



THE ECONOMIC STABILISATION (CONSERVATION OF
PETROLEUM) REGULATIONS (NO. 3) 1979, AMENDMENT
NO. 4

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 30th day of June 1980

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.

ANALYSIS

1. Title and commencement
2. Application
3. Restrictions on sale of motor spirits
4. New regulations inserted

- 13A. Sales of motor spirits by wholesalers to users of large quantities exempted
- 13B. Suspension of restrictions on sales of motor spirits
- 13C. General provisions as to suspension
- 13D. Records and offences

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Economic Stabilisation (Conservation of Petroleum) Regulations (No. 3) 1979, Amendment No. 4, and shall be read together with and deemed part of the Economic Stabilisation (Conservation of Petroleum) Regulations (No. 3) 1979* (hereinafter referred to as the principal regulations).

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

2. Application—Regulation 1 of the principal regulations is hereby amended by revoking subclause (3), and substituting the following subclause:

“(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 I or Part II of, or of the Third to Sixth Schedules to, these regulations for such period as shall be specified in the Order in Council.”

*S.R. 1979/153
Amendment No. 1: S.R. 1979/229
Amendment No. 2: (Revoked by S.R. 1980/99)
Amendment No. 3: S.R. 1980/99

3. Restrictions on sale of motor spirits—Regulation 4 (3) of the principal Act is hereby amended by revoking paragraph (b), and substituting the following paragraph:

“(b) Either—

“(i) Motor spirits were, in the year ending with the immediately preceding 31st day of December, customarily sold at retail in or into a container or tank 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 year ending with the immediately preceding 31st day of December.”.

4. New regulations inserted—The principal regulations are hereby amended by inserting, after regulation 13, the following regulation:

“13A. Sales of motor spirits by wholesalers to users of large quantities exempted—Nothing in this Part of these regulations shall apply to any sale or purchase of motor spirits under which the motor spirits sold are delivered to the purchaser—

“(a) By a ‘wholesaler’ within the meaning of the Motor Spirits Distribution Act 1953; and

“(b) Either—

“(i) At the wholesaler’s premises; or

“(ii) By road or rail tanker.

“13B. Suspension of restrictions on sales of motor spirits—(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 all or any of the provisions of regulations 4, 5, 6, 8 (4), 8 (5), 9, 10, 11 (1), and 12 of these regulations and of the Third Schedule to these regulations, he may, by notice in the *Gazette* or any newspaper or both, suspend the operation of all or any of those provisions 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.

“13C. General provisions as to suspension—Any suspension effected under regulation 1 (3) or regulation 13B of these regulations—

“(a) Shall not affect the validity, invalidity, effect, or consequences of anything done or effected before that suspension; and

“(b) Shall not prevent the exercise of any of the powers conferred by regulation 7 or by subclauses (1) to (3) of regulation 8 of these regulations; and

“(c) Shall not limit the application of subclauses (2) to (4) of regulation 11 of these regulations in respect of records required to be made and kept before that suspension.

“13D. Records and offences—Notwithstanding any suspension effected under regulation 1 (3) or regulation 13B of these regulations—

“(a) Every retailer who has, before that suspension, made and kept records under regulation 9 (3) (b) or regulation 11 (1) of these regulations, shall continue to keep those records:

“(b) All offences committed, or penalties incurred, before the suspension may be prosecuted, punished, and enforced as if the suspension had not been effected.”

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 amend the Economic Stabilisation (Conservation of Petroleum) Regulations (No. 3) 1979.

Regulation 2 is new to the extent that it gives the power to suspend, by Order in Council, the provisions of the principal regulations that impose restrictions on the sale of motor spirits.

Regulation 3 changes the historical period that is used to determine whether sales of motor spirits in or into containers or tanks are permitted.

Regulation 4 inserts new regulations 13A to 13D into the principal regulations. The new *regulation 13A* exempts, from the restrictions on the sale of motor spirits imposed by Part I of the principal regulations, sales by wholesalers to users of large quantities of motor spirits. To be exempt the motor spirits sold must be delivered either at the wholesaler's premises or by road or rail tanker.

The new *regulation 13B* 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 certain of the provisions of the principal regulations that impose restrictions on the sale of motor spirits, he may, by notice in the *Gazette* or in any newspaper or both, suspend the need to observe those provisions in that part of New Zealand for such period as he thinks fit.

The new *regulation 13C* contains savings provisions that will apply in relation to any suspension effected under regulation 1 (3) or regulation 13B of the principal regulations.

Paragraph (a) will preserve the validity of things already done under the suspended provisions.

Paragraph (b) will ensure that permits can still be issued under regulation 7 of the principal regulations. The holder of such a permit is an essential user within the meaning of the regulations.

Paragraph (b) will ensure, in addition, that the Minister can continue, under regulation 8, to designate a retailer as an authorised retailer or to revoke any authorisation given under that regulation.

Paragraph (c) will ensure that the provisions requiring the production or delivery of records required to be made and kept under the principal regulations are not affected so far as those provisions relate to records required to be kept before the suspension takes effect.

Regulation 13D contains related savings provisions with regard to records and offences.

Paragraph (a) will require each retailer to continue to keep the records that he made, before the suspension, under regulation 9 (3) (b) or regulation 11 (1) of the principal regulations.

Paragraph (b) will require that all offences committed, or penalties incurred, before the suspension may be prosecuted, punished, and enforced as if the suspension had not been effected.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 3 July 1980.

These regulations are administered in the Ministry of Energy.