

EMERGENCY POWERS (DEFENCE)
THE DEFENCE REGULATIONS, 1939.
(Amendments).

STATUTORY RULES AND ORDERS
1939 No. 1681

EMERGENCY POWERS (DEFENCE)

GENERAL REGULATIONS

ORDER IN COUNCIL AMENDING
THE DEFENCE REGULATIONS,
1939



LONDON

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STATUTORY RULES AND ORDERS
1939 No. 1681
EMERGENCY POWERS (DEFENCE)
General Regulations

ORDER IN COUNCIL AMENDING THE DEFENCE REGULATIONS, 1939.

At the Court at Buckingham Palace, the 23rd day of
November, 1939.

PRESENT,

The King's Most Excellent Majesty in Council.

His Majesty, in pursuance of section one of the Emergency Powers (Defence) Act, 1939, and of all other powers enabling him in that behalf, is pleased, by and with the advice of his Privy Council, to order, and it is hereby ordered, as follows:—

1. Statutory Rules and Orders, 1939, No. 978, Articles 3 and 4 of Statutory Rules and Orders, 1939, No. 1416, Article 1 of Statutory Rules and Orders, 1939, No. 1463, and paragraph (a) of Article 2 of Statutory Rules and Orders, 1939, No. 1500, are hereby revoked.

2. The Defence Regulations, 1939^(a), (hereinafter referred to as "the principal Regulations"), shall have effect as if there were made therein the amendments which by the following provisions of this Order are directed to be made in those Regulations.

3. After Regulation one of the principal Regulations there shall be inserted the following Regulation:—

"Interference with persons in His Majesty's service, &c.

1A. 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 persons in His Majesty's service 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 person in His Majesty's service or

Notes.

Except for Articles 1 and 24 which are formal, this Order in Council reproduces the provisions contained in S.R. & O. 1939 No. 978 as amended—

- (a) by Orders in Council made before the making of this Order; and
(b) by this Order.

Amendments of each of these classes are distinguished by footnotes to the text.

(a) S.R. & O. 1939 No. 927.

to be a person engaged in the performance of essential services, 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 :

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

4. After Regulation two of the principal Regulations there shall be inserted the following Regulations :—

Assisting an Enemy and Sabotage.

“ Acts done with intent to assist an enemy. 2A.—(1) If, with intent to assist an enemy, any person does any act which is likely to assist an enemy or to prejudice the public safety, the defence of the realm or the efficient prosecution of war, then, without prejudice to the law relating to treason, he shall be guilty of an offence against this Regulation and shall, on conviction on indictment, be liable to penal servitude for life.

(2) A court of quarter sessions shall not have jurisdiction to try any person upon an indictment charging him with an offence against this Regulation.

“ Sabotage. 2B.—(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 :

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

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

(3) Any person convicted on indictment of an offence against this Regulation shall be liable to penal servitude for any term not exceeding fourteen years or

to a fine not exceeding five hundred pounds or to both such penal servitude and such fine.

12 Geo. 3.
c. 24.

(4) The operation of the Dockyards, &c., Protection Act, 1772, shall be suspended during the continuance in force of this Regulation”.

5. After Regulation five of the principal Regulations there shall be inserted the following Regulation:—

“Inven-
tions and
designs.”

6.—(1) Where, either before or after the coming into force of this Regulation, an application has been made to the Comptroller General of Patents, Designs and Trade Marks for the grant of a patent or the registration of a design, the Comptroller General, if satisfied, on the advice of a Secretary of State or the Admiralty, that it is expedient in the interests of the defence of the realm so to do, may, notwithstanding anything in any Act, omit or delay the doing of anything which he would otherwise be required to do in relation to the application, and give directions for prohibiting or restricting the publication of information with respect to the subject matter of the application, or the communication of such information to particular persons or classes of persons.

(2) No person shall, except under the authority of a written permit granted by, or on behalf of, the Comptroller General of Patents, Designs and Trade Marks, make any application for the grant of a patent, or the registration of a design, in any foreign country.

A Secretary of State may by order direct that a permit granted by such authority or person in any part of His Majesty's dominions (other than the United Kingdom), or in any foreign country or territory in which His Majesty has jurisdiction, as may be specified in the order, shall be treated for the purpose of this paragraph as if it were a permit granted by the Comptroller General of Patents, Designs and Trade Marks.

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

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

7 Edw. 7.
c. 29.

(5) In connection with the making, use or exercise of any invention or design on behalf of, or for the services of, the Crown (whether by virtue of the Patents and Designs Act, 1907, or otherwise), a Secretary of State or the Admiralty may authorise the use of any drawing, model, plan or other document or information in such manner as appears to the Secretary of State or the Admiralty to be expedient in the interests of the defence of the realm or the efficient prosecution of war, notwithstanding anything to the contrary contained in any licence or agreement; and any licence or agreement, if and so far as it confers on any person, otherwise than for the benefit of the Crown, a right to receive any payment in respect of the use of any document or information in pursuance of such an authorisation, shall be inoperative".

6. After Regulation eighteen of the principal Regulations there shall be inserted the following Regulations:—

" Restriction of movements of suspected persons.

