

1979/153



**THE ECONOMIC STABILISATION (CONSERVATION OF
PETROLEUM) REGULATIONS (NO. 3) 1979**

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 23rd day of July 1979

Present:

THE HON. D. MAGINTYRE 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.

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REGULATIONS

1. Title, commencement, and application—(1) These regulations may be cited as the Economic Stabilisation (Conservation of Petroleum) Regulations (No. 3) 1979.

(2) These regulations shall come into force on the 30th day of July 1979.

(3) The Governor-General may from time to time by Order in Council suspend the application of all or any of the provisions of Part II of, or of the Fourth to Sixth Schedules to, these regulations for such period as shall be specified in the Order in Council.

(4) Any such Order in Council may at any time be revoked or amended by a subsequent Order in Council.

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

“Activities of an essential user” do not include the use of a motor vehicle as a means of transport to or from work unless—

(a) The essential user is an essential user by virtue of a provision of Part II of the Second Schedule to these regulations; or

(b) Such use of the motor vehicle is justified by the need for the essential user to have the motor vehicle in use or available for his use throughout his working day:

“Authorised retailer” means a retailer authorised by the Minister under regulation 8 (1) of these regulations:

“Carless day sticker” means a carless day sticker issued under these regulations in the form set out in the Fifth Schedule to these regulations:

“Coin-operated pump” means a pump—

(a) Which is used for the retail sale of motor spirits; and

(b) Which can be operated by a person on the insertion of a coin or coins into a slot provided for the purpose in respect of the pump:

“Chosen carless day”, in relation to any motor vehicle, means the day of the week specified by the carless day sticker affixed to that motor vehicle in accordance with these regulations:

“Commercial fishing boat” means a fishing boat registered under Part I of the Fisheries Amendment Act 1963:

“Essential user” means a person—

(a) Who is described in the Second Schedule to these regulations; or

(b) Who is the holder of a permit for the time being in force under regulation 7 of these regulations:

“Exempt sticker” means an exempt sticker issued under these regulations in the form set out in the Sixth Schedule to these regulations:

“Fuel tank” means a tank, on a motor vehicle or ship, that is designed to contain motor spirits for use for the propulsion of the motor vehicle or ship:

“Goods service vehicle” means a motor vehicle designed exclusively or principally for the carriage of goods:

“Gross weight”, in relation to a motor vehicle, means the gross weight as defined in section 2 (1) of the Transport Act 1962:

“Issuing officer” means an officer of the Post Office or any other person authorised by the Registrar to act as an issuing officer for the purposes of these regulations:

“Motorcar” means a motor vehicle (other than a motor cycle or power cycle) designed exclusively or principally for the carriage of passengers; and includes a motor vehicle which is designed principally for the carriage of passengers but which has rear doors and collapsible rear seats:

“Motor spirits” includes—

(a) Petrol; and

(b) Any liquid fuel which is suitable for internal combustion engines and which is of such a nature that, when submitted to distillation in standard apparatus,—

(i) Not less than 10 percent of the fuel distils over at a temperature of 150° C; or

(ii) Not less than 50 percent of the fuel distils over at a temperature of 160° C:

“Motor vehicle” means a vehicle drawn or propelled by mechanical power:

“To operate”, in relation to a motor vehicle, means—

(a) To drive it; or

(b) To cause or permit it to be driven, whether the person causing or permitting it to be driven is present or not:

“Owner”, in relation to a motor vehicle, means the person lawfully entitled to possession thereof:

“Public holiday” means Anzac Day, Christmas Day, Boxing Day, New Year’s Day, the 2nd day of January, Good Friday, Easter Monday, Labour Day, the Sovereign’s Birthday, or Waitangi Day:

Provided that where any day is observed throughout New Zealand as a holiday in substitution for any day specified in the foregoing provisions of this definition, the day so observed, and not the day so specified, shall be a public holiday for the purposes of these regulations:

“Registrar” means the Registrar of Motor Vehicles appointed under the Transport Act 1962:

“Rental vehicle” means a rental vehicle as defined in section 2 (1) of the Transport Act 1962:

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

“Retailer” means a person other than a wholesaler, who sells motor spirits to any other person, whether in conjunction with any other business or not; and in respect of a sale made by a wholesaler to any other person, for any purpose other than resale, includes that wholesaler:

“Road” includes—

(a) A highway, a motorway, and a street; and

(b) Any place to which the public have access, whether as of right or not:

“Sale” includes barter and every other disposition for valuable consideration; and “sell” has a corresponding meaning:

“Secretary of Energy” means the Secretary of Energy appointed in accordance with section 5 of the Ministry of Energy Act 1977:

“Ship” means every description of vessel (including a barge, lighter, or like vessel) used in navigation, however propelled:

“Traffic officer” means a traffic officer within the meaning of section 2 (1) of the Transport Act 1962:

“Week” means calendar week:

“Wholesaler” means a person who sells motor spirits to any other person for the purpose of resale.

