Serial Number 1938/48.



THE MOTOR-SPIRITS PRICES (AUCKLAND PROVINCIAL) REGULATIONS 1938.

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 12th day of April, 1938.

Present :

THE RIGHT HON. M. J. SAVAGE PRESIDING IN COUNCIL.

In pursuance and exercise of the power and authority conferred upon him by section 3 of the Motor-spirits (Regulation of Prices) Act, 1933, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council, doth hereby, on the recommendation of the Minister of Industries and Commerce, make the following regulations.

REGULATIONS.

1. These regulations may be cited as the Motor-spirits Prices (Auckland Provincial) Regulations 1938.

2. These regulations shall come into force on the day following notification in the *Gazette* of the making thereof.*

3. For the purposes of these regulations there shall be two classes of motor-spirits namely :---

(a) Standard grade motor-spirits.

(b) Premium grade motor-spirits.

All motor-spirits sold at any time after the coming into force of these regulations under the following names, brands, or descriptions namely, Power Chief, Texaco 400, Shell, Big Tree, Plume, Atlantic, and Europa—are hereby declared to belong to the class of standard grade motor-spirits.

All motor-spirits sold at any time after the coming into force of these regulations under the following names, brands, or descriptions namely, Super Power Chief, Super Shell, Super Plume Ethyl, Atlantic Ethyl, and Lubricated Super Europa Ethyl—are hereby declared to belong to the class of premium grade motor-spirits.

4. In these regulations—

"Accredited agent" means an accredited agent of a wholesale vendor of motor-spirits under an agreement between the agent and his principal in force on the date of the coming into force of these regulations:

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* See end note.

- "Bulk consumer" in any area means a person who during any one year commencing on the 1st day of January and ending on the 31st day of December buys for delivery in that area not less than 4,800 imperial gallons of motor-spirit for use in his own business or businesses and not for resale:
- "B depot agent "means a duly appointed agent of a wholesale vendor of motor-spirits acting under an agreement to distribute the products of such wholesale vendor of motorspirits and made between the B depot agent and his principal in force on the date of the coming into force of these regulations :
- "Local authority " means the Council, Board, or other statutory governing authority of a borough, county, road district, town district, drainage district, water-supply district, river district, or electric-power district, and also includes Domain Boards, Fire Boards, Harbour Boards, and Hospital Boards:
- A reference to a scale is a reference to the respective scale set out in the Second Schedule hereto :
- The description of sales set out in the first column of the Second Schedule hereto, being intended for convenience of reference only, shall not control or in any way affect the interpretation of the said Schedule.

5. These regulations shall apply to contracts, whether entered into in the areas specified in the First Schedule hereto or elsewhere, but only to contracts for delivery within these areas and the prices mentioned which may be charged by wholesalers of motor-spirits shall be the prices charged for delivery within these areas to a purchaser either in containers holding not less than 44 imperial gallons or in bulk into tanks.

6. Except as hereinafter provided, the respective minimum prices and respective maximum prices at which a wholesaler may sell standard grade motor-spirits and premium grade motor-spirits respectively for delivery in the respective areas described in the First Schedule hereto shall be the respective prices set out in Scale No. 1.

Provided that the said maximum prices shall not apply-

- (a) To any sale made during the first fifteen days of any month in respect of which payment of the purchase price has not been made before the end of that month:
- (b) To any sale made during any part of a month after the first fifteen days thereof in respect of which payment of the purchase price has not been made prior to the sixteenth day of the next following month.

7. The respective minimum prices and respective maximum prices at which a wholesaler may sell standard grade motor-spirits and premium grade motor-spirits respectively to his accredited agent for delivery in the respective areas described in the First Schedule hereto—

- (a) When sold in receptacles containing not less than 44 imperial gallons and for resale in receptacles containing not less than 44 imperial gallons, shall be the respective prices set out in Scale No. 2:
- (b) When otherwise sold, shall be the respective prices set out in Scale No. 1:

Provided that the said maximum prices shall not apply to any sale in respect of which payment of the purchase price has not been made prior to the twenty-first day of the month next following the month in which such sale was made.

