



SUPPLEMENT No. 3

TO

THE CYPRUS GAZETTE No. 2843 OF 3RD JUNE, 1940.

SUBSIDIARY LEGISLATION.

No. 210.

THE EMERGENCY POWERS (DEFENCE) ACT, 1939.

REGULATIONS MADE BY THE GOVERNOR.

W. D. BATTERSHILL,
Governor.

Amended. See p. 696 of 1940

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

PART I.—PRELIMINARY.

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*.

Citation and
date of
coming into
operation.

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

Interpreta-
tion.

“ 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 ;

“ ammunition ” means ammunition for any firearm as hereinafter defined, and includes grenades, bombs and other like missiles, whether capable of use with such a firearm or not ;

“ 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 ;

724 " "
821 " "
849 " "
13/41
157/41
209/41
315/41
324/41
364/41
33/42
54 " "
80 " "
147 " "
167 " "
205 " "
264 " "
361 " "
113 of 1943
35 of 1944
203 " "
71 " "
97 " "
219 " "
245 " "
313 " "
327 " "
45 of 1946

"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;

"explosive" has the same meaning as "explosive substance" in the Explosive Substances Law, 1939;

"firearm" has the same meaning as "firearms" in the Firearms Laws, 1933 to 1934;

"land" includes—

- (a) land covered with water;
- (b) buildings, houses and other erections, or parts thereof;
- (c) standing trees or timber or growing crops or grass.

"officer of police" means a police officer of or above the rank of 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" means a letter, post card, newspaper, book packet, pattern or sample packet, circular, legal and commercial document, packet of photographs or parcel transmitted or intended for transmission by post;

"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 Act, 1894, but shall not include a ship or vessel belonging to His Majesty;

"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 and 1920;
- (d) an offence against any of these regulations;

20 of 1939

31 of 1933

5 of 1934

11 of 1934

(e) an offence against any Order in Council or order made under Part I or section 7 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.

(4) The Interpretation Law, 1935, shall apply to the interpretation of these regulations, and of any orders or rules made thereunder, as it applies to the interpretation of a law, and for the purposes of section 11 of the said Law, these regulations and such orders and rules as aforesaid shall be deemed to be laws. 26 of 1935

(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 (Defence) Act, 1939, as extended to the Colony by the Emergency Powers (Colonial Defence) Order in Council, 1939.

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. 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.

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

(a) For the purposes of regulations 39, 40, 41, 43, 45, 46, 47, 73, 84 and 88, a person holding a commission in any of His Majesty's Forces.

(b) For the purposes of regulations 10⁴⁹ and 58, a customs officer.

44/203 J.2.

PART II.—CENSORSHIP AND THE CONTROL AND SUPPRESSION OF PUBLICATIONS, WRITINGS, MAPS, PLANS, PHOTOGRAPHS, COMMUNICATIONS, AND MEANS OF COMMUNICATION.

5. The Governor may by warrant under his hand appoint censors for the purpose of controlling and dealing with telegrams and postal packets. Power to appoint censors.

R-115/3111.

Powers of
censor of
telegrams.

R. 45/214

- 6.—(1) Any censor of telegrams shall have the powers following :—
- (a) control of the transmission of all telegrams by any telegraph company;
 - (b) power to examine every telegram sent or received to or from any place within or without the Colony and all other papers relating to any telegram;
 - (c) power to stop, eliminate any portion of, delay or alter any telegram;
 - (d) power to destroy any telegram.
- (2) This regulation shall not apply to any telegram sent or received by or on behalf of the Government, or of His Majesty's Naval, Military or Air Forces.

Powers of
censor of
postal
packets.

R. 45/214

- 7.—(1) Any censor of postal packets shall have power to detain, open, examine and if he thinks it expedient to destroy all or any postal packets addressed, or intended to be delivered through the Post Office, to any person either within or without the Colony.

(2) This regulation shall not apply to any postal packet sent or received by or on behalf of the Government or of His Majesty's Naval, Military or Air Forces.

Possession or
control of
documents,
etc., calcu-
lated to be
useful to
an enemy.