3. Administration of regulations—The powers and functions of the Minister under these regulations and any powers or functions which the Minister may exercise under the Economic Stabilisation Act 1948 for the purposes of these regulations shall be exercised by the Minister of Energy.

PART I

RESTRICTIONS ON SALE OF MOTOR SPIRITS

4. Restrictions on sale of motor spirits—(1) No person shall sell any motor spirits at retail to any other person, or purchase any motor spirits at retail from any other person, unless—

(a) At the time of the transaction, the motor spirits are deposited—

(i) By the seller or by an employee of the seller; or

(ii) By the customer under the supervision of the seller or of an employee of the seller—

directly into the fuel tank of a motor vehicle or ship, being a motor vehicle or ship brought by the customer to the place of business of the seller and present at that place at the time of the deposit; or

(b) The amount of motor spirits so sold or purchased does not exceed 9.1 litres.

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

(3) Nothing in subclause (1) of this regulation shall apply to a transaction (being a sale or purchase of motor spirits in or into a container or tank) if—

(a) The transaction takes place in the ordinary course of business between a retailer and a customer; and

(b) Either—

(i) Motor spirits were customarily sold at retail in or into a container or tank, before the 24th day of March 1979, by that retailer to that customer; and

(ii) The amount of motor spirits to which the transaction relates does not exceed the average of the amounts of motor spirits sold at retail by that retailer to that customer in transactions of the same kind that occurred in the period of 12 months ending with the expiration of the 23rd day of March 1979:

(c) Or—

(i) The sale of motor spirits at retail in or into a container or tank by that retailer to that customer is for the time being approved in writing by the Secretary of Energy; and

(ii) The transaction is in accordance with that approval and any conditions to which that approval is subject.

(4) The Secretary of Energy may give his approval for the purposes of subclause (3) (c) of this regulation (which approval may be subject to conditions) where he is satisfied that a person will be prevented from carrying on, or will be unduly hampered in the carrying on of, a business if he is refused, either generally or in relation to a particular retailer, the right to purchase motor spirits at retail in or into a container or tank.

(5) In any prosecution for an offence against subclause (1) of this regulation it shall be for the defendant to prove that the act complained of was not an offence by virtue of—

(a) Subclause (3) of this regulation; or

(b) Regulation 10 of these regulations.

5. Restrictions on use of coin-operated pumps—(1) 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.

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

6. 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—

at any time in a restricted period, except in accordance with regulation 7 or regulation 8 or regulation 9 or regulation 10 of these regulations.

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

(3) Nothing in subclause (1) of this regulation shall apply to the selling or purchasing of motor spirits in a trade transaction (being a transaction to which the only parties are wholesalers or retailers or both).

(4) Nothing in subclause (1) of this regulation shall apply to the selling or purchasing of motor spirits on the termination of a hire of a rental vehicle if—

(a) The seller is the owner of the rental vehicle; and

(b) The purchaser is the hirer of the rental vehicle; and

(c) The quantity of motor spirits to which the transaction relates (being the quantity necessary to fill or top up, as the case may require, the fuel tank of the rental vehicle) is deposited directly into the fuel tank of the rental vehicle.

(5) In any prosecution for a contravention of this regulation, the onus shall lie on the defendant to prove—

(a) That, by virtue of subclause (3) or subclause (4) of this regulation, the act complained of was not an offence; or

- (b) That the defendant sold or purchased the motor spirits to which the prosecution relates in accordance with regulation 7 or regulation 8 or regulation 9 or regulation 10 of these regulations.

7. Permits for essential use—(1) Where the Secretary of Energy is satisfied that the right to purchase motor spirits during restricted periods is essential for any person, being a person—

- (a) Who is engaged in seasonal work or in weather-related agricultural work; or
(b) Who is engaged in a capacity, such as that of a ranger, in the enforcement of any Act or regulations,—

the Secretary of Energy may issue that person with a permit authorising him (during a period, not exceeding 3 months, to be specified in the permit) to purchase motor spirits during restricted periods.

(2) Every such permit shall specify the purposes for which the holder may purchase motor spirits and the purposes so specified shall, in relation to the holder and for the duration of the permit, be the activities of an essential user.

(3) The Secretary of Energy may, in his discretion, revoke any permit issued under subclause (1) of this regulation by giving written notice to that effect to the person to whom it was issued.

(4) Nothing in this regulation shall limit the provisions of regulation 9 of these regulations.

8. 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 who requires the motor spirits for the purposes of his activities as 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) to (c) of subclause (4) of this regulation but not otherwise, from any authorised retailer.

(6) In this regulation, the term "essential user" does not include a person who is an essential user only under Part II of the Second Schedule to these regulations.

9. Emergency supply of motor spirits during restricted periods—

(1) Where a member of the Police is satisfied that a person needs, during a restricted period, to purchase motor spirits—

- (a) For emergency purposes; or
- (b) For the purpose of refuelling a motor vehicle after it has been used for emergency purposes,—

the member of the Police may permit any authorised retailer to sell to the person during the restricted period the amount of motor spirits that is necessary to meet the emergency or to refuel the motor vehicle.