8. (1) The respective minimum prices and respective maximum prices at which a wholesaler or an accredited agent or a B depot agent may sell, in the respective containers or in bulk as hereinafter specified and for the purposes hereinafter specified, standard grade motorspirits, and premium grade motor-spirits respectively to any bulk consumer in the respective areas described in the First Schedule hereto for delivery in such respective areas shall be the respective prices set out in Scale No. 1:

Provided that the said maximum prices shall not apply—

- (a) To any sale made during the first fifteen days of any month in respect of which payment of the purchase price has not been made before the end of that month:
- (b) To any sale made during any part of a month after the first fifteen days in respect of which payment of the purchase price has not been made prior to the sixteenth day of the next following month.

(2) The prices fixed by this regulation shall apply only to sales of motor-spirits either in drums for the exclusive use of and consumption by the purchaser thereof or to sales for delivery into tanks to be pumped through a pump used exclusively by the purchaser thereof for pumping motor-spirits for his own use and consumption.

9. If a person who has bought motor-spirits for use in his own business or businesses, and not for resale satisfies the Minister—

- (a) That during any part of a year ending on the 31st day of December he has bought not less than an average for the period of 400 imperial gallons of motor-spirits per month and that such motor-spirits have not been resold or dealt with otherwise than by use in his own business or businesses; and
- (b) That during the following year from the 1st day of January to the 31st day of December it is probable that he will buy not less than 4,800 imperial gallons of motor-spirits for use in his own business or businesses and not for purposes of resale—

then the minimum and maximum prices at which a wholesaler or accredited agent or B depot agent may sell to such person the motorspirits concerning the purchase of which he has so satisfied the Minister, shall be the prices set out in Regulation 8 hereof.

10. In all cases where a wholesaler is asked to place receptacles containing not less than 44 imperial gallons free on rail or free on board within Area 3 hereof, he shall be entitled to charge for such service the sum of $\frac{1}{4}$ d. per gallon for placing such receptacles free on rail and $\frac{1}{2}$ d. per gallon for placing such receptacles free on board, such charges to be in addition to the prices set out in Scale No. 1 hereof, for the delivery by wholesalers of motor-spirit within Area 3.

11. Except as otherwise herein provided, the respective minimum prices and respective maximum prices at which any person may sell standard grade motor-spirits and premium grade motor-spirits

respectively for delivery in the respective areas described in the First Schedule hereto for cash payable on delivery thereof shall be the respective prices set out in Scale No. 3:

Provided that where the total sum payable by a purchaser on any sale of motor-spirits if computed under this regulation would amount to a sum containing a fraction of a penny not being a halfpenny, then the sum so payable by the purchaser shall be the exact number of halfpence nearest to the sum so computed (a farthing being treated as nearer to the halfpenny above it).

12. Except as otherwise herein provided, the respective minimum prices and respective maximum prices at which any person may sell standard grade motor-spirits and premium grade motor-spirits respectively for delivery in the respective areas described in the First Schedule hereto, when sold in receptacles containing not less than 44 imperial gallons for cash payable on delivery thereof, shall be the respective prices set out in Scale No. 4, subject, however, to the proviso set out in the last preceding Regulation 11 hereof.

13. The respective minimum prices and respective maximum prices at which any person may sell standard grade motor-spirits and premium grade motor-spirits respectively for delivery in the respective areas described in the First Schedule hereto, when sold in receptacles containing not less than 44 imperial gallons for cash payable on delivery thereof to a purchaser entitled to a rebate of Customs duty under the Motor-spirits Taxation Act, 1927, shall be the respective prices prescribed by Regulation 12 hereof:

Provided that if such purchaser furnishes to the person from whom he has purchased any motor-spirits evidence of the granting of a refund under section 8 of the Motor-spirits Taxation Act, 1927, in respect of such motor-spirits, then he shall be entitled to a rebate from such person of 1d. per imperial gallon in respect of the purchase price of such motor-spirits.

14. Although the respective minimum retail prices set out in clauses 11, 12, and 13 hereof are deemed to be prices for cash payable on delivery, no person selling on credit terms shall on receiving payment give or allow any discount that would bring the price below the respective minimum retail prices provided for by these regulations.

15. Any rate of commission payable by a wholesale vendor of motor-spirits to a B depot agent for services rendered by such B depot agent for and on behalf of such wholesale vendor of motor-spirits shall not be affected by these regulations :

Provided that if any commission is payable where a wholesale vendor of motor-spirits makes delivery of motor-spirits into the tanks of a B depot agent or other retailer to be pumped through a pump or pumps used by the B depot agent or reseller thereof for pumping motor-spirits for the purpose of resale, such commission shall be taken into account in computing the price of such motor-spirits payable to the wholesale vendor.