R. 45/314

8. If any person, having in his possession or under his control any document, note, photograph, sketch, plan, design, model, pattern, specimen or article (including any key or other instrument affording means of access to information) of such a nature as is calculated to be, or might be, directly or indirectly useful to an enemy in time of war—

- (a) without lawful authority destroys, makes away with, or allows any person to inspect or to be in possession of such document, note, photograph, sketch, plan, design, model, pattern, specimen or article as aforesaid; or
- (b) loses, fails to take reasonable care of, or so conducts himself as to endanger the safe custody of, such document, note, photograph, sketch, plan, design, model, pattern, specimen or article as aforesaid; or
- (c) retains such document, note, photograph, sketch, plan, design, model, pattern, specimen or article as aforesaid in his possession or control when he has no right to retain it, or when it is contrary to his duty to retain it; or
- (d) fails to comply with any directions issued by lawful authority with regard to the custody, production or the return of such document, note, photograph, sketch, plan, design, model, pattern, specimen or article as aforesaid;

he shall be guilty of an offence, and if any person without lawful authority or excuse has in his possession or under his control any document, note, photograph, sketch, plan, design, model, pattern, specimen or article as aforesaid he shall be guilty of an offence.

Power to
prohibit
despatch of
postal
packets.

R. 45/220

9.—(1) The Governor may by order, either generally or in the case of any particular persons, prohibit the despatch by post from the Colony of postal packets of any class or description specified in the order except with such permission or on such conditions as may be specified in the order. The foregoing provision shall not apply to letters and other postal correspondence, trade circulars and catalogues, bills of lading, invoices and similar trade documents, cheques, bills of exchange and other negotiable or valuable securities despatched in accordance with any Post Office Regulations for the time being in force.

(2) If any person affected by any such order fails to comply therewith or with any condition contained therein or with any conditions subject to which permission thereunder has been granted, he shall be guilty of an offence.

(3) Any person who transmits any postal packet by any indirect route or otherwise in such manner as to evade examination by a censor of postal packets shall be guilty of an offence unless he proves that he did not intend that the examination should be evaded and that the matter contained in the postal packet does not contravene the provisions of any other of these regulations and is otherwise lawful.

(4) This regulation shall be in addition to and not in derogation of the provisions of any enactment, order, proclamation or regulation respecting the export of merchandise or trading with an enemy in time of war.

10.—(1) Any person landing or embarking at any place in the Colony, and any person who by reason of his occupation or habits has special opportunities of communicating with the crews and passengers of vessels and aircraft, shall, on being required to do so by an authorized officer, make a declaration as to whether or not he is carrying or conveying any letters, written messages or memoranda or any written or printed matter (including plans, photographs and other pictorial representations), and, if so required, shall produce to the person making the requisition any such letters, messages, memoranda or written or printed matter; and an authorized officer may search any such person and any baggage with a view to ascertaining whether such person or the person to whom the baggage belongs is carrying or conveying any such letters, messages, memoranda, or written or printed matter. An authorized officer may examine any letters, messages, memoranda or written or printed matter so produced to him or found on such search, and may transmit them to a censor of postal packets who shall have power to deal with them as though they had been postal packets.

Power to require certain persons to make declarations and power to search.

R. 45/314.

(2) An authorized officer may detain and search any package received in, or intended for despatch from the Colony, and if such package contains anything which had it been a postal packet, would have been liable to censorship under these regulations, shall transmit such thing to a censor of postal packets, who shall have power to deal with such thing as though it had been a postal packet.

(3) Any person who knowingly makes any false declaration under this regulation, or on being required to produce any such letters, messages, memoranda or written or printed matter as aforesaid refuses or neglects to do so, or otherwise acts in contravention of this regulation, shall be guilty of an offence.

11. No person shall convey otherwise than by post any postal packet save and until such postal packet has been submitted to a censor of postal packets and passed for transmission by him.

Postal packets conveyed otherwise than by post.

R. 45/314.

12. Regulation 11 shall not be construed as allowing or permitting any breach of the provisions of the Post Office Laws, 1881 to 1933.

Saving.
6 of 1881
11 of 1928
4 of 1933

R. 45/314.

13.—(1) The Competent Authority may by order prohibit the making, buying, selling or possession of all or any apparatus or all or any component parts thereof for the sending or receiving of messages by wireless telegraphy, and may by such order require the surrender on demand of all or any such apparatus or all or any such component parts.

Control of wireless apparatus.

Communications
R. 45/314.

(2) The Competent Authority may by order provide for prohibiting in certain circumstances, and otherwise for regulating, the use of wireless receiving or 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:

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.

(3) An officer authorized in that behalf by the Competent Authority 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 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 vessel or aircraft, for enabling proceedings in respect of the contravention to be effectually taken.