18A.—(1) The Secretary of State, if satisfied, with respect to any particular person, that with a view to preventing him acting in any manner prejudicial to the public safety or the defence of the realm, it is necessary so to do, may make an order for either or both of the following purposes, that is to say:—

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

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

(2) If any person is in any place or area in contravention of an order made under this Regulation, or

fails to leave any place or area in accordance with the requirements of such an order, then, without prejudice to any proceedings which may be taken against him, he may be removed from that place or area by any constable or any person acting on behalf of His Majesty.

[¹ Detention orders.] 18B.—(1) If the Secretary of State 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 realm or in the preparation or instigation of such acts and that by reason thereof it is necessary to exercise control over him, he may make an order against that person directing that he be detained.

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

- (a) prohibiting or restricting the possession or use by that person of any specified articles;
- (b) imposing upon him such restrictions as may be specified in the direction in respect of his employment or business, and in respect of his association or communication with other persons;

as the Secretary of State thinks fit; and the Secretary of State 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 realm.

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

(4) It shall be the duty of the Secretary of State to secure that any person against whom an order is made under this Regulation shall be afforded the

[¹ New Regulation substituted by this Order].

earliest practicable opportunity of making to the Secretary of State 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.

(5) Any meeting of an advisory committee held to consider such objections as aforesaid shall be presided over by a chairman nominated by the Secretary of State 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.

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

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

(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 authorised by the Secretary of State and in accordance with instructions issued by him].

"Prisoners
of war, &c.

18c.—(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) A Secretary of State may by order provide—

- (a) for regulating access to, and the conduct of persons in, places in the United Kingdom where prisoners of war are detained, and for prohibiting or regulating the dispatch 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 United Kingdom 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 proceedings shall be taken, by virtue of this Regulation, against a person in respect of any act done by him when he is himself a prisoner of war.

52 Geo. 3.
c. 156.

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

7. After Regulation nineteen of the principal Regulations there shall be inserted the following Regulations:—

"Change of
name.
9 & 10
Geo. 5. c. 92.

20.—(1) The following amendments shall be made in section seven of the Aliens Restriction (Amendment) Act, 1919:—

(a) for subsections (1) and (2) there shall be substituted the following subsections:—

(1) No alien who is in the United Kingdom on the date of the coming into force of Regulation twenty of the Defence Regulations, 1939, shall, while in the United Kingdom at any time after that date, 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 date.

(2) Where, after the said date, 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 date, he shall, for the purposes of the preceding subsection, be deemed to

be using a name other than that by which he was ordinarily known immediately before the said date.

(2A) In relation to any alien who, not having been in the United Kingdom on the said date, thereafter lands in the United Kingdom, subsections (1) and (2) of this section shall have effect as if for any reference in those subsections to the said date there were substituted a reference to the day on which he first lands in the United Kingdom after the said date ;

(b) subsection (4) shall have effect as if paragraph (b) thereof were omitted.

(2) No British subject who is in the United Kingdom on the date of the coming into force of this Regulation, shall, while in the United Kingdom at any time after that date, 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 date, unless, at least twenty-one days before the day on which he first assumes or uses or purports to assume that other name, he has caused to be published in the London Gazette, the Edinburgh Gazette or the Belfast Gazette a notice specifying—

(a) his existing name in full and the change which he proposes to make in it, and

(b) the address of his place of residence or place of abode, if any, in the United Kingdom.

(3) In relation to any British subject who, not having been in the United Kingdom on the date of the coming into force of this Regulation, thereafter lands in the United Kingdom, paragraph (2) of this Regulation shall have effect as if for any reference in that paragraph to the said date there were substituted a reference to the day on which he first lands in the United Kingdom after the said date.

(4) Nothing in paragraph (2) of this Regulation shall apply in relation to—

(a) the assumption or use of any name in pursuance of a Royal Licence,

(b) the assumption or use of any name in consequence of the grant of, or succession to, any peerage,

(c) the assumption or use by any married woman of her husband's name,

6 & 7
Geo. 5.c. 58.

- (d) the carrying on of any business under any business name within the meaning of the Registration of Business Names Act, 1916, in circumstances in which registration in connection with the carrying on of the business is either required by that Act or declared by any provision of that Act to be unnecessary, or
- (e) the assumption or use of any name in such circumstances as may be specified by order of the Secretary of State.
- (5) For the purposes of this Regulation and of section seven of the Aliens Restriction (Amendment) Act, 1919,—
- (a) the expression ' name ' shall be construed as including surname; and a name shall be deemed to be changed if the spelling thereof is altered; and
- (b) a person entering Northern Ireland by land shall be deemed thereby to land in the United Kingdom.

" Amend-
ments of
Official
Secrets
Acts.

Amendments of Official Secrets Acts.

20A. The amendments specified in the Schedule to these Regulations shall be made in the Official Secrets Acts, 1911 and 1920 "

8. After Regulation twenty-nine of the principal Regulations there shall be inserted the following Regulations:—

" Deaths
occurring in
conse-
quence of
war oper-
ations.
26 Geo. 5 &
1 Edw. 8.
c. 50.

30.—(1) If, with respect to any dead body in any county borough or county district or in the district of a sanitary authority for the purposes of the Public Health (London) Act, 1936, there has been given by a person authorised by the Secretary of State to act under this Regulation a certificate that it is the body of a person who has died in consequence of war operations, then, notwithstanding anything in any Act, the council of the borough or district or the sanitary authority, as the case may be, shall, unless they are satisfied that adequate arrangements have been otherwise made for the interment of the body, themselves cause the body to be interred in such churchyard, public burial ground or cemetery as they think fit.

