken by persons in this Colony to protect themselves against the dangers involved in an attack by the enemy, and any such order may provide that, upon the giving of any such notice or signal as may be specified in the order, any persons or classes of persons may, in such



circumstances and subject to such conditions (if any) as may be specified in the order, enter and remain in any such premises or parts of premises as may be designated in such manner, and by such authority or person, as may be so specified.

(2) No person shall—

(a) wilfully obstruct any person entering or seeking to enter any premises or part of any premises in accordance with an order made under paragraph (1) of this regulation; or

(b) eject from any premises or part of any premises any person who is entitled to be therein by virtue of such an order.

(3) The Governor may by order prohibit or restrict, or enable an officer of police to prohibit or restrict, assemblies of persons in any area in this Colony, either generally or for particular purposes, in so far as such prohibition or restriction appears to the Governor or the officer of police, as the case may be, to be necessary in order to minimize the risk of loss of life or personal injuries being caused in that area in consequence of any attack by the enemy; and any officer of police may take such steps, and use such force, as may be reasonably necessary to secure compliance with any order under this paragraph.

**62.**—(1) Where, as respects any premises, it appears to an authorized officer that by reason of the fact—

Damage to premises, and contamination by gas.

(a) that substantial damage has occurred in those premises; or

(b) that works of demolition or construction are being, or are about to be, executed in the premises; or

(c) that, in consequence of hostile action, the premises are contaminated by any lethal gas or other noxious substance,

it is expedient in the interests of public safety, defence or the maintenance of public order so to do, the said officer or person may take, or authorize the taking of, such steps, and give such directions, as he thinks necessary for the purpose of the protection of persons and property in, or in the vicinity of, those premises; and for the avoidance of doubt it is hereby declared that the powers conferred in relation to any premises by this regulation include powers to stop up, and to prohibit or restrict the use of, any highway, and to prohibit or restrict the occupation of premises, so far as may be necessary for the said purpose.

(2) An authorized officer may, if satisfied with respect to any chattel that, in consequence of hostile action, the chattel is contaminated by any lethal gas or other noxious substance, and that in order to prevent danger to life or health being occasioned thereby it is necessary so to do—

(a) cause to be taken in relation to the chattel all such steps as he thinks necessary to render it free from the contamination, or

(b) if he is satisfied that it is not reasonably practicable so to render the chattel free from the contamination, cause the chattel to be destroyed.

Measures  
for dealing  
with out-  
breaks of  
fire.

**63.** In the event of any outbreak of fire the person having control of the operations for the extinction of the fire, and any person authorized by the Governor to act under this regulation, may take or authorize the taking of such steps, and give such directions, as appear to that person to be necessary for preventing the spread of the fire; and the steps which may be so taken include entering upon land and the destruction or removal of anything in, on or over any land.

Control of  
lights and  
sounds.

**64.**—(1) The Governor may by order provide—

(a) for prohibiting or regulating the display of lights of any such description as may be specified in the order;

(b) for securing that, in such circumstances as may be specified in the order, indication of the position of such premises and places, and warning of the presence of such vehicles or vessels, as may be specified in the order shall be given by means of such lights as may be prescribed by the order, and for prescribing the manner in which any apparatus used for the purpose of exhibiting such lights is to be constructed, installed and used;

(c) for prohibiting or regulating the use of roads by any particular class of traffic, so far as appears to the Governor to be necessary for avoiding danger consequent on compliance with any provisions of an order under this regulation which relate to the lighting of roads or of vehicles on roads;

(d) for prohibiting or regulating such activities as may be specified in the order, being activities which, by reason of their consisting of or involving the emission of flames, sparks or glare or the making of noise, might, in the opinion of the Governor, serve to convey information useful to the enemy or otherwise interfere with measures taken for defence or in the interests of the public safety.

Any such order may be made so as to apply either throughout this Colony or to any area or premises therein, may make different provision as respects different classes of premises, vehicles or vessels, may provide for exempting any premises, vehicles or vessels (either absolutely or conditionally) from the operation of any of the provisions of the order, and may contain such incidental and supplementary provisions as appear to the Governor to be necessary or expedient for the purposes of the order.