(4) Notwithstanding anything in the Wireless Telegraphy Laws, 1913 to 1934, the Governor or the Governor in Council in his discretion may refuse to grant a licence under the said laws, and may revoke at any time a licence granted under such laws.

13A 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:

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.

15(1) 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:

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 State at war with His Majesty.

16(1) Subject to any exemptions for which provision may be made by Order of the Governor, no person shall, except with permission granted by the 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 13) shall not apply—

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

9 of 1913
4 of 1927
22 of 1934

Interference
with tele-
graphic
communica-
tions.

Signalling to
foreign
vessels or
aircraft.

Signalling
apparatus.

(b) in relation to any apparatus forming part of the equipment of a vessel or aircraft, being an apparatus which is required by 41/5733(c), (2) law to be carried therein.

17.—(1) Subject as hereinafter provided, no live pigeon shall be imported into the Colony except under the authority of a licence granted by the Competent Authority; and pigeons shall, if imported into the Colony otherwise than under the authority of such a licence, be deemed to be goods the importation of which is prohibited by an Order in Council made under the provisions of section 52 of the Customs Laws, 1936 to 1940, and the provisions of such laws shall apply accordingly :

Pigeons. C. of P.

31 of 1936
32 of 1937
21 of 1938
34 of 1938
10 of 1940

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) 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.

(4) 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.

18.—(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 the 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 subparagraph (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.

19. No person shall, in any manner likely to prejudice the defence of the Colony or the efficient prosecution of the war,—

(a) obtain,

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

(c) 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.

20. 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.

(2) and (3)

20 A.

Added by 41/158 3. 4.

Added by 41/158 3.5.

Rus/344.

R 45/344

21.—(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 the Competent Authority—

Photo-
graphy, etc.

c. of D.

- (a) have a camera with him in any place in the 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.

2.45/714

(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.

PART III.—MOVEMENTS AND ACTIVITIES OF PERSONS.

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

Restriction
of move-
ments of
suspected
persons.

- (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, that person shall not be in any such area in the Colony as may be so specified;
- (b) for prohibiting or restricting the possession or use by that person of any specified articles or things;
- (c) 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.

2.45/99

(2) If any person is in any area in contravention of an order made under this regulation, or fails to leave any 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 area by any officer of police or by any person authorized in that behalf by the Governor.

228 (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 the public safety or the defence of the Colony 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.

Detention
orders. *New by*
42/361.3.3

2.45/99

42/361.2.

44/352.2 → 22(AA)

(2) If the Governor has reasonable cause to believe any person to have been or to be a member, or to have been or to be active in the furtherance of the objects of any such organization as is hereinafter mentioned, and that it is necessary to exercise control over him, he may make an order against that person directing that he be detained.

The organizations hereinbefore referred to are any organizations in respect of which the Governor is satisfied either,—

- (a) that the organization is subject to foreign influence or control, or
- (b) that the persons in control of the organization have or have had association with persons concerned in the Government of or in sympathy with the system of government of, any State at war with His Majesty,

and, in either case, that there is danger of the utilization of the organization for purposes prejudicial to the public safety, the defence of the Colony, the maintenance of public order, the efficient prosecution of the war, or the maintenance of supplies or of services essential to the life of the community.

(3) 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 or things,
- (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 the public safety or the defence of the Colony.

(4) For the purposes of this regulation, there shall be one or more advisory committees 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 such a committee.

(5) 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 such an advisory committee as aforesaid.

(6) Any meeting of an advisory committee held to consider such objections as aforesaid shall be presided over by a chairman nominated by the Governor 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) If any person fails to comply with a condition attached to a direction given by the Governor under paragraph (3) of this regulation that person shall, whether or not the direction is revoked in consequence of the failure, be guilty of an offence.

(8) 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.

Added by 42/1471.2. 23A. - R. 45/92.
 " " 42/3641.5. 23B.
 " " 44/2043.4 23C. - R. 45/92.

24.—(1) No person shall—

- (a) 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
- (b) 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 of efficiently performing his duties as such or, as the case may be, of efficiently carrying on his work as a person so engaged.

Inter-
ference
with His
Majesty's
Forces, etc.

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

25.—(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 the 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 Colony 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 connection with the defence of the Colony or the securing of the public safety :

Misleading
acts and
misrepre-
sentation.

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.

