

Serial Number 1938/42.



**THE INDUSTRIAL EFFICIENCY (MOTOR-SPIRITS LICENSING)
REGULATIONS 1938.**

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 23rd day of
March, 1938.

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the provisions of the Industrial Efficiency Act, 1936, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

1. These regulations may be cited as the Industrial Efficiency (Motor-spirits Licensing) Regulations 1938.
2. These regulations shall come into force on the 1st day of April, 1938.
3. These regulations shall apply in relation to the following industries, namely :—

- (a) The industry referred to in a notice given by the Minister of Industries and Commerce pursuant to section 14 of the Industrial Efficiency Act, 1936, on the 4th day of December, 1936, and published in the *Gazette* on the 10th day of December, 1936,* and also in the Industrial Licensing (Motor-spirits Sale No. 3) Notice† and therein respectively described as “ the importation and/or wholesale distribution of motor-spirit.”
- (b) The industry referred to in the several notices aforesaid and also in a notice given by the Minister of Industries and Commerce pursuant to the said section 14 on the 5th day of May, 1937, and published in the *Gazette* on the 6th day of May, 1937,‡ and therein respectively described as “ the retail sale and distribution of motor-spirit.”

* Also published in Statutory Regulations 1936-7, Serial number 222/1937, page 819.

† Statutory Regulations 1938, Serial number 1938/40.

‡ Also published in Statutory Regulations 1936-7, Serial number 227/1937, page 829.

4. In these regulations, if not inconsistent with the context,—

“ The said Act ” means the Industrial Efficiency Act, 1936 :

“ License ” means a license to carry on one of the industries aforesaid :

“ Retail license ” means a license to carry on the retail sale and distribution of motor-spirit :

“ Wholesale license ” means a license to carry on the importation and/or wholesale distribution of motor-spirit.

5. Every application made under section 15 of the said Act for a license to carry on one of the industries aforesaid shall be in writing signed by or on behalf of the applicant and, except in cases to which clause 15 hereof applies, shall be accompanied by an application fee of £1.

6. If the license be granted, the amount of the license fee hereinafter prescribed shall be reduced or satisfied, as the case may be, by the amount of the application fee paid by the licensee.

7. Every license shall be for a period commencing on the day on which the license is granted or any later day named in the license and ending on the 31st day of March next following the day of commencement.

8. Before any wholesale license is issued there shall be payable a license fee (reducible as aforesaid) of the amount following—

(a) If the licensee has during the year ended on the 31st day of December next preceding the day of commencement of the license carried on the importation of motor-spirit, the fee shall be the sum of £10 for every million gallons or part of a million gallons of motor-spirit imported by the licensee during that year :

(b) If the licensee has not during that year carried on the importation of motor-spirit, the fee shall be a sum of £10.

9. The said license fee, or any balance thereof not satisfied by the application fee, shall be payable immediately notice is given by the Bureau of Industry to the applicant that his application for a license has been granted, and may be paid by lodging the amount thereof to the credit of the Public Account at any branch of a bank where for the time being the Public Account is kept and delivering to the Bureau of Industry a bank receipt for the money so lodged.

10. Before any wholesale license is issued the applicant shall also deliver to the Bureau of Industry a statement signed by or on behalf of the licensee stating the number of gallons of motor-spirits by reference to which the amount of the license fee is computed or, as the case may be, that the licensee has not during the relevant year imported any motor-spirit.

11. If a retail license is restricted by reference to delivery by pump of motor-spirits sold or distributed by the licensee, the number of pumps by which the licensee is permitted to deliver motor-spirit shall be stated in the license.

12. Before any retail license is issued there shall be payable a license fee (reducible as aforesaid) of the amounts following :—

(a) In respect of every pump referred to in the license the sum of £1 :

- (b) Where the terms of the license permit the licensee to deliver motor-spirit otherwise than by a pump a sum of £1 for every ten thousand gallons or part of ten thousand gallons of motor-spirit so delivered by the licensee during the year ended on the 31st day of December next preceding the day of commencement of the license up to a maximum fee of £10 :
- (c) Where the terms of the license permit the licensee to deliver motor-spirit otherwise than by a pump, but no motor-spirit has been so delivered by the licensee during the relevant year, the sum of £1.

