

1974/20



## THE ECONOMIC STABILISATION (CONSERVATION OF PETROLEUM) REGULATIONS 1974, AMENDMENT NO. 1

DENIS BLUNDELL, Governor-General  
ORDER IN COUNCIL

At the Government Buildings at Wellington this 5th day of February 1974  
Present:

THE RIGHT HON. N. E. KIRK PRESIDING 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**—These regulations may be cited as the Economic Stabilisation (Conservation of Petroleum) Regulations 1974, Amendment No. 1, and shall be read together with and deemed part of the Economic Stabilisation (Conservation of Petroleum) Regulations 1974\* (hereinafter referred to as the principal regulations).

**2. Interpretation**—Regulation 2 of the principal regulations is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

“Authorised retailer” means a retailer authorised by the Minister under subclause (1) of regulation 6 of these regulations:

“Commissioner” means the Commissioner of Energy Resources appointed under the Ministry of Energy Resources Act 1972:

“Essential user” means a person specified in the Second Schedule to these regulations while carrying out his functions as such:

“Restricted period” means any period specified in the First Schedule to these regulations:

“Traffic officer” means an employee of the Ministry of Transport who is for the time being a traffic officer within the meaning of subsection (1) of section 2 of the Transport Act 1962.”

**3. Restrictions on sale of motor spirits by retailers**—Regulation 3 is hereby amended by adding the following subclause:

“(3) It is a defence to a prosecution under this regulation if the defendant proves that—

“(a) Before the commencement of these regulations, the retailer customarily sold motor spirits by way of retail to the particular customer; and

“(b) The amount of motor spirits sold or purchased in the transaction to which the prosecution relates did not exceed the average amount sold by the retailer to that customer in any such transaction occurring before the commencement of these regulations.”

**4. New regulations inserted**—The principal regulations are hereby further amended by revoking regulation 4, and substituting the following regulations:

**“4. Restrictions on use of coin-operated pumps**—(1) In this regulation, “coin-operated pump” means a pump that is used for the retail sale of motor spirits and can be operated by a person on the insertion of a coin or coins into a slot provided for that purpose in respect of the pump.

“(2) No person shall pump any motor spirits from a coin-operated pump unless—

“(a) He is the retailer by whom the pump is provided, or an employee of the retailer; or

“(b) He does so under the supervision of the retailer or of an employee of the retailer.

“(3) Every person who contravenes subclause (2) of this regulation commits an offence against these regulations.

**“5. Restricted periods for sale of motor spirits**—(1) No person shall—

“(a) Sell any motor spirits to any other person; or

“(b) Purchase any motor spirits from any other person—  
during any restricted period, except in accordance with regulation 6 or regulation 7 of these regulations.

“(2) Every person who contravenes subclause (1) of this regulation commits an offence against these regulations.

“(3) In any prosecution for a contravention of this regulation, the onus shall lie on the defendant to prove that he sold or purchased the motor spirits to which the prosecution relates in accordance with regulation 6 or regulation 7 of these regulations.

**“6. Sales during restricted periods to essential users**—(1) The Minister may from time to time in writing authorise any specified retailer to sell motor spirits to any essential users during any restricted periods.

“(2) The Minister may at any time by notice in writing to an authorised retailer revoke the authorisation given under this regulation to that retailer.

“(3) Every authorisation or notice of revocation of an authorisation under this regulation shall be notified in the *Gazette* as soon as practicable after it is given.

“(4) During any restricted period, an authorised retailer may sell motor spirits, on the following conditions but not otherwise, to any other person whom he believes on reasonable grounds to be an essential user:

- “(a) Before the transaction, the retailer shall take reasonable steps to satisfy himself that the person to whom he is to sell the motor spirits is an essential user; and
- “(b) Before the retailer supplies the motor spirits to the purchaser pursuant to the transaction, the retailer shall make and keep a record in Form 1 of the Third Schedule to these regulations in respect of the transaction; and
- “(c) Before the retailer supplies the motor spirits to the purchaser pursuant to the transaction, the purchaser shall certify as true and sign the record made out by the retailer in respect of the transaction.