(2) If any order made under this regulation is contravened or not complied with in the case of any premises, vehicle or vessel, any police constable or air raid warden or any member of His Majesty's forces may enter the premises or board the vehicle or vessel and take in relation thereto all such steps as may be reasonably necessary for the enforcement of the order, and (without prejudice to any proceedings which may be taken against any other person) the occupier of the premises, the person in charge of the vehicle, or the master of the vessel, as the case may be, shall be guilty of an offence against this regulation:

Provided that, in any proceedings which, by virtue of this paragraph are taken against any person in respect of a contravention of, or non-compliance with, such an order on the part of another person, it shall be a defence for the defendant to prove that the contravention occurred without his knowledge and that he exercised all due diligence to secure compliance with the order.

65.—(1) Where there is found in the district of a sanitary authority any dead body which there is reason to believe is the body of a person who has died in consequence of war operations, then, notwithstanding anything in any Ordinance, the sanitary authority shall, unless it is satisfied that adequate arrangements have been otherwise made for the collection and interment of the body, itself provide for the collection and interment thereof.

Deaths occurring in consequence of war operations.

(2) Section 16 of the Births and Deaths Registration Ordinance, 1934, (which provides that the body of a deceased person shall not be disposed of without either the certificate of the registrar of deaths or an order of a magistrate), shall not apply in relation to any disposal of a dead body effected in pursuance of this regulation.

Ordinance No. 21 of 1934.

(3) No person who, apart from this regulation, would be required to give any information concerning a death to a magistrate shall be obliged so to give that information, if that person has reasonable cause to believe that the death occurred in consequence of war operations; and, except in any particular case in which the Governor otherwise directs, a magistrate shall not be obliged or authorized to take any action in relation to any death concerning which information need not, by virtue of this regulation, be given to a magistrate.

(4) The enactments relating to the registration of deaths shall have effect as if the information thereby required to be given to a registrar concerning the death of any person included, in a case where the informant has reasonable cause to believe that the death occurred in consequence of war operations, a statement that the death so occurred.

(5) The enactments relating to the registration of deaths shall, in relation to any case in which the person causing a dead body to be buried is a sanitary authority, and the officer or servant of the sanitary authority who is responsible for the burial has reasonable cause to believe that the death occurred in consequence of war operations, have effect as if the class of persons required by those enactments to give information concerning the death to a registrar included the said officer or servant; and the duty imposed by the said enactments, as amended by this regulation, to give any information concerning the death to a registrar and to attend before the registrar and sign the register shall, in that case, be deemed to have been discharged by the said officer or servant if, within the time limited for the giving of that information, he sends the information to the registrar.

(6) Where, in accordance with the enactments relating to the registration of deaths, as amended by this regulation, there is given to a registrar any information concerning a death which includes a statement that the death occurred in consequence of war operations, the registrar shall, subject to any such general or special directions as may be given by the Registrar General of Births and Deaths for determining the manner in which a death so occurring is to be registered, register the death forthwith in the manner directed by the said enactments.

(7) In this regulation—

(a) “war operations” means operations of the armed forces of the enemy, or operations of any of His Majesty’s forces while in action against the enemy or while acting in

the course of their duty upon any warning of the imminence of an attack by the enemy;

(b) "sanitary authority" means, as respects the island of Hong Kong, Kowloon and New Kowloon, the Chairman of the Urban Council, and as respects any other part of the Colony, the officer in charge of the police station of the district in which a body is found;

(c) "body" includes part of a body.

Hospitals  
and  
ambulances.

**63.**—(1) As respects any hospital, the Director of Medical Services and any person authorized by him to act under this regulation may give such directions with respect to the management and use of the hospital as the Director thinks necessary for securing that proper hospital treatment is readily available for persons in this Colony who are suffering from any injury, disease or incapacity in consequence of war operations, or who leave their homes in consequence of, or in apprehension of, attacks by the enemy; and the Director of Medical Services may by order relax any obligation or limitation which by, or by virtue of, any Ordinance or other instrument determining the functions, is imposed on the persons having the management, of the hospital.

(2) With a view to ascertaining whether any directions given under this regulation in relation to a hospital are complied with, any person authorized in that behalf by the Director of Medical Services may at any time enter and inspect any premises used for the purposes of the hospital.

(3) Any person concerned in, or employed in connexion with, the management of a hospital shall, if requested by or on behalf of the Director of Medical Services so to do, furnish such information relating to the hospital as the Director considers it necessary for the purposes of this regulation to obtain.

(4) Paragraphs (1) to (3) of this regulation shall apply in relation to any ambulance service, not being a service maintained for the purposes of any police force or fire brigade, as they apply in relation to a hospital.