(2) When giving permission to an authorised retailer to sell motor spirits in accordance with this regulation, the member of the Police 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 member of the Police 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 member of the Police in respect of that restricted period may purchase motor spirits, on the conditions specified in paragraphs (a) to (d) of subclause (3) of this regulation but not otherwise, from any retailer to whom the permission has been given.

10. Key-operated pumps—(1) Notwithstanding anything in regulations 4, 6, and 8 of these regulations,—

- (a) An authorised retailer, or a retailer whose premises are more than 5 kilometres from the premises of an authorised retailer who is open for the sale of motor spirits to essential users, may

issue to any essential user a key that will enable the essential user to effect a self-service sale of motor spirits to himself by means of a pump used for the retail sale of motor spirits and situated at the retailer's premises; and

- (b) An essential user may use any key issued to him pursuant to paragraph (a) of this subclause to effect a self-service sale of motor spirits to himself if—

(i) The sale takes place when the premises at which the pump is situated are closed; and

(ii) The motor spirits are deposited directly by the essential user into the fuel tank of a motor vehicle used by him for the purposes of his activities as an essential user; and

(iii) Where the sale takes place during a restricted period, the purchaser makes out, as if he were an authorised retailer, the record required by regulation 8 (4) (b) of these regulations and, after certifying and signing that record as required by regulation 8 (4) (c) of these regulations, leaves it, at the time of the sale, in a secure place at the premises of the retailer.

(2) In this regulation, the term "essential user" does not include a person who is an essential user only under Part II of the Second Schedule to these regulations.

11. Records to be kept by retailers—(1) At the end of every restricted period, every retailer who has sold motor spirits during that period, whether under regulation 10 of these regulations or otherwise, 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 9 of these regulations during that period.

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

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

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

12. Employee or agent may act on behalf of retailer—Any act or thing required or permitted to be done by a retailer under regulations 8 to 11 of these regulations may be done on behalf of the retailer by an employee or agent of the retailer.

13. Sales of motor spirits for use in aircraft or certain ships exempted—(1) Nothing in this Part of these regulations shall apply to the sale or purchase of motor spirits—

- (a) For use in any aircraft; or
- (b) For the purposes of resale for use in any aircraft; or
- (c) For use in any ship, being—
 - (i) A commercial fishing boat used for the purposes of commercial fishing; or
 - (ii) A ship used exclusively as part of an organised surf lifesaving or sea rescue service; or
 - (iii) A ship used principally, and in the course of a business, for the carriage of passengers or goods or both for hire or reward; or
 - (iv) A ship used principally, and in the course of a business, for letting out on charter or hire or for commercial fishing or for both.

(2) In any prosecution for an offence against any provision of this Part of these regulations, it shall be for the defendant to prove that, by virtue of subclause (1) of this regulation, the act complained of was not an offence.

PART II

CHOSEN CARLESS DAYS

14. Application—(1) Subject to subclause (2) of this regulation, this Part of these regulations applies only in respect of every motor vehicle which is—

- (a) A motorcar; or
- (b) A goods service vehicle with a gross weight of 2,000 kg or less.

(2) Nothing in this Part of these regulations shall apply in respect of a motor vehicle of a kind described in the Fourth Schedule to these regulations.

15. Certain vehicles to have carless day stickers—(1) No person shall operate a motor vehicle in respect of which this Part of these regulations applies on a road unless a carless day sticker is affixed to the motor vehicle in accordance with regulation 25 of these regulations.

(2) Every carless day sticker shall be in the form set out in the Fifth Schedule to these regulations and shall conform to the requirements specified in that Schedule.

(3) Every person commits an offence against these regulations who acts in contravention of subclause (1) of this regulation.

16. Chosen carless days—(1) No person shall operate a motor vehicle in respect of which this Part of these regulations applies on a road at any time during the period beginning with 2 a.m. and ending at midnight on the chosen carless day in respect of that vehicle.

(2) Every person commits an offence against these regulations who acts in contravention of subclause (1) of this regulation.

(3) Nothing in subclause (1) of this regulation shall apply to the operating of a motor vehicle on a road—

- (a) By an essential user if—
 - (i) The motor vehicle is operated for the purposes of his activities as an essential user; and
 - (ii) An exempt sticker is affixed to the motor vehicle in accordance with regulation 25 of these regulations; or

- (b) By any person called out to carry on his occupation outside of his normal hours of work by a person who requires the services of the person called out; or
- (c) By any person in the case of any emergency which is of such a nature as to make it impractical for that person to seek to obtain a permit under subclause (4) of this regulation; or
- (d) By the holder of a permit issued under subclause (4) of this regulation; or
- (e) By any person if—
 - (i) An exempt sticker issued under regulation 23 (1) (c) of these regulations is affixed to the motor vehicle in accordance with regulation 25 of these regulations; and
 - (ii) The motor vehicle is operated for the purposes of carrying on the activity, or of mitigating or avoiding the extreme hardship, that occasioned the issue of the exempt sticker; or
- (f) By the holder of a permit issued under regulation 23 (1) (d) of these regulations if the motor vehicle is operated for the purposes, and in accordance with the conditions, specified in the permit; or
- (g) By any person in any part of New Zealand specified in a notice in force under regulation 17 of these regulations,—

in any case where there is no reasonable alternative (such as the use of public transport or another vehicle) to the use of the motor vehicle.