(3) 26.—(1) Except in such circumstances as may be specified by Order of the Governor, no alien who was in the Colony on the third day of September, nineteen hundred and thirty-nine, shall, while in the Colony at any time after that day, assume or use or purport to assume for any purpose any name other than that by which he was ordinarily known immediately before the said day.

Change of
name.

4/1583.7

35 A

(2) Where, after the third day of September, nineteen hundred and thirty-nine, 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 said day, 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 said day.

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

(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.

Causing dis-
affection.

27.—(1) No person shall—

(a) endeavour to seduce from their duty persons engaged in His Majesty's service, or in the performance of essential services or to induce any person to do or omit to do anything in breach of his duty as a person so engaged, or

(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 with the consent of the Attorney-General.

Persuading
persons not
to enlist
in His
Majesty's
Forces.

28.—(1) No person shall by any means whatsoever persuade or attempt to persuade any other person not to enlist in His Majesty's Forces.

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

Propaganda.

29.—(1) No person shall—

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

(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 the 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 public order, 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 any such matters as aforesaid shall, before publication, be submitted or exhibited to such authority or person as may be specified in the order).

R. 45/197

(3) Where any person is convicted 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 the 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 connection 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 connection with the exhibition of the film as aforesaid ; and

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

30.—(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.

Unofficial uniforms, etc.

(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.

31. 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.

Display of flags, etc.

32.—(1) No meeting or assembly of more than five persons shall be held in any place or building without the previous permission in writing issued by the Competent Authority who may, in granting such permission, impose such terms and conditions as he may see fit :

Control of meetings or assemblies.

Provided that the Governor may from time to time by order exempt from the operation of this regulation any meeting or assembly of any class or body of persons subject to any terms and conditions which such order may impose :

Provided further that nothing in this regulation contained shall be deemed to apply to any persons who—

(a) peacefully meet or assemble together for the purpose of carrying on their lawful calling, occupation, profession, business or trade, or of performing their ordinary religious duties ; or

(b) are members of the same household or meet or assemble together in private houses for ordinary social intercourse.

(2) Any police constable may take such steps, and use such force, as may be reasonably necessary for securing compliance with this regulation.

33. The Competent Authority may by order require all or any coffee shops, clubs, theatres, cinematograph theatres, premises licensed for the sale of intoxicating liquors or any other premises wherein any entertainment of any description is held, within any town, village or area

Control of places of public resort and entertainments.

41/158 J.8.
R.45/18.

39A

R.45/18.

R.45/18.

Commission

Commission

New by
42/148 J.3.

~~specified in the order to be closed and remain closed except during such hours and for such purposes as may be specified in the order.~~

33A. 34.—(1) No person shall do any act with intent to 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.

This paragraph 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 it applies in relation to the doing of any act by a person.

(2) Any person convicted by a court of an offence against this regulation shall be liable to imprisonment for any term not exceeding fourteen years or to a fine not exceeding five hundred pounds or to both such imprisonment and such fine.

(3) A prosecution for an offence against this regulation shall not be instituted except with the consent of the Attorney-General.

34A. 35. ~~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 the Colony or the efficient prosecution of the war, then, without prejudice to the law relating to treason, he shall be guilty of an offence and shall, on conviction on information, be liable to imprisonment for life.~~

Prisoners of war, etc.

36.—(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 the 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 connection with the employment of, or the provision of board or lodging for, prisoners of war in the 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.

(4) No proceeding 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.

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

37.—(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 State at war with His Majesty:

4/159 s. 9.
Sabotage.

R. 45/74

Added by 42/80 s. 2
New by 40/899
s. 2.

Acts done
with intent
to assist the
enemy.

Entering
enemy
territory.

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) 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 State 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.

38. 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 the Colony, disembark in the 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 the Colony, embark in the Colony on any vessel or aircraft elsewhere than at a place so specified;
- (c) no person shall proceed from the 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.

Entering and leaving the Colony.

Revised 2/20

39.—(1) The 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 the 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:

Stopping of ships and aircraft.

CCJR

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.

R. 4/220

(2) 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 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.

41/1594.10.

40.—(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.

4/227

place area 4/227

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."

4/227

(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

40/327.
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.

41. (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. *protected place*

Protected
areas.

41.—(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 either an enemy alien or a person who was not at the beginning of that day resident in the said area shall be therein without the permission of such authority or person as may be specified in the order.

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.

42. 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.

43.—(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.