(5) The Director of Medical Services, if it appears to him necessary so to do for securing that proper hospital treatment is readily available for persons in this Colony who are suffering from any injury, disease or incapacity in consequence of war operations, or who leave their homes in consequence of, or in apprehension of, attacks by the enemy, may manage any hospital or authorize a person to manage it in accordance with any instructions of the said Director; and while, by virtue of this paragraph, the Director of Medical Services or a person so authorized is managing any hospital—

(a) he shall be deemed to be acting as agent of the persons who would otherwise have the management of the hospital, except that those persons shall not have any right to control the management thereof; and

(b) those persons shall not be bound by any obligation or limitation imposed on them by or by virtue of any Ordinance or other instrument determining their functions.

(6) In this regulation the expression "hospital" includes any sanatorium, convalescent home, public assistance institution, mental hospital or mental deficiency institution, and any

clinic, dispensary, hospital centre or out-patients' department; and the expression "war operation" has the same meaning as in regulation No. 65.

67. The Governor may, as respects any area in this Colony, by order direct that, subject to any exemptions for which provision may be made by the order, no person in that area shall, between such hours as may be specified in the order, be out of doors except under the authority of a written permit granted by such authority or person as may be specified in the order. Curfew.

68.—(1) The Governor may by an order made as respects any area in this Colony provide, subject to any exemptions for which provision may be made by the order, for prohibiting (either absolutely or conditionally) the possession in that area of any explosive, any ammunition or any firearm or component part of a firearm; and such an order may be made either with respect to all explosives, ammunition, firearms or component parts of firearms, or with respect to any class of explosives, ammunition, firearms or component parts of firearms. Explosives,  
ammunition  
and  
firearms.

(2) Every person who, in any such area as may be specified by order of the Governor, not being an area in relation to which an order made under paragraph (1) of this regulation is in force, has in his possession or under his control any explosive, any ammunition or any firearms or component parts of firearms, shall comply with such directions for securing the safe custody thereof as may be given by the officer in charge of any police station in the district in which the explosive, ammunition, firearms or component parts is or are situate, and any such directions may require the removal of the explosive, ammunition, firearms or component parts to such place as may be specified in the directions.

If any directions given under this paragraph by an officer in charge of a police station are not complied with, then (without prejudice to any proceedings which may be taken in respect of the offence) the said officer may cause the articles to which the directions relate to be dealt with in such manner as may be necessary for securing compliance with the directions.

## PART VIII.

### *General and supplementary.*

69.—(1) The competent authority, if he considers it desirable for the exercise of any of his powers under Parts V and VI of these regulations that an inquiry should be held into any particular matter, may direct the holding of an inquiry into that matter by such person and at such place as the authority may determine. Inquiries.

(2) For the purposes of any inquiry held in pursuance of this regulation, the person appointed to hold the inquiry may by summons require any person to attend, at such time and place as is specified in the summons, to give evidence or to produce any documents in his custody or under his control which relate to any matter in question at the inquiry, and may take evidence on oath, and for that purpose administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined.

(3) Every person who refuses or wilfully neglects to attend in obedience to a summons issued under this regulation, or to give evidence, or who wilfully alters, suppresses, conceals, destroys or refuses to produce any book or other document which he may be required to produce for the purpose of such an inquiry, shall be guilty of an offence against this regulation.

Power to  
arrest with-  
out warrant.

**71.** Any police constable, any member of His Majesty's forces acting in the course of his duty as such, and any person authorized by the Governor to act under this regulation may arrest without warrant any person whom he has reasonable ground for suspecting to have committed a war offence.

Identifica-  
tion of  
persons in  
custody.

**72.**—(1) The Governor may make rules authorizing the taking, in relation to any person in custody whom the proper officer of police has reasonable grounds for suspecting to have committed a war offence, of all such steps as may be reasonably necessary for photographing, measuring and otherwise identifying that person in such manner as may be prescribed by the rules.

(2) Rules made under this regulation shall make provision for securing—

(a) that no photograph of a person taken in pursuance of the powers conferred by this regulation shall be published, except for the purpose of tracing that person, and that no copy of any such photograph shall be shown to any person except a person officially authorized to see it; and

(b) that all photographs (both negatives and copies), and all documents relating to the measurement and identification of any person taken or made in pursuance of the said powers shall, unless that person has been convicted of a war offence, be destroyed as soon as may be after the expiration of the Emergency Powers (Defence) Act, 1939.