(4) Where any member of the Police is satisfied that any person needs, by reason of an emergency, to operate a motor vehicle in respect of which this Part of these regulations applies on a road at any time during the period beginning with 2 a.m. and ending at midnight on the chosen carless day in respect of that vehicle, the member of the Police may issue a permit authorising that person to use that motor vehicle during that period on that day.

(5) In any prosecution for a contravention of subclause (1) of this regulation, it shall be for the defendant to prove that by virtue of subclause (3) or subclause (4) of this regulation the act complained of was not an offence.

17. Suspension of observance of carless days—(1) Where the Minister of Energy is satisfied that as a result of exceptional circumstances substantial problems have arisen or will arise in any part of New Zealand from the need to observe regulation 16 (1) of these regulations, he may, by notice in the *Gazette*, suspend the operation of regulation 16 (1) of these regulations in that part of New Zealand for such period as he thinks fit.

(2) The Minister of Energy may at any time vary or revoke any notice issued under subclause (1) of this regulation.

18. Applications for carless day stickers—(1) The owner of every motor vehicle in respect of which this Part of these regulations applies shall be entitled to obtain, on application to an issuing officer, a carless day sticker for the motor vehicle.

(2) Every such application shall be on a form provided or approved for the purpose by the Secretary of Energy and shall contain the following information:

- (a) The full name and address of the owner of the motor vehicle:
 - (b) The number or distinguishing mark shown on the registration plate or plates of the motor vehicle:
 - (c) The day of the week nominated by the owner as the day of the week on which, in each week, the motor vehicle will not be operated on a road at any time during the period beginning with 2 a.m. and ending at midnight:
 - (d) The make of the motor vehicle:
 - (e) Such other information as the Secretary of Energy may from time to time require.
- (3) Every such application shall be signed by or on behalf of the owner of the motor vehicle.

19. Issue of carless day stickers—(1) On receipt of an application under regulation 18 of these regulations for a carless day sticker for a motor vehicle in respect of which this Part of these regulations applies, an issuing officer, if satisfied that the application is in order, shall issue to the applicant, as soon as practicable, a carless day sticker for the motor vehicle, which sticker shall specify, as the chosen carless day in respect of that motor vehicle, the day of the week specified by the applicant in the application as the day of the week on which, in each week, the motor vehicle will not be operated on a road at any time during the period beginning with 2 a.m. and ending at midnight.

(2) No carless day sticker shall relate to more than one motor vehicle.

(3) Except as provided in regulations 20 and 21 of these regulations, only one chosen carless day sticker shall be issued in respect of each motor vehicle.

20. Issue of new carless day sticker where mistake, etc., made—

(1) Where an issuing officer is satisfied that—

- (a) A mistake has been made in the issue of a carless day sticker; or
- (b) A carless day sticker for a motor vehicle has been lost, stolen, or destroyed; or
- (c) The ownership of a motor vehicle for which a carless day sticker has been issued has recently changed,—

he may, on the application of the owner of the motor vehicle on a form provided for the purpose by the Secretary of Energy, but subject to subclauses (2) and (3) of this regulation, issue a new carless day sticker in the place of the carless day sticker previously issued (whether or not the day of the week specified by the new sticker is the same as that specified by the sticker that it replaces).

(2) An issuing officer shall not issue a new carless day sticker under paragraph (a) or paragraph (c) of subclause (1) of this regulation unless either—

- (a) The carless day sticker previously issued is surrendered to him;
or
- (b) The owner of the motor vehicle undertakes that the carless day sticker previously issued has been or will be destroyed.

(3) Where a new carless day sticker is issued under paragraph (b) of subclause (1) of this regulation, that new sticker shall be for the same day of the week as the sticker that it replaces.

21. Issue of new carless day sticker in cases of undue hardship—

Where the Secretary of Energy is satisfied, on the application of the owner of a motor vehicle in respect of which this Part of these regulations applies, that the obligation not to operate that motor vehicle on a road at any time during the period beginning with 2 a.m. and ending at midnight on the chosen carless day applicable in respect of that motor vehicle is causing undue hardship to any person, the Secretary of Energy may—

- (a) Permit the owner to choose a different day of the week as the day of the week on which the motor vehicle will not be used on a road during that period; and
- (b) On the destruction of the carless day sticker previously issued or on the undertaking of the owner to destroy that sticker, may issue or cause to be issued a new carless day sticker to the owner in accordance with the owner's choice under paragraph (a) of this regulation of a different day.