Any expenses incurred for the purposes of this paragraph by such a sanitary authority as aforesaid shall be defrayed as if they were expenses incurred under the Public Health (London) Act, 1936.

16 & 17
Geo. 5.c.48.

(2) Section one of the Births and Deaths Registration Act, 1926 (which provides that the body of a deceased person shall not be disposed of without either the certificate of the registrar of deaths or an order of the coroner), shall not apply in relation to any disposal of a dead body effected in pursuance of this Regulation.

(3) No person who, apart from this Regulation, would be required to give any information concerning a death to a coroner shall be obliged so to give that information, if that person has reasonable cause to believe that the death occurred in consequence of war operations; and, except in any particular case in which the Secretary of State otherwise directs, a coroner shall not be obliged or authorised to take any action in relation to any death if he is satisfied that the death occurred in consequence of war operations.

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

(5) The enactments relating to the registration of deaths shall, in relation to any case in which a certificate that a dead body is the body of a person who has died in consequence of war operations is given by a person authorised by the Secretary of State to act under this Regulation, have effect as if the class of persons required by those enactments to give information concerning the death to a registrar included the person by whom the certificate is given; and any duty imposed by the said enactments, as amended by this Regulation, to give any information concerning the death to a registrar or to attend before the registrar and sign the register shall, in that case, be deemed to have been discharged by the said person if, within the time limited for the giving of that information, he sends the certificate, together with so much of that information as he has in his possession, to the registrar.

(6) Where, upon information of a death given to a registrar in accordance with the enactments relating to the registration of deaths, as amended by this Regulation, the registrar is satisfied that the death occurred in consequence of war operations, he shall, subject to any

such general or special directions as may be given by the Registrar General of Births, Deaths and Marriages for determining the manner in which a death so occurring is to be registered, register the death forthwith in the manner directed by the said enactments.

(7) In this Regulation the expression 'body' includes part of a body.

(8) This Regulation shall, in its application to Scotland, have effect subject to the following modifications:—

(a) for the reference to the Registrar General of Births, Deaths and Marriages there shall be substituted a reference to the Registrar General of Births, Deaths and Marriages in Scotland;

(b) in paragraph (1) for references to a county borough and to a county district there shall be substituted respectively references to a burgh and to a county, and for the words from 'Any expenses' to the end of the paragraph there shall be substituted the words 'Any expenses incurred for the purposes of this paragraph by a county or town council shall be defrayed in like manner as expenses under the Public Health (Scotland) Act, 1897';

(c) for paragraph (2) there shall be substituted the following paragraph:—

(2) In any case in which a certificate that a dead body is the body of a person who has died in consequence of war operations is given by a person authorised by the Secretary of State to act under this Regulation, and in accordance with the enactments relating to the registration of deaths, as amended by this Regulation there is given to the registrar any information concerning the death, which includes a statement that the death occurred in consequence of war operations, the Registration of Births, Deaths and Marriages (Scotland) Act, 1854, shall have effect in relation to the death as if in section thirty nine the words from "and the registrar" to the end of the section, and in section

60 & 61
Vict. c. 38.

17 & 18
Vict. c. 80.

forty-four the words from " and if any dead body " to the end of the section, were omitted ';

(d) at the end of paragraph (6) the following words shall be added:—

' and no inquiry in regard to the death shall, unless the Lord Advocate otherwise directs, be held in pursuance of the Fatal Accidents (Scotland) Act, 1895.'

58 & 59
Vict. c. 36.

(g) This Regulation shall, in its application to Northern Ireland, have effect subject to the following modifications:—

(a) for the reference to the Registrar General of Births, Deaths and Marriages, there shall be substituted a reference to the Registrar General for Northern Ireland;

(b) in paragraph (1) for the references to a county borough or county district and to the council of the borough or district there shall be substituted respectively references to the district of a sanitary authority within the meaning of the Public Health (Ireland) Act, 1878, and to the sanitary authority, and for the words from ' Any expenses ' to the end of the paragraph there shall be substituted the words ' Any expenses incurred for the purposes of this paragraph by a sanitary authority shall be defrayed as expenses incurred by them in the execution of the Public Health (Ireland) Act, 1878, and in the case of a rural sanitary authority shall be general expenses '.

41 & 42
Vict. c. 52.

31.—(1) If any superintendent registrar dies, resigns or otherwise ceases to hold his office, and there is no interim superintendent registrar, the clerk of the responsible council as defined by subsection (5) of section twenty-two of the Local Government Act, 1929, shall, if required by the Registrar General of Births, Deaths and Marriages so to do, appoint an interim superintendent registrar.

19 & 20
Geo. 5. c. 17.

(2) Every superintendent registrar or registrar shall, if required by the Registrar General of Births, Deaths and Marriages so to do, appoint an additional deputy or additional deputies approved by the Registrar General; and any person appointed under this paragraph shall be deemed to be a deputy appointed under

37 & 38 section twenty-four of the Births and Deaths Registra-
 Vict. c. 88. tion Act, 1874.