(3) In this regulation, "the proper officer of police" means any officer of police being of a rank not lower than that of lance-sergeant, or being in charge of a police station.

Power to  
obtain in-  
formation.

**73.**—(1) Without prejudice to any special provisions contained in these regulations, any person shall, on being requested by or on behalf of a competent authority so to do, furnish or produce to such authority or person as may be specified in the request any such information or article in his possession as may be so specified, being information or an article which the competent authority considers it necessary or expedient in the interests of public safety, defence or the efficient prosecution of the war to obtain or examine; and if any person fails to furnish or produce any information or article in his possession in pursuance of a request duly made to him under this regulation he shall be guilty of an offence against this regulation.

(2) A prosecution in respect of an offence against this regulation shall not be instituted except by, or with the consent of, the Attorney General.

**74.** Any authorized officer may, for any purpose connected with defence, the prosecution of the war, the securing of the public safety, or the maintenance of supplies and services essential to the life of the community, affix any notice to, or cause any notice to be displayed on, any premises, vehicle or vessel, and may, for the purpose of exercising any power conferred by this regulation, enter any premises at any time; and where any authorized officer affixes a notice, or causes a notice to be displayed, in pursuance of this regulation, no person other than an authorized officer shall remove, alter, deface or obliterate the notice.

Affixing of notices.

**75.** If any person—

False statements.

(1) in answer to any request made in pursuance of any of these regulations, or any order made under any of these regulations, makes any statement, or furnishes any information, which he knows or has reasonable cause to believe to be false in a material particular, or

(2) makes such a statement as aforesaid in any account, declaration, estimate, return or other document which he is required by an order under any of these regulations to make,

he shall be guilty of an offence against that regulation.

**76.** No person shall obstruct any servant of His Majesty, a police constable acting in the course of his duty as such, or any person exercising any powers, or performing any duties, conferred or imposed on him by or under any of these regulations, or otherwise discharging any lawful functions in connexion with defence or the securing of the public safety.

Obstruction.

**77.** No person who obtains any information by virtue of these regulations shall, otherwise than in connexion with the execution of these regulations or of an order, rule or by-law made under these regulations, disclose that information except with permission granted by the Governor.

Restrictions on disclosing information.

**78.**—(1) Any person claiming to be the holder of any permit, licence or written permission granted or issued for the purposes of any of these regulations shall, on demand made in that behalf by any police constable or by any authorized officer, produced the permit, licence or permission, as the case may be, to the person making the demand.

Licences, permits, etc.

(2) If, with intent to deceive, any person alters or uses, or lends to, or allows to be used by any other person, a permit, licence or written permission granted or issued for the purposes of any of these regulations, or makes or has in his possession any document so closely resembling such a permit, licence or permission as to be calculated to deceive, he shall be guilty of an offence against this regulation.

(3) Any licence, permit or permission granted for the purposes of any of these regulations may be revoked at any time by the authority or person empowered to grant it.

**79.** There may be charged in respect of the grant, renewal or issue of any licence, permit or other document for the purposes of any of these regulations, or any order made under any of these regulations, such fee, not exceeding one hundred dollars, as the Governor may by order determine.

Fees for licences, etc.

Billeting.

**80.**—(1) A competent authority may cause to be served upon the occupier of any premises a written notice (hereinafter referred to as “a billeting notice”), requiring the occupier of those premises to furnish therein, until further notice or during such period as may be specified in the billeting notice, according as that notice may direct, accommodation (by way of lodging or food or both, and either with or without attendance, according as the notice may direct) for such number of persons as may be so specified, being either persons in the service of His Majesty or persons who are in the service of a local authority and are engaged in the performance of essential services.

Every billeting notice must, in order to be of any effect for the purposes of this regulation, define by reference to the particular service or services in which they are engaged the persons for whom accommodation is required by the notice.

(2) The lodging or food to be furnished in accordance with a billeting notice, and the price to be paid in respect of any accommodation so furnished in any premises shall be such, and shall be paid to the occupier of the premises by such authority, as may be determined by order of the Governor.

(3) If the occupier of any premises feels aggrieved by the requirements of any billeting notice, he may, within fourteen days from the beginning of the day on which the notice is served on him, complain to a magistrate, and thereupon the magistrate, if satisfied that the furnishing of accommodation in accordance with the notice would otherwise impose an undue burden upon the occupier, may by order annul the notice or direct that it shall have effect subject to such modifications as may be specified in the order.