22. Applications for exempt stickers—(1) Where the Secretary of Energy or an issuing officer is satisfied, on the application of any person,—

- (a) That the applicant is an essential user; and
 - (b) That the applicant operates a motor vehicle in respect of which this Part of these regulations applies for the purposes of his activities as an essential user; and
 - (c) That no reasonable alternative to the use by the applicant of that motor vehicle for the purposes of those activities exists (such as the use of public transport or of another vehicle),—
- the Secretary of Energy or issuing officer may, in his discretion, issue to the applicant, as soon as practicable, an exempt sticker for that motor vehicle.

(2) Every application under subclause (1) of this regulation shall be signed by or on behalf of the essential user.

(3) Every exempt sticker shall be in the form set out in the Sixth Schedule to these regulations and shall conform to the requirements specified in that Schedule.

(4) Subject to regulation 26 of these regulations, every exempt sticker issued under subclause (1) of this regulation for a motor vehicle shall, in addition to the carless day sticker, be affixed to the motor vehicle in accordance with regulation 25 of these regulations.

(5) Nothing in this regulation shall exempt any person (including an essential user) from the obligation imposed by regulation 15 of these regulations to have a carless day sticker affixed in accordance with regulation 25 of these regulations to any motor vehicle in respect of which this Part of these regulations applies.

(6) No exempt sticker shall relate to more than one motor vehicle.

23. Temporary exemptions—(1) Where the Secretary of Energy is satisfied, on the application of any person, that the need to observe the provisions of regulation 16 (1) of these regulations—

- (a) Is hampering or will hamper the applicant or any other person in the conduct of any activity that is being carried on, or is to be carried on, in the public interest; or

- (b) Is causing extreme hardship to the applicant or any other person (being hardship that cannot be avoided by the use of public transport or another vehicle),—

the Secretary of Energy may issue to the applicant or to any other person either—

- (c) An exempt sticker for any motor vehicle; or

- (d) A permit authorising the applicant or any other person to use a motor vehicle during the period beginning with 2 a.m. and ending at midnight on the chosen carless day in respect of that motor vehicle.

(2) Every permit issued under subclause (1) (d) of this regulation shall, unless sooner revoked by the Secretary of Energy, be valid for a period not exceeding 3 months to be specified in the permit.

(3) Every such permit shall specify the purposes for which the motor vehicle may be used and shall be subject to such conditions as are specified in the permit.

(4) The Secretary of Energy may, in his discretion, revoke any permit issued under subclause (1) (d) of this regulation by giving written notice to that effect to the person to whom it was issued.

(5) Nothing in this regulation shall limit the provisions of regulations 16 (4) and 22 of these regulations.

24. Revocation of exempt stickers—The Secretary of Energy may, in his discretion, revoke any exempt sticker by giving written notice to that effect to the person to whom it was issued or to the owner of the motor vehicle for which it was issued.

25. Display of carless day and exempt stickers—(1) Every carless day sticker and every exempt sticker shall be affixed to the motor vehicle in respect of which it is issued in such a manner as not to be readily detachable from that motor vehicle.

(2) In the case of a motor vehicle fitted with a windscreen, the sticker shall be affixed, by the adhesive on the front of the sticker, near to the top or bottom centre of the windscreen on the inside of the windscreen so that the front of the sticker faces towards the foremost part of the motor vehicle and is easily visible from outside the motor vehicle.

(3) In the case of a motor vehicle not fitted with a windscreen, the sticker shall be affixed on the front or on the back or on the right-hand side of the motor vehicle so that the front of the sticker is easily visible from outside the motor vehicle.

(4) In each such case the sticker shall be displayed in an upright and conspicuous position.

26. Offence not to destroy exempt stickers in certain circumstances—

(1) Every person commits an offence against these regulations who, being the owner of a motor vehicle for which an exempt sticker has been issued, fails to destroy that sticker in any case where that motor vehicle—

- (a) Is sold or otherwise disposed of; or

- (b) Ceases to be used by an essential user (being the essential user for whose benefit the sticker was issued) for the purposes of his activities as an essential user; or

- (c) Ceases to be used, in the case of a motor vehicle for which an exempt sticker has been issued pursuant to regulation 23 (1)

(c) of these regulations, for the purpose of carrying on the activity, or of mitigating, or avoiding the extreme hardship, that occasioned the issue of the exempt sticker.

(2) Every person commits an offence against these regulations who, being the person to whom an exempt sticker has been issued or the owner of a motor vehicle for which an exempt sticker has been issued, fails to destroy that sticker as soon as practicable after receiving, under regulation 24 of these regulations, notice of the revocation of that sticker.

27. Miscellaneous offences—Every person commits an offence against these regulations who—

- (a) Displays a carless day sticker or an exempt sticker on a motor vehicle other than the motor vehicle for which that sticker was issued; or
- (b) Knowingly displays on a motor vehicle—
 - (i) A carless day sticker that has been superseded by the issue, under regulation 20 or regulation 21 of these regulations, of a new carless day sticker; or
 - (ii) An exempt sticker that has been revoked; or
- (c) Operates on a road a motor vehicle on which there is displayed a sticker (being a carless day sticker or an exempt sticker) that has been altered or defaced; or
- (d) Displays on a motor vehicle any sticker, object, or thing that is likely to be mistaken for a carless day sticker or an exempt sticker; or
- (e) Otherwise than in accordance with regulation 20 or regulation 21 of these regulations, makes application for a carless day sticker for a motor vehicle when he knew or ought to have known that a carless day sticker had previously been issued for that vehicle; or
- (f) Operates on a road a motor vehicle on which there is displayed, otherwise than in accordance with regulation 25 of these regulations, an exempt sticker.