(3) Any reference in this Regulation to a superintendent registrar, an interim superintendent registrar or a registrar, shall be construed as a reference to a superintendent registrar, an interim superintendent registrar or a registrar, as the case may be, for the purposes of the enactments relating to the registration of births and deaths.

(4) This Regulation shall not extend to Scotland or to Northern Ireland."

9. After Regulation thirty-two A of the principal Regulations there shall be inserted the following Regulation:—

"Exemption of certain women from Acts relating to midwives.
 2 Edw. 7.
 c. 17.

20 Geo. 5 &
 1 Edw. 8.
 c. 40.

33.—(1) A local supervising authority within the meaning of the Midwives Act, 1902, if it appears to that authority to be necessary so to do in order to secure that the number of women who are available in its area or any part thereof for attendance on women in childbirth, or as maternity nurses during childbirth or at any time during the lying-in period as defined for the purposes of subsection (1) of section one of the Midwives Act, 1936, is adequate for the needs of the area or that part thereof, as the case may be, may by an order made as respects the area or that part thereof exempt from the provisions of the Midwives Acts, 1902 to 1936, for such period and subject to such conditions as may be specified in the order, any such women who have surrendered their certificates under subsection (1) of section five of the Midwives Act, 1936, as may be named in the order.

A woman named in any order under this paragraph which is for the time being in force shall, for the purposes of subsection (1) of section one of the Midwives Act, 1936, be deemed to be a certified midwife.

(2) Without prejudice to the power to attach conditions to any exemption granted by an order under the preceding paragraph, it shall be a condition of such an exemption that every woman on whom the exemption is conferred shall comply with any rules for the time being in force under section three of the Midwives Act, 1902, regulating, supervising and restricting within due limits the practice of midwives; and if any woman named in such an order fails to comply with the said rules or to observe any other condition subject to which the exemption under the order is conferred on her, the local supervising authority may revoke the order so far as it relates to her.

(3) This Regulation shall, in its application to Scotland, have effect subject to the following modifications:—

5 & 6
Geo. 5. c. 91. (a) for references to the Midwives Act, 1902, and to section three thereof shall be substituted references to the Midwives (Scotland) Act, 1915; and to section five thereof;

1 Edw. 8 &
1 Geo. 6.
c. 30.

(b) for the reference to the Midwives Acts, 1902 to 1936, there shall be substituted a reference to the Midwives (Scotland) Acts, 1915 and 1927, and the Maternity Services (Scotland) Act, 1937;

(c) for the references to section one and to section five of the Midwives Act, 1936, there shall be respectively substituted references to section one and to section four of the Maternity Services (Scotland) Act, 1937;

(4) This Regulation shall not extend to Northern Ireland ”.

10. After Regulation thirty-six of the principal Regulations there shall be inserted the following Regulation:—

“ Curfew. 37. The Secretary of State may, as respects any area in the United Kingdom, by order direct that, subject to any exemptions for which provision may be made by the order, no person in that area shall, between such hours as may be specified in the order, be out of doors except under the authority of a written permit granted by such authority or person as may be specified in the order ”.

11. After Regulation thirty-nine of the principal Regulations there shall be inserted the following Regulations:—

“ Seducing
persons
from duty
and causing
disaffection.

39A.—(1) No person shall—

[¹(a) endeavour to seduce from their duty persons in His Majesty’s service or engaged under any public authority in the performance of functions in connection with the defence of the realm or the securing of the public safety, or to cause among such persons disaffection likely to lead to breaches of their duty, or]

(b) with intent to contravene, or to aid, abet, counsel or procure a contravention of, subparagraph (a) of this paragraph, have in his possession or under his control any

[¹ New sub-paragraph substituted by this Order].

document of such a nature that the dissemination of copies thereof among any such persons as aforesaid would constitute such a contravention.

(2) A prosecution for an offence against this Regulation shall not be instituted except by, or with the consent of, the Director of Public Prosecutions.

9 & 10

Geo. 5. c. 46.

(3) Section three of the Police Act, 1919, (which penalises the causing of disaffection among members of any police force) shall have effect as if any reference in that section to members or a member of a police force included a reference—

1 & 2 Will.

4. c. 41.

(a) to special constables, or a special constable, appointed under any of the provisions of the Special Constables Act, 1831, as amended by the Special Constables Acts, 1914 and 1923, or appointed under section one hundred and ninety-six of the Municipal Corporations Act, 1882, and

45 & 46

Vict. c. 50.

(b) to members or a member of the police force of any railway, harbour or dock undertaking.

(4) This Regulation shall, in its application to Scotland, have effect subject to the following modifications:—

(a) paragraph (2) shall not apply; and

(b) for sub-paragraph (a) of paragraph (3) there shall be substituted the following sub-paragraph—

(a) to special constables or a special constable appointed under the provisions of the Special Constables (Scotland) Acts, 1892 to 1923, or any local Act, and

(5) This Regulation shall, in its application to Northern Ireland, have effect as if—

(a) for the reference to section three of the Police Act, 1919, there were substituted a reference to section three of the Constabulary and Police (Ireland) Act, 1919; and

9 & 10

Geo. 5. c. 68.

(b) for the reference to the enactments under which special constables are appointed there were substituted a reference to section eight of the Constabulary Act (Northern Ireland), 1922, and the enactments mentioned in that section

Propa-
ganda.

