

No. 446.

## THE EMERGENCY POWERS (DEFENCE) ACTS, 1939 AND 1940.

a. 44/204.

## REGULATIONS MADE BY THE GOVERNOR.

W. D. BATTERSHILL,  
Governor.

I, the Governor, in exercise of the powers conferred by the Emergency Powers (Defence) Acts, 1939 and 1940, as extended to the Colony by the Emergency Powers (Colonial Defence) Order in Council, 1939, and the Emergency Powers (Colonial Defence) (Amendment) Order in Council, 1940, do hereby make the following regulations:—

1. These regulations may be cited as the Defence (Amendment No. 4) Regulations, 1940, and shall be read as one with the Defence Regulations, 1940 to (No. 3) 1940, (hereinafter referred to as "the principal Regulations"), and the principal Regulations and these regulations may together be cited as the Defence Regulations, 1940 to (No. 4) 1940.

Citation.

Gazette :  
Supplement  
No. 3 :  
3.6.1940  
7.8.1940  
23.8.1940  
9.10.1940

2. Regulation 35 of the principal Regulations shall be revoked and the following regulation substituted therefor:—

Substitution  
of new regula-  
tion 35.

"Death 35. If, with intent to help the enemy, any person does, or attempts penalty for or conspires with any other person to do, any act which is designed treachery. or likely to give assistance to the naval, military or air operations of the enemy, to impede such operations of His Majesty's Forces, or to endanger life, he shall be guilty of felony and shall on conviction suffer death."

3. The following regulation shall be inserted in the principal Regulations immediately after regulation 49 thereof:—

Insertion of  
new regula-  
tion 49A.

"Control of 49A.—(1) The Competent Authority, if it appears to that authority ships and aircraft. to be necessary or expedient so to do in the interest of the public safety, the defence of the realm or the efficient prosecution of the war or for maintaining supplies and services essential to the life of the community, may give directions—

(a) as respects any class of ships or aircraft in the Colony, that no ship or aircraft of that class shall leave any port or place in the Colony at which it may be;

(b) as respects any particular ship or aircraft at any port or place in the Colony, that ship or aircraft shall not leave that port or place, except with permission granted by such authority or person as may be specified in the directions.

(2) If any ship or aircraft leaves or attempts to leave any port or place in contravention of any directions given by the Competent Authority, the master of the ship or the pilot of the aircraft shall be guilty of an offence.

(3) An authorized officer may, in relation to any ship or aircraft, take such steps, and use such force, as may appear to such officer to be reasonably necessary for securing compliance with any directions under this regulation relating 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."

4. Regulation 52 of the principal Regulations shall be revoked and the following regulation substituted therefor:—

Substitution  
of new regula-  
tion 52.

"Desertion 52.—(1) No person lawfully engaged to serve on board any ship from ships, to which this regulation applies shall— etc. etc.

(a) neglect or refuse without reasonable cause to join his ship or to proceed to sea in his ship; or

(b) desert or be absent without leave from his ship; or

(c) be absent without leave from his duty at any time.

(2) Nothing in the foregoing provisions of this regulation shall be taken to prejudice the provisions of section 221 of the Merchant Shipping Act, 1894, relating to forfeiture of effects or wages for desertion or absence without leave.

(3) Where an authorized officer has reason to believe that any person has contravened the provisions of paragraph (1) of this regulation, that person may be conveyed on board his ship by or under the direction of that officer.

(4) For the purpose of the last foregoing paragraph, the following persons shall be authorized officers, that is to say, the master of the ship, any mate of the ship, the person having the management of the

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ship, any police constable, any commissioned officer in His Majesty's Forces and any superintendent within the meaning of the Merchant Shipping Act, 1894.

(5) In relation to ships to which this regulation applies, the last two foregoing paragraphs shall have effect—

(a) in the case of a British ship, in substitution for the provisions of section 222 of the Merchant Shipping Act, 1894; and

(b) in the case of a ship belonging to a subject of a foreign country to which section 238 of that Act for the time being applies, in substitution for the provisions of sub-sections (2) and (3) of that section.

*New by 44/204 s. 5(a)*  
~~(6) No person lawfully engaged to serve on board any ship to which this regulation applies, shall join his ship, or be whilst on board his ship, in a state of drunkenness so that the performance of his duties or the navigation of the ship is thereby impeded.~~

(7) The ships to which this regulation applies are—

(a) every ship belonging to His Majesty and every ship, whether British or foreign, chartered or requisitioned by or on behalf of His Majesty; and

(b) every ship in respect of which there is for the time being in force a licence granted in pursuance of an order made under regulation 47 of these regulations."

Amendment  
of regulation  
61.

*44/204 s. 5(b)*

5. Regulation 61 of the principal regulations shall be amended—

(a) by the addition of the following words at the end of paragraph (1) (a) :—  
 "and for regulating or prohibiting the slaughter of animals;"

(b) by the insertion immediately after paragraph (4) of the following paragraphs :—

"(5) Where reasonable suspicion exists that a person has committed a breach of any order issued under paragraph (1) (a) hereof fixing specific maximum or minimum prices or regulating the quantity of any article that any person may have in his possession, all other articles of the same kind as that in respect of which such reasonable suspicion exists in the possession of the offender, may be seized by any officer of police or by any person appointed by the Competent Authority in that behalf and may be forfeited to the Competent Authority by order of a Court in which any offender is convicted of any such offence.

(6) The Competent Authority may, by order, if it appears to him expedient so to do, delegate to any person, subject to such limitations and directions as he may in such order provide, any of the powers conferred upon him by the provisions of paragraphs (1) and (4) hereof.

(7) Whenever any agent or servant in the course of his employment does or omits to do an act, the doing of which or omission to do which by his employer would be an offence against this regulation, such agent or servant shall be guilty of that offence, and his employer, and any person who at the time of the act or omission was in charge of the premises or business at or in respect of which the act or omission occurred, shall also be guilty of that offence unless such employer or other person, as the case may be, proves to the satisfaction of the Court that he took all reasonable means and precautions to prevent such act or omission."

(c) by re-numbering paragraph "(5)" as paragraph "(8)".

Amendment  
of paragraph  
(1) of regu-  
lation 83 of  
the principal  
Regulations.

6. Paragraph (1) of regulation 83 of the principal Regulations shall be amended by the insertion immediately after the word "war" (which appears in line seven) of the following words :—

"or for maintaining supplies and services essential to the life of the community".

Made at Nicosia, this 11th day of December, 1940.

No. 447.

THE ELEMENTARY EDUCATION LAWS, 1933 TO (No. 2) 1937.

ORDER MADE UNDER SECTION 52.

W. D. BATTERSHILL,  
Governor.

I, the Governor, in exercise of the powers conferred by section 52 of the Elementary Education Laws, 1933 to (No. 2) 1937, and on the report of the Director of Education, do hereby order that the Village Commissions for the Orthodox-Christian Schools in the villages of Pyroi and Ayios Vasilios, Nicosia District, shall erect school latrines at their villages.

Made at Nicosia, this 9th day of December, 1940.

(M.P. 1317/23/2.)