16. Nothing in these regulations shall apply—

- (a) To the sale of motor-spirits sold for use in any aircraft or sold for the purpose of resale for use in any aircraft :
- (b) To the sale of any motor-spirits to His Majesty the King :
- (c) To the sale of any motor-spirits to a local authority as herein defined.

FIRST SCHEDULE.

Area 1.

Helensville.

ALL that area in the North Auckland Land District bounded by a line commencing at a point on the sea-coast 40 chains north of the mouth of the Waitakerei River; thence by a right line to a point on the North Auckland Railway line 40 chains north-west of Waimauku Railway-station; thence by a right line passing through Kaipakau Trig. Station to a point 40 chains westward of the Riverhead-Silverdale Road; thence along lines parallel to and 40 chains distant from that road to a point 100 links north-east of the road to Kaukapakapa; thence along lines parallel to and 100 links northward of that road to its junction with the road to Waiwera; thence along lines parallel to and 100 links southeast of the road to Waiwera is a point due east of Wainui Trig. Station; thence by a right line to a point on the North Auckland Railway line 40 chains north of Kaukapakapa Railway-station; thence by a right line passing through Auahine Trig. Station to the sea-coast; thence by the sea-coast to a point 40 chains north of the mouth of the Waitakerei River, the place of commencement.

AREA 2.

Red Vale, Hobsonville, Parau.

All that area in the North Auckland Land District bounded by a line commencing at a point on the sea-coast 40 chains north of the mouth of the Waitakerei River; thence by a right line to a point on the North Auckland Railway line 40 chains north-west of Waimauku Railway-station; thence by a right line passing through Kaipakau Trig. Station to a point 40 chains westward of the Riverhead-Silverdale Road; thence along lines parallel to and 40 chains distant from that road to a point 40 chains due north of the Silverdale Post-office ; thence by a right line to the Weiti River, and down that river to the sea; thence by the sea-coast to the mouth of the Wairau Creek; thence by a right line from the mouth of the Wairau Creek to the mouth of Hellyers Creek; thence by the shores of Waitemata Harbour to the mouth of the Whau Creek; thence by a right line from the mouth of the Whau Creek to the northern boundary of the Henderson Town District at a point 100 links eastward of the Henderson-Swanson Road ; thence along right lines parallel to and 100 links from that road to a point 40 chains castward of the Swanson Post-office; thence northerly for a distance of 40 chains; thence westerly for a distance of 80 chains; thence southerly for a distance of 80 chains; thence easterly for a distance of 80 chains; thence northerly to a point 100 links distant from the Swanson-Henderson Road; thence along lines parallel to and 100 links distant from that road to the north-western boundary of the Henderson Town District; thence along the western boundary of the Henderson Town District to its westernmost corner; thence along a right line to the mouth of the Waikomiti or Little Muddy Creek; thence by the northern shores of Manukau Harbour to the sea and by the sea to a point 40 chains north of the mouth of the Waitakerei River, the point of commencement.

AREA 3.

Auckland and Environs.

All that area in the North Auckland Land District bounded on the northwest by a line from the mouth of Hellyers Creek to the mouth of the Wairau Creek; thence along the sea-coast to the shores of Waitemata Harbour; thence by the shores of Waitemata Harbour to the mouth of Hellyers Creek, the place of commencement.

Also all that area in the North Auckland Land District bounded by a line commencing at the easternmost corner of the Howick Town District; thence by a right line to a point 80 chains due east of the easternmost corner of the Borough of Manurewa; thence by a right line to a point on the Papakura-Clevedon Road, 40 chains distant from the Papakura Town District; thence by a right line to a point on the Hunua Road 40 chains eastward of the Papakura Town District; thence by a right line to a point on the Great South Road 80 chains south of Ramarama Post-office; thence by a right line to a point 20 chains due west of the Great South Road; thence northerly along lines parallel to and 20 chains westward of the Great South Road to their intersection with Hingaia River; thence by that river to the shores of Manukau Harbour ; thence by the shores of Manukau Harbour to the mouth of the Waikomiti or Little Muddy Creek ; thence by a right line to the westernmost corner of Henderson Town District ; thence by the western boundary of the Henderson Town District to a point 100 links south-west of the Henderson-Swanson Road ; thence by right lines parallel to and 100 links distant from that road to a point 40 chains distant from the Swanson Post-office ; thence southerly along a right line for a distance of 40 chains ; thence westerly along a right line for a distance of 80 chains ; thence northerly along a right line for a distance of 80 chains ; thence asterly along a right line for a distance of 80 chains ; thence southerly along a right line to a point 100 links distant from the Henderson-Swanson Road ; thence along lines parallel to and 100 links distant from that road to the northern boundary of the Henderson Town District ; thence by a right line to the mouth of the Whau River ; thence by the shores of Waitemata Harbour and Tamaki Strait to the easternmost corner of the Howick Town District, the point of commencement.