39B.—(1) No person shall—

- (a) endeavour [‘by means of any false statement, false document or false report] to influence public opinion (whether in the United Kingdom or elsewhere) in a manner likely to be prejudicial to the defence of the realm or the efficient prosecution of 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 in England or Northern Ireland except with the consent of the Attorney General, [‘and it shall be a defence to any prosecution in respect of a contravention of this paragraph to prove that the person by whom the contravention is alleged to have been committed had reasonable cause to believe that the statement, document or report in question was true].

[‘(2) If at any time the Secretary of State is satisfied that it is necessary to prevent or restrict the publication in the United Kingdom of matters of which the publication or unrestricted publication, as the case may be, would or might, in his opinion, be prejudicial to the relations between the United Kingdom and any country outside the United Kingdom, or to any transactions in process of being effected, or proposed to be effected, between His Majesty’s Government in the United Kingdom and persons in any other country, he may by order bring this paragraph into operation, and while this paragraph is in operation the Secretary of State may give such directions as appear to him necessary or expedient for the purpose of prohibiting the publication of any such matters as aforesaid specified in the directions except with the permission of such authority or person as may be so specified and subject to any conditions which may be imposed by that authority or person].

32 & 33
Vict. c. 24.

(3) Notwithstanding anything in the Newspapers, Printers and Reading Rooms Repeal Act, 1869, proceedings in respect of any offence under the provisions of the Act 2 and 3 Vict. c. 12, set out in the Second Schedule to the said Act of 1869 may, in England, be

[‘ Words in brackets substituted for “ whether orally or otherwise ” by this Order].

[‘ Words in brackets added by this Order].

[‘ New paragraph substituted by this Order].

[‘ Former paragraph (3) omitted].

instituted by any constable or by, or with the consent of, the Director of Public Prosecutions.

(4) In this Regulation—

- (a) the expression 'public opinion' includes the opinion of any section of the public;
- (b) 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
- (c) 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.

" Display of flags, &c.

39c. The Secretary of State may by order prohibit the display by any person in public of any flag, banner or emblem as to which the Secretary of State 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.

" Unlawful drilling.
60 Geo. 3 &
1 Geo. 4.
c. 1.

39d.—(1) Proceedings for an offence against the Unlawful Drilling Act, 1819, may, with the consent of the Director of Public Prosecutions, be taken under the Summary Jurisdiction Acts, and the penalties to which a person shall be liable on summary conviction of such an offence shall be imprisonment for a term not exceeding three months or a fine not exceeding one hundred pounds or both such imprisonment and such fine.

(2) This Regulation shall, in its application to Scotland, have effect as if for the reference to the Director of Public Prosecutions there were substituted a reference to the Lord Advocate.

" Processions and meetings.

39e.—(1) The Secretary of State, if satisfied, with respect to any area in the United Kingdom, that the holding of public processions or of any class of such processions in that area would be likely to cause serious public disorder or to promote disaffection, may by order prohibit, for such period as may be specified in the order, the holding in that area of processions or processions of that class, as the case may be.

(2) The Secretary of State may give directions prohibiting the holding in the United Kingdom of any meeting as to which he is satisfied that the holding

thereof would be likely to cause serious public disorder or to promote disaffection.

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

1 Edw. 8 & 1 Geo. 6. c. 6. (4) The operation of subsections (2) and (3) of section three of the Public Order Act, 1936, and the operation of the words 'or organises or assists in organising any public procession held or intended to be held in contravention of an order made under this section or incites any person to take part in such a procession' in subsection (4) of the said section, shall be suspended during the continuance in force of this Regulation.

(5) In this Regulation the expression 'public procession' has the same meaning as in the Public Order Act, 1936.

" Addition- 40.—(1) The Secretary of State may appoint al inspec- inspectors of constabulary, in addition to the inspectors tors of con- of constabulary appointed under section fifteen of the stabulary. County and Borough Police Act, 1856, and the addi- 19 & 20 tional inspectors so appointed shall perform such Vict. c. 69. duties as he may assign to them.

(2) This Regulation shall, in its application to Scotland, have effect as if for the reference to the inspectors appointed under section fifteen of the County and Borough Police Act, 1856, there were substituted a reference to the inspector appointed under section sixty-five of the Police (Scotland) Act, 1857.

20 & 21 Vict. c. 72.

(3) This Regulation shall not extend to Northern Ireland "

12. After Regulation forty A of the principal Regulations there shall be inserted the following Regulations:—

" Visiting 41.—(1) The Secretary of State may appoint a committees for certain visiting committee for any prison that, by virtue of a prisons. declaration made by him under subsection (3) of 47 & 48 section two of the Prison Act, 1884, is a prison under Vict. c. 51. the Prison Act, 1865, and the Prison Act, 1877, and a 28 & 29 visiting committee so appointed shall have the same Vict. c. 126. powers and duties as if it had been appointed under 40 & 41 section thirteen of the Prison Act, 1877. Vict. c. 21.

(2) No visiting committee shall be appointed under the said section thirteen for a prison for which a visiting committee has been appointed under this Regulation.

“ Visiting committees for prisons in Scotland. 40 & 41 Vict. c. 53. 42.—(1) The Secretary of State may appoint a visiting committee for any prison in Scotland, and a visiting committee so appointed shall have the same powers and duties as if it had been appointed under section fourteen of the Prisons (Scotland) Act, 1877.