PART III

MISCELLANEOUS PROVISIONS

28. General penalty—Every person who commits an offence against these regulations is liable to a fine not exceeding \$400.

29. Offences to be punishable on summary conviction—Every offence against these regulations shall be punishable on summary conviction.

30. Contracts of insurance not affected—A contravention of any provision of these regulations shall not in itself be a ground for avoiding liability under any contract of insurance.

31. 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 purpose of exercising the powers conferred on him by this regulation, enter on to any land (other than a building) forming the business premises of any retailer; and
- (c) Stop any vehicle and question the driver in relation to matters arising from these regulations.

32. Revocations and saving—(1) The following regulations are hereby revoked, namely—

- (a) The Economic Stabilisation (Conservation of Petroleum) Regulations (No. 2) 1979*:
- (b) The Economic Stabilisation (Conservation of Petroleum) Regulations (No. 2) 1979, Amendment No. 1†:
- (c) The Economic Stabilisation (Carless Day Stickers and Exempt Sticker) Notice 1979‡:
- (d) The Economic Stabilisation (Conservation of Petroleum) Regulations (No. 2) 1979, Amendment No. 2§.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the revocations effected by subclause (1) of this regulation shall not affect any carless day sticker or exempt sticker issued before the commencement of these regulations under any provision of the Economic Stabilisation (Conservation of Petroleum) Regulations (No. 2) 1979 and every such sticker which is subsisting at the commencement of these regulations shall continue and have effect for the purposes of these regulations; but any such exempt sticker may be revoked under regulation 24 of these regulations.

*S.R. 1979/53
†S.R. 1979/114
‡S.R. 1979/119
§S.R. 1979/134

SCHEDULES

FIRST SCHEDULE

Reg. 2

RESTRICTED PERIODS

1. In respect of each Friday (not being a public holiday), the period after 7 p.m.
2. The whole of each Saturday.
3. The whole of each Sunday.
4. In respect of each Monday (not being a public holiday), the period before 6 a.m.
5. In respect of each day,—
 - (a) Which is a Monday, a Tuesday, a Wednesday, or a Thursday; and
 - (b) Which (not being a public holiday) immediately precedes a public holiday,—
 the period after 9 p.m.
6. In respect of each day,—
 - (a) Which is a Tuesday, a Wednesday, a Thursday, or a Friday; and
 - (b) Which (not being a public holiday) immediately follows a public holiday,—
 the period before 6 a.m.
7. The whole of each public holiday.

SECOND SCHEDULE

Reg. 2

ESSENTIAL USERS

PART I

Regs. 2, 8 (1), 8 (4), 8 (5),
10 (1), 11 (1), 16 (3) (a),
22, and 26

1. A member of an ambulance service.
2. A district nurse.
3. A member of an animal ambulance service conducted by the Royal Society for the Prevention of Cruelty to Animals.
4. A member of a fire brigade within the meaning of section 2 of the Fire Service Act 1975.
5. A driver of any motor vehicle designed and used for the transport of food or livestock.
6. A registered medical practitioner.
7. A driver of any motor vehicle designed and used for the delivery of milk.
8. A member of the Police.
9. A minister of religion.
10. A driver of a rental vehicle.
11. A driver of a taxicab.
12. A driver of a passenger-service vehicle within the meaning of section 2 (1) of the Transport Act 1962.
13. An employee of the Post Office.
14. A rural mail contractor.
15. A traffic officer.
16. A registered veterinary surgeon.
17. A news media reporter or photographer.
18. A security service operator.
19. A newspaper contractor or distributor.
20. A patrol officer employed by an automobile association.
21. A funeral director or an employee of a funeral director.
22. A driver of a motor vehicle which is operated by the Electricity Division of the Ministry of Energy, and which is emblazoned with words or markings or both indicating that it is operated by that Division.
23. A driver of a motor vehicle which is operated by an Electrical Supply Authority within the meaning of section 2 of the Electricity Act 1968 and which is emblazoned with words or markings or both indicating the Authority by which it is operated.
24. A driver of a motor vehicle which is operated by a gas undertaking within the meaning of section 2 of the Gas Industry Act 1958 and which is emblazoned with words or markings or both indicating the undertaking by which it is operated.
25. A driver of a motor vehicle which is operated by the New Zealand Government Railways Department and which is emblazoned with words or markings or both indicating that it is operated by that Department.
26. A driver of a rubbish collection motor vehicle.

