

AMENDMENT OF THE NATIVE ADMINISTRATION REGULATIONS 1924.⁽¹⁾

Regulations.

No. 10 of 1950.

1. Regulation 80 of the *Native Administration Regulations 1924*⁽²⁾ is hereby repealed and the following new Regulation inserted in its stead:—

“80. (1) No Native shall be in any street or public place in any town notified by the Director of District Services and Native Affairs by notice⁽³⁾ in the *Gazette* between such hours as are fixed by the Director of District Services and Native Affairs with respect to that town.

Penalty: Two pounds or imprisonment for two months or both.

(2) Notwithstanding the provisions of sub-regulation (1) hereof a Native resident in and employed in any town may be in any street or public place at any time with the written permission of his employer.

(3) A Native who, when required by a Member of the New Guinea Police Force during the hours fixed by the Director of District Services and Native Affairs under sub-regulation (1) hereof to produce written permission from an employer, fails to do so shall be deemed not to have written permission from an employer unless he satisfies the Court that he has had and has lost written permission covering the hour at which he was required to produce permission.

(4) The Administrator may by notice⁽⁴⁾ in the *Gazette* exclude any town or part of a town from the operation of this regulation.”

(1) Particulars of these Regulations are as follows:—

Ordinance under which made.	Date on which made by Administrator in Council.	Date on which published in Papua and N.G. Govt. Gaz.	Date on which took effect and came into operation.
<i>Native Administration Ordinance 1921-1938</i>	25.9.1950	28.9.1950	“forthwith” ^(a)

(a) These Regulations stated in their introductory part that they were to come into operation forthwith. At the relevant dates in 1950 the *Native Administration Ordinance 1921-1938* (under which these Regulations were made) made no provision as to the date of commencement of regulations made thereunder but Section 37 (1) of the *Ordinances Interpretation Ordinance 1949* of the Territory of Papua and New Guinea provided that “Regulations . . . made . . . under an Ordinance, unless the contrary intention appears in the Ordinance—

(a) shall be published in the *Gazette*; and

(b) shall . . . take effect from the date of publication, or where another date is specified in the regulations, from the date specified.”

At the relevant dates in 1950, there was no Ordinance or regulation of general application providing for the meaning of “forthwith.”

(2) Printed in *The Laws of the Territory of New Guinea 1921-1945 (Annotated)*, Vol. IV., on pp. 3759-3794.

(3) Pursuant to Regulation 80 the Administrator, by notice dated 27.10.1950 and gazetted 27.10.1950, fixed the hours between 9 p.m. and 6 a.m. with respect to all towns.

(4) No notice has been published in Papua and N.G. Govt. Gaz. before 1.1.1952.