41/593.11. 43A 44. The Governor, if he considers it necessary in the interests of defence 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.

45.—(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 the 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.

(3) An authorized officer may, in relation to any vessel, take such steps, and use such force, as may appear to such officer 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.

41/364.2.2 → (5) 46.—(1) The Governor may, if it appears to him to be necessary or expedient for the safety of ships registered in the Colony and of persons on board such ships so to do, make provision by order for securing that any ship registered in the Colony to which the order applies shall not, except under permission granted by the Competent Authority, proceed to sea from any port in the 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.

C. C. J. R.

41/364.3. 45A, 45B, 45C.

(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.

(3) An authorized officer may, in relation to any ship, take such steps, and use such force, as may appear to such officer 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.

Control of
trade by sea.

47.—(1) Without prejudice to any navigation order, the Governor, with a view to securing that ships registered in the Colony are used in such a manner only as may be considered expedient in the interests of the defence of the 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 the Colony shall not proceed to sea from any port whether within or outside the 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 to 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 the 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.

(3) An authorized officer may, in relation to any ship, take such steps, and use such force, as may appear to such officer 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.

C.C.R.
Employment
in ships and
aircraft
registered in
the Colony.

48.—(1) The Competent Authority, if it appears to that authority to be necessary in the interests of defence or the efficient prosecution of the war so to do, may, as respects any class of ships registered in the 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 registered in the Colony 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, except that any reference in those provisions to the Competent Authority shall be construed as a reference to the Governor.

49.—(1) The Competent Authority, with a view to preventing the employment abroad, in connection with the management of ships registered in the 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 the Colony, being a person resident in the Colony or a company incorporated under the Law of the Colony, shall not employ in any foreign country or territory, in connection with the management of the ship, any person other than a person approved for the purpose by the Competent Authority ; and an order under this regulation may be made so as to apply either generally 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.

Employment abroad of agents for ships and aircraft. C.C.R.

(2) The preceding provisions of this regulation shall apply in relation to aircraft as they apply in relation to ships, except that any reference in those provisions to the Competent Authority shall be construed as a reference to the Governor.

50. The harbour or port authorities may by order or by the giving of directions regulate, restrict, control, or prohibit the use of any boat and the movements of any person in any harbour or port or the approaches thereto, and any person who disobeys or fails to observe any such order or direction shall be guilty of an offence.

Control of boats and persons in harbours or ports. 2. 7/2/14

51.—(1) Except under permission granted by the Governor,—

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

Control of lighthouses, etc.

- (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; 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.

52. 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 the Colony is, by virtue of section 221 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 in His Majesty's Forces and any superintendent within the meaning of the said Act.

New 40/899 s. 4.

Added by 44/204 s. 6.
Amendment
of the
Colonial Air
Navigation
(Application
of Acts)
Order, 1937.

53. (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 the Colony over any area outside the Colony, as it is exercisable in relation to the navigation of any aircraft over the 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.

54. The Competent Authority may, with a view to facilitating any operations of His Majesty's Forces or the movement of persons and supplies in connection with any such operations give directions for prohibiting or restricting, within such area in the 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.

55. 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—

(a) for determining the routes to be followed by any particular class of vehicles proceeding on highways, either generally or in such

Control of
lines of
communi-
cation for
defence
purposes.

Traffic on
highways.

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

(b) 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

42/1671.2(a) → (a) 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.

42/1671.2(b) → (2)

56.—(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.

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.

57.—(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 the 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.

58. 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 the 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.

59.—(1) No restriction imposed by any law in relation to any port in the Colony shall apply—

(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 ;

Handling and conveyance of ammunition, etc., in ports.

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.

60.—(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 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.

61.—(1) The 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 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 and~~
(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 connection 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 undertaking, and so as to have effect either throughout the Colony or in any particular area therein.

C.S.

Now by 44/206 s. 7

40/2993.5(a).

41/1603.12(a) → (ac)

42/553.2(a) → (ab)

42/2053.2 → (ac)

prohibition of
the
daughter of
an enemy

(2) Where the right to make charges in connection 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 connection charges in excess of, or in addition to, those which they would otherwise be authorized to make.

(3) The 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 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,—

Now by 72/1481.4.

(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 law or other instrument determining their functions.