(2) No visiting committee shall be appointed under the said section fourteen for a prison for which a visiting committee has been appointed under this Regulation ”.

13. After Regulation forty-five of the principal Regulations there shall be inserted the following Regulations:—

“ Employ- ment in British ships and aircraft. 45A.—(1) [The competent authority], if it appears to that authority to be necessary or expedient in the interests of the defence of the realm or the efficient prosecution of war so to do, may, as respects any class of British ships other than Dominion ships, 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 British ships as aforesaid either wherever they may be or while in such waters, or engaged in such trades or on such voyages, as may be so specified.

(2) The preceding provisions of this Regulation shall apply in relation to aircraft as they apply in relation to ships, except that any reference in those provisions to [the competent authority] shall be construed as a reference to the Secretary of State.

[¹(3) In this Regulation and in Regulations forty-five B, forty-six, forty-six A and forty-seven, the expression ‘the competent authority’ means the Board of Trade or the Minister of Shipping].

[¹ “ The competent authority ” substituted for “ the Board of Trade,” by S.R. & O. 1939 No. 1500].

[² New paragraph added by S.R. & O. 1939-No. 1500].

“Employment abroad of agents for ships and aircraft.”

45B.—[“The competent authority”], with a view to preventing the employment abroad, in connection with the management of British ships, 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 British ship, being a person resident in the United Kingdom or a corporation incorporated under the law of any part of the United Kingdom, 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.

(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 Secretary of State.”

[¹]14. In Regulation forty-six of the principal Regulations for the words “the Board of Trade” wherever those words occur and for the words “the Board” wherever those words occur otherwise than as part of the expression “the Board of Trade” there shall be substituted the words “the competent authority”.

[²]15. After Regulation forty-six of the principal Regulations there shall be inserted the following Regulation:—

“Power of competent authority to prosecute for certain offences. 46A. Notwithstanding any restriction imposed by any of the following Regulations, a prosecution in respect of an offence against any of the last three preceding Regulations may, in England or Northern Ireland, be instituted by or on behalf of the competent authority.”

[²]16. In paragraph (3) of Regulation forty-seven of the principal Regulations for the words “the Board of Trade” wherever those words occur there shall be substituted the words “the competent authority”.

17. After Regulation forty-seven of the principal Regulations there shall be inserted the following Regulation:—

“Deserters from ships. 47A. Any person lawfully engaged to serve on board any ship belonging to, or chartered or requisitioned

[¹] “The competent authority” substituted for “The Board of Trade” by S.R. & O. 1939 No. 1500].

[²] Amendment effected by S.R. & O. 1939 No. 1500].

[³] Amendment effected by S.R. & O. 1939 Nos. 1463 and 1500].

7 & 58
Vict. c. 60.

by, or on behalf of, His Majesty, who in the United Kingdom is, by virtue of section two hundred and twenty-one of the Merchant Shipping Act, 1894, guilty of the offence of desertion or of absence without leave, may, notwithstanding anything contained in that Act, be conveyed on board his ship by, or under the direction of, any one or more of the following persons, that is to say, the master of the ship, the mate of the ship, the person having the management of the ship, any constable, any commissioned officer in His Majesty's forces and any superintendent within the meaning of the said Act".

18. After Regulation fifty-eight of the principal Regulations there shall be inserted the following Regulations:—

" Exemptions from Acts relating to factories, mines and quarries.
1 Edw. 8. &
1 Geo. 6.
c. 67.

59.—(1) The Secretary of State may by order, to such extent, during such period, and subject to such conditions, as may be specified in the order, exempt any particular premises or operations or class of premises or operations from the Factories Act, 1937, if he is satisfied that such exemption is, by reason of circumstances arising out of war, desirable in the public interest in order to secure or facilitate the carrying on of work in those premises or in that class of premises, or the carrying on of those operations [or of that class of operations], as the case may be, or in order to promote the safety of persons employed in such premises or engaged in such operations.

1 & 2
Geo. 5. c. 50.
35 & 36
Vict. c. 77.
38 & 39
Vict. c. 39
57 & 58
Vict. c. 42.

(2) The Board of Trade may by order, to such extent, during such period, and subject to such conditions, as may be specified in the order, exempt any particular premises [or operations] or class of premises [or operations] from the Coal Mines Act, 1911, the Metalliferous Mines Regulation Acts, 1872 and 1875, the Quarries Act, 1894, and from any orders or Regulations made under any of those Acts, or any special rules established under the Metalliferous Mines Regulation Act, 1872, if the Board are satisfied that such exemption is, by reason of circumstances arising out of war, desirable in the public interest in order to secure or facilitate the carrying on of work in those premises or in that class of premises, or the carrying on of those operations or of that class of operations, as the case may be, or in order to promote the safety of persons employed in such premises or engaged in such operations.

[Words in brackets inserted by S.R. & O. 1939 No. 1416].

(3) This Regulation shall, in its application to Northern Ireland, have effect subject to the following modifications:—

- (a) for the reference to the Factories Act, 1937, there shall be substituted a reference to the Factories Act (Northern Ireland), 1938;
- (b) for the reference to the Quarries Act, 1894, there shall be substituted a reference to the Quarries Act (Northern Ireland), 1927; and
- (c) for the references to the Secretary of State and to the Board of Trade there shall be substituted respectively references to the Ministry of Labour for Northern Ireland and to the Ministry of Commerce.