“(5) During any restricted period, an essential user may purchase motor spirits, on the conditions specified in paragraphs (a), (b) and (c) of subclause (4) of this regulation but not otherwise, from any authorised retailer.

**“7. Emergency supply of motor spirits during restricted periods—**

(1) Where a police officer is satisfied that any person needs to purchase motor spirits for emergency purposes during any restricted period, the police officer may permit any authorised retailer to sell to the person during that restricted period the amount of motor spirits that is necessary to meet the emergency.

“(2) When giving permission to an authorised retailer to sell motor spirits in accordance with this regulation, the police officer shall inform the retailer of—

- “(a) The full name and address of the person to whom the motor spirits may be sold, and any other information that in the opinion of the police officer may assist the retailer to identify the person; and
- “(b) The amount of motor spirits that may be sold to the person.

“(3) During any restricted period, an authorised retailer to whom permission has been given under this regulation may sell motor spirits, on the following conditions but not otherwise, to any other person to whom he believes on reasonable grounds that the permission relates:

- “(a) Before the transaction, the retailer shall take reasonable steps to satisfy himself that the person to whom he is to sell the motor spirits is the person to whom the permission relates; and
- “(b) Before the retailer supplies the motor spirits to the purchaser pursuant to the transaction, the retailer shall make and keep a record in Form 2 of the Third Schedule to these regulations in respect of the transaction; and
- “(c) Before the retailer supplies the motor spirits to the purchaser pursuant to the transaction, the purchaser shall certify as true and sign the record made out by the retailer in respect of the transaction; and

“(d) The amount of motor spirits to be sold pursuant to the transaction shall not exceed the amount for which the permission was given.

“(4) During any restricted period, any person in relation to whom permission has been given under this regulation by a police officer in respect of that restricted period may purchase motor spirits, on the conditions specified in paragraphs (a), (b), (c), and (d) of subclause (3) of these regulations but not otherwise, from any retailer to whom the permission has been given.

**“8. Records to be kept by authorised retailers—**(1) At the end of every restricted period, every authorised retailer shall make and keep written records of—

“(a) The total quantity of motor spirits sold by him to essential users during that restricted period; and

“(b) The total quantity of motor spirits sold by him under regulation 7 of these regulations during that period.

“(2) Every authorised retailer shall, if required to do so by any police officer or traffic officer, produce to that officer for inspection any record that the authorised retailer is required to keep under these regulations.

“(3) Every authorised retailer shall, if required to do so by the Commissioner or any person authorised in writing by the Commissioner, deliver to the Commissioner or authorised person, or to any other specified person, any specified record that the authorised retailer is required to keep under these regulations.

“(4) Every authorised retailer who contravenes subclause (1), subclause (2), or subclause (3) of this regulation commits an offence against these regulations.

**“9. Authorised retailer liable for acts of employees—**Any act or thing to be done by an authorised retailer under regulations 6 to 8 of these regulations may be done by any of his employees on behalf of the authorised retailer, but the authorised retailer shall be liable under these regulations for all such acts or things done by his employees as if they had been done by the authorised retailer himself.

**“10. Powers of traffic officers—**Every traffic officer, if for the time being in uniform or in possession of any warrant or other evidence of his authority as a traffic officer, is hereby authorised to enforce the provisions of these regulations, and in particular may at any time—

“(a) Require any person whom he finds committing an offence against these regulations or whom he believes with good cause to have committed such an offence, to state correctly his name, occupation, and usual place of residence; and

“(b) For the purposes of exercising the other powers conferred on him by this subclause, enter on to any land (other than a building) forming the business premises of any retailer.

**“11. Amendment of First and Second Schedules—**The Minister may from time to time, by notice in the *Gazette*,—

“(a) Amend the First Schedule to these regulations by adding any restricted period or by increasing, decreasing, or deleting any restricted period; and

“(b) Amend the Second Schedule to these regulations by adding or deleting any category of essential user.