(4) The penalty to which a person guilty of an offence under this regulation shall be liable shall be a fine not exceeding one thousand dollars.

Power to enter and search premises.

**81.**—(1) If a magistrate is satisfied by information on oath that there is reasonable ground for suspecting that a war offence has been or is being committed, and that evidence of the commission of the offence is to be found at any premises specified in the information, he may grant a search warrant authorizing any officer of police or any commissioned officer in His Majesty's forces, together with any other persons named in the warrant and any other police constables or members of His Majesty's forces, to enter the premises at any time or times within one month from the date of the warrant, if necessary by force, and to search the premises and every person found therein, and to seize any article found in the premises or on any such person which the officer has reasonable ground for believing to be evidence of the commission of such an offence as aforesaid.

(2) If, with respect to any premises, any European officer of police of a rank not lower than that of assistant superintendent, or any person authorized by the Governor to act under this paragraph, has reasonable ground for suspecting that a war offence has been or is being committed, and that evidence of the commission of the offence is to be found at those premises, and is satisfied—



(a) that it is essential in the public interest that the premises should be searched for the purpose of obtaining that evidence, and

(b) that the evidence is not likely to be found at the premises unless they are searched forthwith,

the said officer or person may, by a written order under his hand, confer the like powers of search and seizure in relation to the premises as might be conferred under paragraph (1) of this regulation by the warrant of a magistrate.

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

**82.**—(1) Without prejudice to the operation of section 37 of the Magistrates Ordinance, 1932, and section 7 of the Accessories and Abettors Ordinance, 1929, any person who attempts to commit, or does any act preparatory to the commission of, an offence against any of these regulations, shall be deemed to be guilty of an offence against that regulation.

Attempts to commit offences, and assisting offenders.  
Ordinance No. 41 of 1932.  
Ordinance No. 14 of 1929.

(2) No person, knowing or having reasonable cause to believe that another person is guilty of an offence against any of these regulations, shall give that other person any assistance with intent thereby to prevent, hinder or interfere with the apprehension, trial or punishment of that person for the said offence.

**83.** Where a person convicted of an offence against any of these regulations is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

Offences by corporations.

**84.** If any person contravenes or fails to comply with any of these regulations, or any order or rule made under any of these regulations or any direction given or requirement imposed under any of these regulations, he shall be guilty of an offence against that regulation; and, subject to any special provisions contained in these regulations, a person guilty of an offence against any of these regulations shall—

Penalties.

(1) on summary conviction, be liable to imprisonment for a term not exceeding three months or to a fine not exceeding two thousand dollars, or to both such imprisonment and such fine, or

(2) on conviction on indictment, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding ten thousand dollars, or to both such imprisonment and such fine.

**86.**—(1) Any article coming into the possession of an executive authority (whether in consequence of the seizure of the article under any of these regulations or otherwise) which the authority has reasonable ground for believing to be evidence of the commission of a war offence, may be retained for a period of one month or, if within that period there are commenced proceedings in respect of such an

Disposal of articles in possession of executive authorities.

offence in which the article is, or can properly be, adduced in evidence, or proceedings under the following provisions of this regulation in respect of the article, until the final determination of those proceedings: and any article retained by virtue of this regulation is hereafter in this regulation referred to as "a retained article."

(2) Where proceedings are taken in respect of a war offence, being proceedings in which a retained article is, or can properly be, adduced in evidence, the court or magistrate by or before which or whom the alleged offender is tried may make an order—

(a) authorizing the destruction or disposal of the article, or

(b) authorizing the further retention of the article until such date as may be specified in the order:

and any such order authorizing the destruction of a document may be made so as to extend to all copies of that document which at the time of the making of the order are in, or which subsequently come into, the possession of an executive authority in any part of this Colony.

(3) Without prejudice to the operation of paragraph (2) of this regulation, a magistrate upon complaint made in respect of a retained article by an executive authority, may, after giving to the person (if any) claiming, or appearing to the magistrate, to be the owner of the article an opportunity of being heard, make such an order in respect of the article as is authorized by paragraph (2) of this regulation.

(4) A magistrate shall not make an order under this regulation unless he is satisfied that it is necessary so to do in the interests of public safety, defence or the efficient prosecution of the war.