(4) If any person refuses to sell any article the sale whereof is regulated by any order issued by the Competent Authority under subparagraph (1) (a) hereof such person may (without prejudice to any proceedings which may be taken in respect of the offence) be required by the Competent Authority to sell such article on the terms and subject to the conditions upon which the sale thereof is authorized or regulated by such order, and to deliver such article to the Competent Authority or any person named by the Competent Authority in that behalf—

(5)(6)(7)(8) 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,

(c) 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.

62.—(1) Any member of His Majesty's Forces acting in the course of his duty as such, and any person authorized by the 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.

Power to do work on land.

C. of P.

(2) The 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

40/899
2.5(8)

4/1603.12(4)

42/1138(98)

42/80(10)

Added 44/20655

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 the 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.

70.
Taking
possession
of land.

63.—(1) The 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, or for any other purpose that the Governor may approve, may take possession of any land, and may give such directions as appear to the Competent Authority to be necessary or expedient in connection with the taking of possession of the land.

(2) While any land is in the possession of the Competent Authority by virtue of this regulation, the land may, notwithstanding any restriction imposed on the use thereof (whether by any law 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, or for any other purpose that the Governor may approve; and the Competent Authority, so far as appears to him to be necessary or expedient in connection 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 the 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 connection with the execution of this regulation) as may be so specified.

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

64. 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—

(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 such land or otherwise.

65. Any member of His Majesty's Forces acting in the course of his duty as such, and any person authorized by the Competent Authority to act under this regulation,—

Entry and inspection of land.

C. of P.

- (a) may enter on any land for the purpose of exercising any of the powers conferred in relation to that land by regulations 62, 63 and 64,
- (b) 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
- (c) 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.

66.—(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 the Colony ;
- (b) any article on board any vessel or aircraft for the time being within the Colony or the territorial waters thereof ; and
- (c) any ship or aircraft registered in the Colony wherever it may be ;
- and may give such directions as appear to him to be necessary or expedient in connection with the requisition :

has see p. 696.

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 the 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 persons, to perform such functions in connection with the requisitioning, and may contain such directions, as appear to the Governor to be necessary or expedient.

66A. 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.

68(1) The Governor may require any company, authority or person supplying or authorized to supply water, light, heat or power, to 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, and to carry out such work and render such services in connection with such supply as may be directed by the Governor.

(2) Whenever any person finds an article as to which he has reasonable cause to believe that it has been lost or abandoned, and that, 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 any officer of police, 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.

70.—(1) The Governor or any person authorized by him in that behalf may, 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 or place in the Colony, either or both of the following orders, that is to say :—

(a) an order directing that after such time as may be specified in the order, no person other than a person of such a class as may be so specified shall be in that area or place 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 or place as may be specified in the order shall, by such time as may be so specified, be removed from that area or place 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 or place without the permission of such authority or person as may be so specified.

(2) An order made under paragraph (1) of this regulation—

(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 or place ;

Added 42/2643.2 (4A)
See p. 724

Added by 41/209 s. 2
Power to require storing, cooling, etc., services.

R 41/16
Power to require water and power services.

41/1603.13 → (2)
Derelict articles.

Evacuation of areas.

R. 41/96

See 41/209.

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

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

(d) may make different provision in relation to different parts of any area or place ;

and may contain such other incidental and supplementary provisions as appear to the Governor or the person authorized by him in that behalf 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 or place by a specified time, the Governor or the person authorized by him in that behalf may, while the order is in force, cause those animals or things, or any of them, to be removed from the area or place, if the Governor or such person 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 or place 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 or place by, or under the direction of, any member of His Majesty's Forces or of the Cyprus Police Force.

(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.

71.—(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.

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

(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 such person 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 any 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 fifty pounds.

(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.

Precautions
against
hostile
attack.

72.—(1) The Governor may by order prescribe the steps which are to be taken by persons in the 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 the 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.

Damage to
premises,
and con-
tamination
by gas.

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

(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.

41/1603.14. 739 74. 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.

Measures for dealing with outbreaks of fire.

44/2073.10. 749 75.—(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 ;

Control of lights and sounds.

(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 the 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 member of His Majesty's Forces or of the Cyprus Police Force 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 :

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.

33/42. 76(1) The Governor may, as respects any area in the Colony, by order direct that, subject to any exemptions for which provision may be made Curfew.

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 the Governor or such person as may be specified in the order.

a. 33/42.
Explosives,
ammunition and
firearms.

(2) 77.—(1) The Governor may by an order made as respects any area in the 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.