“12. Regulations apply notwithstanding other enactments—The provisions of these regulations shall apply notwithstanding anything to the contrary in the Motor Spirits Distribution Act 1953 or in any other Act.”

5. Schedules—The principal regulations are hereby further amended by adding the schedules set out in the Schedule to these regulations.

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SCHEDULE

“FIRST SCHEDULE

Reg. 5

RESTRICTED PERIODS

Reg. 2

The continuous period commencing at 12 o'clock noon on each Saturday and ending at 7 a.m. on the following Monday.

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“SECOND SCHEDULE

Reg. 2

ESSENTIAL USERS

1. A member of an ambulance service.
2. A district nurse.
3. A member of a fire brigade within the meaning of section 2 of the Fire Services Act 1972.
4. A driver of any motor vehicle designed and used for the transport of food or livestock.
5. A registered medical practitioner.
6. A driver of any motor vehicle designed and used for the delivery of milk.
7. A member of the Police.
8. An officiating minister within the meaning of section 2 of the Marriage Act 1955.
9. An employee of the Ministry of Works and Development engaged on any emergency work being undertaken by the Ministry.
10. A driver of a passenger-service vehicle (other than a rental vehicle) within the meaning of subsection (1) of section 2 of the Transport Act 1962.
11. An employee of the Post Office.
12. A rural mail contractor.
13. A traffic officer within the meaning of subsection (1) of section 2 of the Transport Act 1962.
14. A registered veterinary surgeon.

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“THIRD SCHEDULE

Reg. 6

FORM 1

*Record of motor spirits sold to an essential user*

1. Date of sale:
2. Full name of essential user:
3. Business address of purchaser:

"THIRD SCHEDULE—*continued*

4. Classification of essential user (i.e., member of ambulance service, etc.):

5. Registration number of motor vehicle of essential user:

6. Quantity of motor spirits sold to essential user:

7. Name of retailer:

I certify that the foregoing information is true in all respects.

.....  
(Signature of essential user)

FORM 2

Reg. 7

*Record of motor spirits sold for emergency services*

1. Name of police officer permitting sale:

2. Police station:

3. Date of sale:

4. Full name of purchaser:

5. Address of purchaser:

6. Quantity of motor spirits sold to purchaser:

7. Name of retailer:

I certify that the foregoing information is true in all respects.

.....  
(Signature of purchaser)

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.*

The effect of these regulations may be summarised as follows:

(a) A retailer may sell more than 9.1 litres of motor spirits in a container to any person who customarily dealt with him before the commencement of the Economic Stabilisation (Conservation of Petroleum) Regulations 1974. However the amount must not exceed the average amount sold to that customer in any transaction before the commencement of those regulations. The onus is on the retailer and the customer to prove that the relationship previously existed and the average amount previously sold.

(b) No person may use a coin-operated pump intended for the retail sale of motor spirits unless he is the retailer or an employee of the retailer, or unless he uses the pump under the supervision of the retailer or employee.

(c) No person may sell or purchase motor spirits during any restricted period. The new First Schedule to the principal regulations specifies that the period between 12 o'clock noon on Saturday and 7 a.m. on Monday will be a restricted period. The Minister of Energy Resources may from time to time by notice in the *Gazette* amend the Schedule.

Provision is made for the exemption of essential users of motor spirits. These are specified in the new Second Schedule which may from time to time be amended by the Minister. Essential users may only purchase motor spirits from retailers authorised by the Minister.

Provision is also made for any police officer to permit emergency sales during restricted periods. These sales may only be made by authorised retailers.

- (d) Powers are conferred on traffic officers of the Ministry of Transport to enforce the principal regulations. In particular a traffic officer may require the name, occupation, and address of any person whom he believes to have contravened the regulations, and may enter on retail premises (though not into buildings).

The regulations come into force immediately.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 7 February 1974.

These regulations are administered in the Ministry of Energy Resources.