(5) Where an order is made under this regulation authorizing the further retention of an article, paragraph (1) of this regulation shall, in relation to that article, have effect as if the period first mentioned in that paragraph were a period ending on the date until which the article is authorized by the order to be retained; and the making by a magistrate of such an order in respect of any article shall not be taken to preclude him or any other magistrate or the Supreme Court from subsequently exercising, in relation to that article, any jurisdiction conferred on such court or magistrate by paragraph (2) or paragraph (3) of this regulation.

(6) Where, in the course of any proceedings for an offence, an order is made under paragraph (2) of this regulation, the court hearing any appeal in the matter of those proceedings may vary or annul the order.

(7) Where an order is made under paragraph (3) of this regulation, any person aggrieved by the order who appeared on the hearing of the application in relation to which the order is made may appeal against the order to the Supreme Court, and for the purposes of this paragraph and of the enactments relating to such an appeal, a refusal to make an order shall be deemed to be an order.

(8) Where an order is made under this regulation authorizing the destruction or disposal of an article, the article shall not be destroyed or disposed of, as the case may be, until the final determination of the proceedings in which the order is made.

(9) Subject to the preceding provisions of this regulation, section 43 of the Magistrates Ordinance, 1932, shall apply to any article coming into the possession of an executive authority which the authority has reasonable ground for believing to be evidence of the commission of a war offence, as it applies to property coming into the possession of the police in the circumstances mentioned in that section, and, in relation to any such article, shall have effect as if the reference in that section to an officer of police included a reference to an executive authority (whether a police constable or not).

Ordinance  
No. 41 of  
1932.

(10) For the purposes of this regulation, any proceedings shall be deemed not to have been finally determined so long as there is pending any appeal in the matter of the proceedings, and an appeal in that matter shall be deemed to be pending during the ordinary time within which such an appeal may be lodged, and if such an appeal is duly lodged, the appeal shall be deemed to be pending until it is decided or withdrawn.

(11) For the purposes of this regulation, any authority, police constable or other person whatsoever having functions in connexion with the execution of these regulations shall be deemed to be an executive authority.

(12) Nothing in this regulation shall be taken to prejudice any right to retain property which may exist in law apart from the provisions of this regulation.

**87.** Where any work is done in the exercise of powers conferred by any of these regulations, then, if and so far as the work was work which, apart from the provisions of these regulations, some person was under a duty to do or might have been required to do, but which he had failed without reasonable excuse to do, the amount of any expenses reasonably incurred in connexion with the doing of the said work shall be a debt due from that person to the Crown.

Recovery of  
expenses.

**88.** A provision made in, or a direction or determination made or given in pursuance of, any of these regulations or any order under these regulations, and purporting to confer or impose on any person or class of persons any powers or duties for the purposes of the regulation or of the order, shall not be taken to be invalid or of no effect by reason only that that person or class of persons is, or consists of or comprises, a body or bodies constituted by or under an Ordinance; and any such body corporate to whom any functions are entrusted under or by virtue of these regulations shall have power to discharge those functions, notwithstanding any limitation or restriction which, apart from these regulations, is imposed by any Ordinance or other instrument determining the functions of that body.

Entrusting  
of functions  
to statutory  
bodies.

**89.** When any order is made under the provisions of these regulations, the Governor, or other authority issuing the order, shall cause notice of the effect of such order to be given as soon as may be in such manner as he thinks necessary for bringing it to the notice of all persons who in his opinion ought to have notice of the order.

Publicity  
for orders.

Service of notices.

90. Without prejudice to any special provisions contained in these regulations, a notice to be served on any person for the purposes of any of these regulations may be served by sending it by post in a letter addressed to that person at his last or usual place of abode or place of business.

Revocation and variation of orders, etc.

91. Any power conferred by any of these regulations to make any order or rules shall be construed as including a power, exercisable in the like manner and subject to the like conditions, if any, to revoke or vary the order or rules.

Powers of Governor.

92. The powers conferred by these regulations shall be in addition to and not in derogation of any other rights or powers vested in the Governor, or conferred by law on any other authority or person.

Liability for offences.

93. Nothing in these regulations shall affect the liability of any person to trial and punishment for any offence otherwise than in accordance with these regulations:

Provided that no person shall be punished twice for the same act or omission.

Published by His Excellency's Command.

R. A. C. NORTH,  
*Colonial Secretary.*

25th June, 1940.