“ Safety and welfare of factory workers.

60.—(1) The Secretary of State may by order make such provision as he thinks desirable for securing the safety, health or welfare of persons who in circumstances which, in the opinion of the Secretary of State, are or are likely to be dangerous to life or limb or injurious to health, are either—

- (a) employed in any premises to which any of the provisions of the Factories Act, 1937, apply, in the performance of any services which appear to the Secretary of State to be essential for the defence of the realm or the efficient prosecution of war or to be essential to the life of the community, or
- (b) engaged in any operations to which any of the provisions of the Factories Act, 1937, apply, being operations which appear to the Secretary of State to be essential for the defence of the realm or the efficient prosecution of war or to be essential to the life of the community;

and, without prejudice to the generality of the power aforesaid, any such order may in particular contain such requirements with respect to the provision of medical attendance, nourishment, clothing, facilities for taking meals, rest or recreation, or facilities for transport, and may impose such prohibitions, restrictions or obligations in respect of the use of machinery, appliances, materials or processes, as appear to the Secretary of State to be necessary or expedient for the purposes of the order.

An order under this Regulation may be made so as to apply to any particular premises or class of

premises or to any particular operations or class of operations.

(2) This Regulation shall, in its application to Northern Ireland, have effect subject to the following modifications:

- (a) for the references to the Secretary of State there shall be substituted references to the Ministry of Labour for Northern Ireland; and
- (b) for the references to the Factories Act, 1937, there shall be substituted references to the Factories Act (Northern Ireland), 1938 "

19. The functions of the Board of Trade under Regulation sixty-eight of the principal Regulations are hereby transferred to the Minister of Supply; and accordingly for any reference in that Regulation to the Board of Trade there shall be substituted a reference to the Minister of Supply.

20. In Part V of the principal Regulations there shall be inserted as the first Regulations under the heading "*General Provisions*" the following Regulations:—

" Derelict articles.

79.—(1) Whenever any person finds an article as to which he has reasonable cause to believe that it has been lost or abandoned, and that, immediately before being lost or abandoned, it was used or intended to be used for the purposes of an armed force or was in the possession of a person who had it with him while serving with an armed force, the person 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 a member of His Majesty's forces being on duty or to a constable at a police station; and
- (b) save as aforesaid, shall not remove or tamper with the article except with permission granted by or on behalf of a Secretary of State or the Admiralty:

Provided that a Secretary of State or the Admiralty 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 or determined by such authority or person as may be so specified.

(2) In relation to the finding by a person of such an article as aforesaid outside the United Kingdom, paragraph (1) of this Regulation shall have effect as if for

the requirement contained in sub-paragraph (a) of that paragraph there were substituted a requirement that the said person shall forthwith take such steps as are reasonably practicable to secure that the nature and situation of the article are reported, or, if the article is a document, that it is delivered as soon as may be to some person in His Majesty's service.

" Amend-
ment
of Geneva
Convention
Acts.

1 & 2
Geo. 5. c. 20.

1 Edw. 8 &
1 Geo. 6.
c. 15.

80. The Geneva Convention Acts, 1911 and 1937 (which contain provisions prohibiting the use of the Red Cross or imitations thereof without the authority of the Army Council or the Board of Trade, as the case may be), shall, in the operation of those Acts as part of the law of the United Kingdom, have effect subject to the following modifications, that is to say:—

- (a) in subsection (1) of section one of the said Act of 1911, for the words ' to a fine not exceeding ten pounds, and ' there shall be substituted the words ' to imprisonment for a term not exceeding three months or, to a fine not exceeding one hundred pounds or to both such imprisonment and such fine, and also ' ; and in subsection (2) of section one of the said Act of 1937, for the words ' to a fine not exceeding ten pounds, and ' there shall be substituted the words ' in a case where the offence is in respect of the use of any design or words referred to in paragraph (c) of that subsection, to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine, or, in any other case, to a fine not exceeding ten pounds, and also, in any case, ' ;
- (b) subsection (4) of section one of the said Act of 1911 (which requires the consent of the Attorney General to the taking of proceedings under that Act in England or Northern Ireland) shall, in relation to proceedings in England, have effect as if the reference in that subsection to the Attorney General included a reference to the Director of Public Prosecutions; and
- (c) subsection (5) of section one of the said Act of 1937 shall, in relation to proceedings under that section which may be taken in England by reason of the use of any design or words referred to in paragraph

(c) of subsection (1) of that section, have effect as if the reference in the said subsection (5) to the Attorney General included a reference to the Director of Public Prosecutions.

'Power to obtain information.

80A.—(1) Without prejudice to any special provisions contained in these Regulations, any person shall, on being requested by or on behalf of a Secretary of State or the Admiralty 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 authority or person making the request considers it necessary or expedient in the interests of the public safety, the defence of the realm or the efficient prosecution of war to obtain or examine, [and if any person fails to furnish or produce any information or article in his possession in pursuance of a request duly made to him under this Regulation he shall be guilty of an offence against this Regulation.

(2) A prosecution in respect of an offence against this Regulation shall not be instituted except by, or with the consent of, the Director of Public Prosecutions:

Provided that this paragraph shall not extend to Scotland].