SECOND SCHEDULE—*continued*

PART II

Regs. 2, 8 (6), 10 (2), 16 (3)
(a), 22, and 26

1. A physically handicapped person.
2. A person who has the care of a physically handicapped person.
3. A worker whose conditions of employment require that worker—
 - (a) To take days off on different days of the week on a rotating basis; or
 - (b) To start or finish work on each of at least 5 days of the week outside the period beginning with 7.30 a.m. and ending with 6.30 p.m. at a time when public transport is not readily available; or
 - (c) To work 6 or 7 days of the week.
4. A person engaged in operating a business 6 or 7 days of the week where a motor vehicle is necessary to transport that person to or from that business.
5. An employer who uses motor vehicles for the transport of workers to or from a work site at which work is being carried on 7 days of the week.
6. An authorised retailer or an employee of an authorised retailer.

THIRD SCHEDULE

Reg. 8 (4) (b)

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:
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 (being motor spirits required for the purposes of the activities of the essential user):
7. Name of retailer:

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

.....
(Signature of essential user)

FORM 2

Reg. 9 (3) (b)

Record of motor spirits sold for emergency services

1. Name of member of the Police 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)

FOURTH SCHEDULE

Reg. 14 (2)

MOTOR VEHICLES EXEMPTED FROM PART II (CHOSEN CARLESS DAYS)

1. A rental vehicle.
2. A public taxicab or a private taxicab.
3. A motor vehicle operated under a passenger-service licence issued under Part VII of the Transport Act 1962.
4. A motor vehicle to which trade plates issued under section 22 of the Transport Act 1962 are lawfully affixed.
5. A motor vehicle to which registration plates of the kind specified in regulation 5 of the Motor Vehicles Registration and Licensing Regulations 1965 are lawfully affixed.
6. A motor vehicle on which there is displayed, in accordance with the Road User Charges Act 1977, a current licence under that Act.
7. A motor vehicle operated by—
 - (a) The Police Department; or
 - (b) The traffic enforcement branch of the Ministry of Transport; or
 - (c) The Armed Forces; or
 - (d) The Post Office; or
 - (e) The New Zealand Government Railways Department; or
 - (f) The Electricity Division of the Ministry of Energy; or
 - (g) The New Zealand Fire Service Commission; or
 - (h) A fire brigade within the meaning of section 2 of the Fire Service Act 1975; or
 - (i) An ambulance service; or
 - (j) An Electrical Supply Authority within the meaning of section 2 of the Electricity Act 1968; or
 - (k) An owner of a gas undertaking within the meaning of section 2 of the Gas Industry Act 1958; or
 - (l) The traffic enforcement branch of a local authority; or
 - (m) The Auckland Harbour Bridge Authority for traffic control or servicing purposes in the management of the Auckland Harbour Bridge; or
 - (n) The Ministry of Works and Development for traffic control or servicing purposes in the management of the Christchurch-Lyttelton Road Tunnel,—
 and emblazoned with words or markings or both indicating the body or person by which or by whom the motor vehicle is operated.
8. A courtesy vehicle, being a motor vehicle—
 - (a) Used to carry tourists to or from any hotel, motel, tourist house, or other form of tourist accommodation or to or from any tourist facility or attraction; and
 - (b) Emblazoned with both the words “courtesy car” (or words to the like effect) and the name of the hotel, motel, tourist house, tourist accommodation, tourist facility, or tourist attraction in respect of which the vehicle is used.
9. A diesel-powered motor vehicle.
10. A motor vehicle of a kind described in the First Schedule to the Motor Spirits Duty Refund Regulations 1978*.

*S.R. 1978/28

FOURTH SCHEDULE—*continued*

11. A motor vehicle which is a visitor's motor vehicle as defined in regulation 2 of the Transport (Convention on Road Traffic) Regulations 1958* and which, by virtue of regulation 3 (1) of those regulations, is exempt from the requirements as to registration and licensing specified in section 7 of the Transport Act 1962.

*S.R. 1958/60
Amendment No. 1: S.R. 1959/82
Amendment No. 2: S.R. 1974/73

FIFTH SCHEDULE

Reg. 15 (2)

FORM OF CARLESS DAY STICKER

[As illustrated by the carless day sticker for Sunday]

Front*Back*

Car Reg. No.

FIFTH SCHEDULE—*continued*

1. The predominant colour of the front of each carless day sticker and the letter of the alphabet that immediately precedes the number to be shown on the front of each carless day sticker shall be as follows:

Day of the week specified on the front of the sticker	Predominant colour of the front of the sticker	Letter of the alphabet that immediately precedes the number shown on the front of the sticker
Monday	Deep purple	A
Tuesday	Crimson	B
Wednesday	Orange	C
Thursday	Purple	D
Friday	Deep brown	E
Saturday	Maroon	F
Sunday	Russet	G

2. The colour of the letters denoting the day of the week specified on the front of each carless day sticker shall be white.