(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 firearm or component parts of firearms, shall comply with such directions for securing the safe custody thereof as may be given by an officer of police in the district in which the explosive, ammunition, firearm or component parts of firearms is or are situate, and any such directions may require the removal of the explosive, ammunition, firearm or component parts of firearms to such place as may be specified in the directions.

If any directions given under this paragraph by an officer of police 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.

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PART VII.—COMPENSATION. *R. Sec 10.81/*

Compensation and
appointment
of Board.

78.—(1) Where, in the exercise of any powers conferred by these regulations,—

- (a) possession of any land has been taken on behalf of His Majesty or the Government, or
- (b) any property other than land has been requisitioned or required on behalf of His Majesty or the Government, or
- (c) any work has been done on any land on behalf of His Majesty or the Government, otherwise than by way of measures taken to avoid the spreading of the consequences of damage caused by war operations,

then, the Governor shall, out of the public funds of the Colony, pay to any person whose land has been taken possession of, or whose property has been requisitioned or required, or upon whose land any work has been done, such compensation as shall be agreed on between the Governor and such person, and, in default of agreement, such compensation as shall be awarded by the Board as in paragraph (2) hereof provided.

(2)—(a) For the purpose of determining the amount of any compensation payable under these regulations, the Governor shall appoint a Board consisting of ^{five} ~~two~~ persons, of whom one shall be a Judge or Magistrate, ^{two} ~~one~~ shall be officers either in the service of the Government of the Colony or in His Majesty's Naval, Military or Air Service, and the other ^{two} ~~one~~ shall be inhabitants of the Colony.

(b) All questions referred to the Board shall, in case of a difference of opinion, be decided by the votes of the majority of the members, and the award of the Board shall in all cases be final.

(c) The Judge or Magistrate shall be the Chairman of the Board,

PART IX.—GENERAL AND SUPPLEMENTARY.

79.—(1) The Competent Authority, if he considers it desirable for the exercise of any of the 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 such 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 books or 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 :

Provided that no person shall be required, in obedience to such a summons, to go more than ten miles from his place of residence, unless the necessary expenses of his attendance are paid or tendered to him.

(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 document which he may be required to produce for the purpose of such an inquiry, shall be guilty of an offence.

41/1603.15. 798-80. (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 by order provide for the constitution of a special police force for any such area in the Colony as may be specified in the order, for the appointment of persons as members of that special police force and for enabling members of existing police forces to serve with the special police force, and any such order may contain such incidental and supplementary provisions (including provisions for modifying or adapting any law or regulations relating to any police authority or police force) as appear to the Governor to be necessary or expedient for the purposes of the order. Special police forces.

(2) Such special police force shall be under the control of the Commissioner of Police who may appoint such officers and non-commissioned officers as he may deem necessary.

(3) All persons being members of a special police force constituted for any area by an order under this regulation shall have the same powers, privileges and protection, and be liable to the same duties and penalties as members of the Cyprus Police Force.

81. Any member of the Police Force or any member of His Majesty's Forces acting in the course of their 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. Power to arrest without warrant.

82.—(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. Identification of persons in custody.

(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 an offence under these regulations, be destroyed as soon as may be after the revocation of the Emergency Powers (Colonial Defence) Order in Council, 1939.

(3) In this regulation the expression "the proper officer of police" means any officer of police being of a rank not lower than that of an inspector.

Power to
obtain in-
formation.

*C. of P.
or for maintaining
supplies and services
essential to the life
of the community.
40/900 4.6.*

83.—(1) Without prejudice to any special provisions contained in these regulations, any person shall, on being requested by the 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.

(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.

Affixing of
notices.

84. An 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 an 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.

False state-
ments.

85. If any person—

- (a) 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

- (b) 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.

Obstruction.

86. 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 connection with defence or the securing of the public safety.

Restrictions
on disclosing
information.

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

88.—(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 a police constable or by an authorized officer, produce 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.

(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.

89. 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 five pounds, as the Governor may by order determine. Fees for licences, etc.

90.—(1) The 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 of a Power allied with His Majesty or persons who are in the service of a local authority and are engaged in the performance of essential services. Billeting. *Commission is*

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 the District Court, and thereupon the court, 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 fifty pounds. *notice he shall be guilty of an offence if he fails to comply with the requirements of a billeting notice he shall be liable to a fine not exceeding fifty pounds.*

91.—(1) If a Judge of a District Court or 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 Power to enter and search premises and persons therein. *Power to enter and search premises and persons therein. *Power to enter and search premises and persons therein.**

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 officer of police of a rank not lower than that of 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 Judge of a District Court or a Magistrate.