21. After Regulation eighty-eight of the principal Regulations there shall be inserted the following Regulations:—

"Entry and search of premises to obtain evidence of offences.

88A.—(1) If a justice of the peace is satisfied by information on oath that there is reasonable ground for suspecting that an offence to which this Part of these Regulations applies 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 authorising any officer of police of a rank not lower than that of inspector, or any commissioned officer in His Majesty's forces, together with any other persons named in the warrant and any other 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 and to search the premises and every person found therein, and to seize any article found in the premises or on any such person

[¹ Words in brackets added by this Order].

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 authorised by the Secretary of State to act under this paragraph, has reasonable ground for suspecting that an offence to which this Part of these Regulations applies 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 interests of the State 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 justice.]

(3) No female shall, in pursuance of any warrant issued or order made under this Regulation, be searched except by a female.

1 & 2
Geo. 5. c. 28. (4) The operation of section nine of the Official Secrets Act, 1911, shall be suspended during the continuance in force of this Regulation.

“Power to stop and search vehicles.

88B.—(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 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 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 an offence to which this Part of these Regulations applies, 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.

The powers conferred by this paragraph shall be in addition to, and not in derogation of, any of the powers conferred by the last preceding Regulation.

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

[¹ Power to arrest without warrant.

88C.—(1) Any constable and any person authorised by the Secretary of State to act under this Regulation may arrest without warrant any person whom he has reasonable ground for suspecting to have committed an offence to which this Part of these Regulations applies.

(2) Any member of His Majesty's forces shall, for the purposes of carrying out his duty as such, have the like powers as are conferred upon constables by the preceding provisions of this Regulation.

(3) The operation of section six of the Official Secrets Act, 1911, shall be suspended during the continuance in force of this Regulation].

“ Identifi-
cation of
persons in
custody.

88D.—(1) The Secretary of State may make rules authorising the taking, in relation to any person in custody whom the proper officer of police has reasonable grounds for suspecting to have committed an offence to which this Part of these Regulations applies, of all such steps as may be reasonably necessary for photographing, measuring and otherwise identifying that person in such manner as may be prescribed by the rules.

[²(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 authorised 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 to which this Part

[¹ New Regulation substituted by this Order].

[² New paragraph inserted by this Order].

of these Regulations applies, be destroyed as soon as may be after the expiration of the Emergency Powers (Defence) Act, 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 inspector, or being in charge of a police station".

22. In paragraph (3) of Regulation one hundred and one of the principal Regulations, the words "The expression 'mayor' shall mean 'provost'" shall be omitted.

23. At the end of the principal Regulations there shall be inserted the following Schedule:—

" SCHEDULE.

Amendments of Official Secrets Acts, 1911 and 1920.

1. In paragraph (a) of section three of the Official Secrets Act, 1911, as amended by the Official Secrets Act, 1920, after the word 'naval' there shall be inserted the word 'military'.

2. The following amendments shall be made in section one of the Official Secrets Act, 1920:—

(1) in paragraph (c) of subsection (1), for the words 'or tampers with' there shall be substituted the words 'tampers with or destroys';

(2) for paragraph (e) of subsection (1) there shall be substituted the following paragraphs:—

' (e) has in his possession or under his control any official die, seal or stamp, any impression of such a die, seal or stamp, or any official paper; or

(f) counterfeits any official die, seal or stamp, or has in his possession or under his control any counterfeited official die, seal or stamp, or anything so closely resembling an official die, seal or stamp as to be calculated to deceive, or any paper so closely resembling official paper as to be calculated to deceive'; and

(3) at the end of subsection (1) there shall be inserted the following paragraph:—

' For the purposes of this subsection any die, seal, stamp or paper shall be taken to be an official die, seal or stamp, or official paper, as the case may be, if, but only if, it is specially

designed for use in His Majesty's service, in the service of a foreign government or for the purposes of a police force'.

3.—(1) The maximum penalty that may be imposed on a person convicted of an offence under section five of the Official Secrets Act, 1920 (which provides for the registration and regulation of persons carrying on the business of receiving postal packets), shall be imprisonment for a term of three months and a fine of fifty pounds, and accordingly in subsection (4) of that section for the words 'one month' and the words 'ten pounds' there shall be respectively substituted the words 'three months' and the words 'fifty pounds'.

(2) Notwithstanding anything in section eight of the Official Secrets Act, 1911, a prosecution for an offence under section five of the Official Secrets Acts, 1920, may, in England and Northern Ireland, be instituted by any constable.

4. In section seven of the Official Secrets Act, 1920, for the words 'and does any act' there shall be substituted the words 'or does any act'.

5. In section eight of the Official Secrets Act, 1911, and in subsection (2) of section eight of the Official Secrets Act, 1920 (which provisions respectively require the consent of the Attorney General to the institution of prosecutions, and to the summary trial of misdemeanours, under those Acts), references to the Attorney General shall be construed as including references to the Director of Public Prosecutions."

24.—(1) Subsection (2) of section thirty-eight of the Interpretation Act, 1889, (which relates to the effect of repeals) shall apply with respect to the revocation by this Order of any provisions of any previous Order in Council as it applies to the repeal by any Act passed after the commencement of that Act of any other enactment.

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

Rupert B. Howorth.