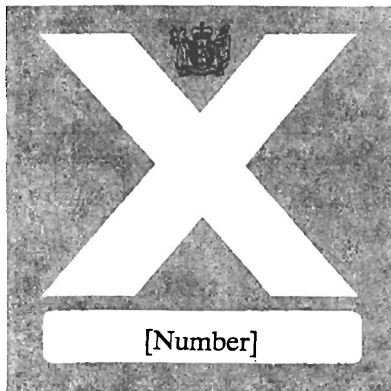
3. The number (including the immediately preceding letter) required to be shown on the front of each carless day sticker may in addition be shown (but shall not be required to be shown) on the back of the sticker.

4. The date of the issue of a carless day sticker may be shown (but is not required to be shown) on the back of the sticker.

SIXTH SCHEDULE

Reg. 22 (3)

Form of Exempt Sticker

Front

SIXTH SCHEDULE—*continued**Back*

Car Reg. No.

1. The predominant colour of the front of each exempt sticker shall be green.
2. The colour of the cross shown on the front of each exempt sticker shall be white.
3. The date of the issue of an exempt sticker may be shown (but is not required to be shown) on the back of the sticker.

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, which come into force on 30 July 1979, consolidate and amend the Economic Stabilisation (Conservation of Petroleum) Regulations (No. 2) 1979.

Amendments include—

- (a) The insertion in regulation 2 of new subclauses (3) and (4) authorising the Governor-General from time to time by Order in Council to suspend the application of all or any of the provisions of Part II (Chosen Carless Days) for such period as he thinks fit.
- (b) The insertion in regulation 2 of a definition of the term “activities of an essential user”. This definition makes it clear that those activities do not include the use of a motor vehicle as a means of transport to or from work unless—
 - (i) The essential user is an essential user by virtue of a provision of Part II of the Second Schedule to the regulations; or
 - (ii) Such use of a motor vehicle is justified by the need for the essential user to have the motor vehicle in use or available for his use throughout his working day.
- (c) An amendment to regulation 4. Under that regulation any quantity of motor spirits that exceeds 9.1 litres and is sold at retail may be sold and purchased in drums, or may be delivered into tanks, only subject to certain conditions. One of those conditions required such transactions to have taken place between the parties before the commencement of the regulations. Provision is now made for such transactions to take place between parties who have had no history of such sales. In these cases the approval of the Secretary of Energy will be required.

(d) A new regulation 7 which provides that, where the Secretary of Energy is satisfied that the right to purchase motor spirits during restricted periods is essential to any person, being a person—

(i) Who is engaged in seasonal work or in weather-related agricultural work; or

(ii) Who is engaged in a capacity, such as that of a ranger, in the enforcement of any Act or regulations,

the Secretary of Energy may issue that person with a permit authorising him (during a period, not exceeding 3 months, to be specified in the permit) to purchase motor spirits during restricted periods. A consequential amendment to the definition of the term "essential user" gives the holder of any such permit the status of an essential user for the duration of the permit.

(e) The exemption from Part II (Chosen Carless Days) of any motor vehicle used for traffic control or servicing purposes in the management of the Auckland Harbour Bridge or the Christchurch-Lyttelton Road Tunnel.

(f) The exemption from Part II (Chosen Carless Days) of any visitor's motor vehicle as defined in regulation 2 of the Transport (Convention on Road Traffic) Regulations 1958.

(g) The shortening of the carless day so that it will now begin at 2 a.m. and end at midnight.

(h) A new regulation 17 which provides that where the Minister of Energy is satisfied that as a result of exceptional circumstances substantial problems have arisen or will arise in any part of New Zealand from the need to observe carless days, he may, by notice in the *Gazette*, suspend the need to observe carless days in that part of New Zealand for such period as he thinks fit.

(i) An amendment to regulation 21. This amendment reduces the severity of the test that must be met before a person may change his choice of carless day. The old test was extreme hardship to any person. The new test is undue hardship to any person.

(j) A new regulation 23 allowing the Secretary of Energy to grant a temporary exemption to any person in respect of any motor vehicle in any case where the obligation not to operate the motor vehicle on the chosen carless day in respect of that motor vehicle—

(i) Is hampering or will hamper any activity that is being carried on, or is to be carried on, in the public interest; or

(ii) Is causing extreme hardship to any person (being hardship that cannot be avoided by the use of public transport or another vehicle).

(k) An amendment embodied in clause 3 (b) of Part II of the Second Schedule to the regulations. Clause 3 (b) provides that a worker is an essential user for the purposes of the carless day provisions of the regulations if the worker's conditions of employment require the worker to start or finish work on each of at least 5 days of the week outside the period beginning with 7.30 a.m. and ending with 6.30 p.m. at a time when public transport is not readily available. Under the corresponding former provision the need to start or finish work on one day of the week outside of the period beginning with 7.30 a.m. and ending with 6.30 p.m. at a time when public transport is not readily available was sufficient to qualify the worker as an essential user.

(l) The omission of the provision of Part II of the Second Schedule to the regulations which made a principal or an employee of a top-dressing business an essential user.

(m) A savings provision which preserves (subject to the general power of revocation conferred by regulation 24) exempt stickers issued before the commencement of these regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 24 July 1979.

These regulations are administered in the Ministry of Energy.