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

Parties to offences.

92. For the purposes of any offence against these regulations each of the following persons shall be deemed to have taken part in committing the offence and to be guilty of the offence, and may be charged and tried with actually committing the offence and may be punished accordingly, that is to say:—

- (a) every person who actually does the act or makes the omission which constitutes the offence;
- (b) every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence;
- (c) every person who procures, aids or abets another person in committing the offence;
- (d) every person who solicits or incites or endeavours to persuade another person to commit the offence;
- (e) every person who does any act preparatory to the commission of the offence;
- (f) every person who attempts to commit the offence.

Offences by corporations.

93. 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 and penalties.

94. Subject to any special provisions contained in these regulations, any person who—

- (a) 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, or who does any act which is declared to be an offence under any of these regulations; or

or under any order or rule made under any of these regulations
6 (Added 44/2074.11).

- (b) knowingly misleads, or otherwise interferes with or impedes any officer or other person exercising any powers or performing any duties conferred or imposed on him by or under any of these regulations,

shall be guilty of an offence against these regulations and shall be tried by the President of a District Court or a District Judge and on conviction shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

41/3153.2.

(2)
95. Proceedings in respect of an offence alleged to have been committed by a person against any of these regulations other than regulations 34 and 35 may be taken before the District Court of the place where the offence has been committed or where that person is for the time being.

Legal proceedings. 15, 20, 20A, 25A, 33A (where proceedings are by information)

42/1674.3.

96.—(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 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."

Disposal of articles in possession of executive authorities.

(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 by or before which 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 the Colony.

(3) Without prejudice to the operation of paragraph (2) of this regulation, a Judge of a District Court 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 him 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 court shall not make an order under this regulation unless the court 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 court of such an order in respect of any article shall not be taken to preclude that or any other court from subsequently exercising, in relation to that article, any jurisdiction conferred on the court 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.

Cyprus
Criminal
Code Order
in Council.
1928.
9 of 1931
34 of 1932
35 of 1933
43 of 1933
9 of 1936
28 of 1936
2 of 1937

(9) Subject to the preceding provisions of this regulation, section 363 of the Cyprus Criminal Code, 1928 to 1937, 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 such section, and, in relation to any such article, shall have effect as if the reference in sub-section (1) of that section to the police included a reference to an executive authority whether a member of the Police Force or not.

(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 connection 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.

Recovery of
expenses.

97. 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 connection with the doing of the said work shall be a debt due from that person to the Crown.

Entrusting
of functions
to statutory
bodies.

98. 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 a law; 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 law or other instrument determining the functions of that body.

99. 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.

100. 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. Service of notices.

101. If any person shall, by obeying any order or requisition made under these regulations, be prevented from fulfilling any contract, such person shall not be deemed to have thereby committed a breach of contract, but such contract shall be deemed to be suspended by such order or requisition so far as its fulfilment is thereby rendered impossible. Effect of orders, etc., on contracts.

102. 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. Revocation and variation of orders, etc.

103. 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. Powers of Governor.

104. 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 : Liability for offences.

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

105.—(1) Sub-section (2) of section 11 of the Interpretation Law, 1935, (which relates to the effect of repeals) shall apply with respect to revocation by these regulations of any provisions of any previous regulations as it applies to the repeal by any law passed after the commencement of that law or any other enactment. Sub-section (2) of section 11 of Law 26 of 1935 to apply to these regulations.

(2) Any order, rules or appointment made, permit granted, warrant issued or directions or authority given, by virtue of any provisions of any regulation revoked by these regulations which is in force at the date of the coming into operation of these regulations shall continue in force and have effect as if made, granted, issued or given by virtue of these regulations ; but if or in so far as any such order, rule, appointment, permit, warrant, directions or authority is inconsistent with the provisions of these regulations it shall be revoked as soon as may be after the coming into operation of these regulations.

(3) 106. The Emergency Powers (Cyprus Defence) Regulations, 1939 to (No. 2) 1940, are hereby revoked. Revocation. Gazettes : Supplement No. 3 : 30. 8.1939 10.11.1939 11. 4.1940 17. 5.1940

Made this 1st day of June, 1940.

Added
41/138.3.

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