13. The said license fees, or any balance thereof not satisfied by the application fee, shall be payable immediately notice is given by the Bureau of Industry to the applicant that his application for a license has been granted, and may be paid in cash to the Bureau of Industry or to the local authority or officer by which or by whom the license is delivered on behalf of the Bureau of Industry.

14. Before any retail license is issued the terms of which permit delivery of motor-spirits otherwise than by a pump, the applicant shall deliver to the Bureau of Industry or to the local authority or officer by which or by whom the license is delivered on behalf of the Bureau of Industry, a statement signed by or on behalf of the licensee stating the number of gallons of motor-spirit by reference to which the amount of the license fee is computed or, as the case may be, that the licensee has not during the relevant year delivered any motor-spirit on sale or distribution thereof otherwise than by a pump.

15. If a person is on the 1st day of April, 1938, lawfully engaged in carrying on the business in respect of which he applies for a license, then in lieu of the application fee prescribed by clause 6 hereof the application fee shall be the amount of the appropriate license fee prescribed in clause 8 or clause 12 hereof, whichever is applicable, such fees to be paid in the first instance in the manner provided by clauses 9 and 13 hereof respectively.

16. Every application by a licensee to vary the conditions of a retail license by increasing the number of pumps stated therein shall be in writing signed by or on behalf of the licensee, and shall be accompanied by an application fee computed at the rate of £1 in respect of every additional pump to which the application refers.

17. Where a retail license contains a condition restricting the carrying-on of the industry licensed to a specified site and application is made to vary the said condition by permitting the industry to be carried on upon some other site, such application shall be accompanied by an application fee computed at the rate of £1 in respect of every pump (if any) to which the license relates, or if the license is not restricted by reference to delivery by pump, then by an application fee of £1.

18. Every application by a licensee to vary any condition of a retail license otherwise than as aforesaid shall be in writing signed by or on behalf of the licensee, and shall be accompanied by an application fee of £1.

19. Every application for leave to transfer a license shall be in writing signed by or on behalf of the licensee or the proposed transferee, and shall be accompanied by an application fee of £2.

20. Every appeal under section 21 of the said Act shall be in writing signed by or on behalf of the appellant in the form set out in the Schedule hereto.

21. Every appeal shall be accompanied by a fee of £2. If in the opinion of the Minister the appellant is substantially successful in his appeal, the said fee of £2 shall be repaid to the appellant out of moneys appropriated by Parliament for the purpose.

22. All moneys received by the Crown directly from an applicant or licensee, whether through the Bureau of Industry or through any officer of the Crown, shall be paid into the Public Account.

23. Of all moneys received by the Crown from an applicant or licensee through any local authority, nine-tenths shall be paid into the Public Account and one-tenth into the district fund, county fund, or corresponding fund or account of the local authority.

24. Every person failing to pay as hereinbefore provided any fee hereinbefore made payable as and when the same is payable commits an offence against these regulations.

25. Any person signing or authorizing a statement required to be signed by these regulations which is false or misleading in any material particular commits an offence against these regulations.

26. Any person committing a breach of these regulations shall be liable to a fine not exceeding £10.

SCHEDULE.

Industrial Efficiency Act, 1936.

APPEAL TO THE MINISTER OF INDUSTRIES AND COMMERCE.

To the Minister of Industries and Commerce,

.....

I HEREBY appeal against the decision of the Bureau of Industry, given at its meeting at Wellington on the day of, 19..

The decision was to the following effect, namely:

My interest in the subject-matter of the appeal is (e.g., applicant for license, or competitor in the locality in which applicant applied for license), and I pray that the Minister of Industries and Commerce provide relief as follows:

Usual signature of appellant :

Full name of appellant :

On behalf of :

Business address :

Date :

C. A. JEFFERY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 24th day of March, 1938.

These regulations are administered by the Bureau of Industry in the Department of Industries and Commerce, Tourist and Publicity.