

1975/267



THE ECONOMIC STABILISATION (PRICES OF AUTOMOTIVE
DIESEL OIL AND FUEL OIL) REGULATIONS 1975

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 17th day of November 1975

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Economic Stabilisation Act 1948, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Economic Stabilisation (Prices of Automotive Diesel Oil and Fuel Oil) Regulations 1975.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Interpretation—(1) In these regulations, unless the context otherwise requires,—

“Bulk consumer”, in relation to Part I of the Schedule to these regulations, means a person who purchases automotive diesel oil in lots of 200 litres or more:

“Minister” means the Minister of Trade and Industry:

“Price” includes every valuable consideration whatsoever, whether direct or indirect; and “indirect consideration” includes every valuable consideration whatsoever, which, in effect relates to the sale of any automotive diesel oil or fuel oil, although ostensibly relating to any other matter or thing.

(2) For the purposes of these regulations, the price of automotive diesel oil or fuel oil shall be deemed to have been increased if there has been any variation in the nature, quality, or quantity of such goods or in the terms of sale of such goods, being a variation that is disadvantageous to the purchaser of the goods, without a corresponding reduction in price.

(3) For the purposes of these regulations, the publication or exhibition of a price list in respect of any automotive diesel oil or fuel oil, or the furnishing of a quotation for any such goods, or the exposure of any such goods with a specification or an indication of the price thereof attached thereto or displayed in the vicinity thereof or in connection therewith, shall be deemed to constitute the making of a charge for those goods.

3. Control of prices—(1) Notwithstanding anything in the Stabilisation of Prices Regulations 1974*, the maximum prices that may be charged for automotive diesel oil of a kind described in Part I and for fuel oil of any of the kinds described in Part II of the Schedule hereto shall be the appropriate prices specified in relation to such diesel oil or fuel oil and mode of sale in that Schedule:

Provided that the maximum price that may be charged for automotive diesel oil imported into and sold in the Chatham Islands shall be the appropriate maximum price specified in the Schedule hereto reduced by 0.33c per litre and increased by the dues for the time being payable in respect of such diesel oil under the Chatham Islands Dues Regulations 1951†.

(2) Where in any particular locality, at the commencement of these regulations, an additional charge was customarily included in the price of fuel oil of any of the kinds specified in Part II of the Schedule hereto by reason of the locality in which it was sold, the appropriate maximum price may be increased by such locality price differential normally being charged in relation to sales of that kind in that locality.

(3) Where the sum payable on any sales of automotive diesel oil or fuel oil if computed under the Schedule to these regulations would amount to a sum containing part of 1c, then the sum so payable may be increased above the maximum lawful price to the whole cent above that price if the part amounts to half a cent or more, but the maximum lawful price shall be reduced to the whole cent below if the part is less than half a cent.

4. Prohibited transactions—No person shall—

- (a) Enter into any transaction, or make any contract or arrangement, purporting to do, whether presently or at some future time or upon the happening of any event or contingency, anything that contravenes or will contravene the provisions of these regulations; or
- (b) Enter into any transaction, or make any contract or arrangement, whether orally or in writing, or do any thing, for the purpose of or having the effect of, in any way, whether directly or indirectly, defeating, evading, avoiding, or even preventing the operation of these regulations in any respect.

*S.R. 1974/175

Amendment No. 1: S.R. 1974/321

Amendment No. 2: S.R. 1975/185

Amendment No. 3: S.R. 1975/252

†S.R. 1951/204 (Reprinted with Amendments Nos. 1 to 6: S.R. 1968/168)

Amendment No. 7: (Revoked by S.R. 1974/79)

Amendment No. 8: (Revoked by S.R. 1969/222)

Amendment No. 9: (Revoked by S.R. 1974/79)

Amendment No. 10: (Revoked by S.R. 1974/79)

Amendment No. 11: S.R. 1974/79

5. Evidence—In any proceedings for an offence against these regulations in respect of the sale of any automotive diesel oil or fuel oil the production by or on behalf of the informant of a verified copy of any entry in any accounts or records kept by or on behalf of the defendant, or of any invoice, receipt, sales docket, or other document issued by or on behalf of the defendant, and purporting to disclose the price at which such goods have been sold, shall, in the absence of proof to the contrary, be sufficient evidence of the sale of the goods and of the price charged therefor.

6. Offences and penalties—Without limiting the provisions of section 18 of the Economic Stabilisation Act 1948, every person commits an offence who without lawful justification or excuse, acts in contravention of or fails to comply with any provision of or requirement under these regulations, and is liable accordingly on summary conviction to the penalties specified in subsection (3) of the said section 18, namely:

- (a) In the case of an individual, to imprisonment for a term not exceeding 3 months, or to a fine not exceeding \$400 and (if the offence is a continuing one) to a further fine not exceeding \$10 for every day during which the offence continues, or to both such imprisonment and such fines:
 - (b) In the case of a company or other corporation, to a fine not exceeding \$1,000 and (if the offence is a continuing one) to a further fine not exceeding \$40 for every day during which the offence continues.
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Regs. 2 (1), 3

SCHEDULE

PART I

PRICES FOR AUTOMOTIVE DIESEL OIL

By Wholesaler to Retailer	*Sales to Bulk Consumers	Delivered For Home Heating	Retail Ex Pump or Drum*
Per Litre 9.2c	Per Litre 9.5c	Per Litre 9.7c	Per Litre 10.2c

PART II

PRICES FOR FUEL OILS TO USERS

Light Fuel Oil (220 seconds)	7.3c per litre
Heavy Fuel Oil (1000 seconds)	6.9c per litre

*Prices for sales in drums are for delivery at vendor's premises. Delivery elsewhere in drums may be charged extra for actual costs of delivery.

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations fix the maximum prices that may be charged for automotive diesel oil and certain fuel oils under certain classes of sale (which oils are removed from the scope of the Stabilisation of Prices Regulations 1974). The prices for automotive diesel oil include the local authorities petroleum tax. Special provision is made in respect of the price of automotive diesel oil sold in the Chatham Islands.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 20 November 1975.

These regulations are administered in the Department of Trade and Industry.