AREA 4.

Clevedon, Hunua.

All that area in the North Auckland Land District bounded on the north by Tamaki Strait from the easternmost corner of Howick Town District to the mouth of the Wairoa River; thence along a right line to a point 40 chains due east of Clevedon Post-office; thence along a right line to a point 40 chains due east of Hunua Post-office; thence along a right line to a point 40 chains due east of Hunua Post-office; thence along a right line to a point 40 chains due east of Hunua Post-office; thence along a right line to a point 40 chains due north of Waiau Pa Post-office; thence along the south-eastern shore of Manukau Harbour, to the Hingaia Stream; thence by that stream and the western boundary of the Auckland and environs district hereinbefore described to a point on the Great South Road 80 chains south of Ramarama Post-office; thence northerly along the eastern boundary of the Auckland and environs district hereinbefore described to the eastern most corner of the Howick Town District, the place of commencement.

Area 5.

Pukekohe.

All that area in the North Auckland Land District, being the Borough of Pukekohe, as described in N.Z. Gazette, 1916, page 1135.

AREA 6.

Bombay, Patumahoe.

All that area in the North Auckland Land District bounded by a line commencing at a point on the Great South Road 120 chains south of Ramarama Post-office; thence along a line running due cast for a distance of 120 chains; thence along a line running due south for a distance of 120 chains; thence along a right line to a point on the North Island Main Trunk Railway 40 chains south of Buckland Railway-station; thence along a right line to the south-western corner of Section 18, Puni Parish; thence along a right line to the junction of the northern boundary of Area 4 with the North Island Main Trunk Railway line; thence along a right line to a point on the Great South Road 120 chains south of Ramarama Post-office, the place of commencement, excluding therefrom Area 5, hereinbefore described.

AREA 7.

Pokeno, Mercer, Mokau, Waiuku.

All that area in the North Auckland Land District bounded on the north by Area 4, hereinbefore described, from the south-eastern shore of Manukau Harbour to the North Island Main Trunk Railway ; thence south-westerly, easterly, and north-easterly along the western, southern, and eastern boundaries of Area 6, hereinbefore described, to the north-eastern corner of the said Area 6; thence along a right line to a point 40 chains due north of Paparata Post-office; thence along a right line to a point on the Mangatawhiri-Maramarua Road 40 chains east of Mangatawhiri Post-office; thence due south along a right line to the Maramarua River; thence along the Maramarua River to the Waikato River; thence down the Waikato River to a point 40 chains south of Mercer Railwaystation; thence along a right line to the southernmost corner of the Waiuku Town District; thence along the southern and western boundaries of the Waiuku Town District to the Waiuku River, and down that river to the Manukau Harbour; thence along the south-eastern shore of Manukau Harbour to the westernmost corner of Area 4, the point of commencement.

Area 8.

Hamilton, Te Aroha, Waihi, Thames, Matamata, Cambridge, Te Awamutu.

All that area in the North Auckland and Auckland Land Districts bounded by a line commencing at a point on the eastern shore of the Firth of Thames 80 chains north of Tapu Post-office; thence due east for a distance of 2 miles; thence along a right line to a point on the sea-coast in line with the north-eastern corner of the Borough of Waihi; thence along the sea-coast to the south-eastern corner of that borough; thence along a right line to a point 2 miles due east of Katikati Railway-station; thence along a right line to the easternmost corner of the Town District of Putaruru; thence along that boundary to its southern-most corner; thence along a right line to a point 40 chains south of Pukeatua Post-office; thence along a right line to the southernmost corner of the Town District of Kihikihi; thence along a right line to a point 40 chains due west of the Pirongia Post-office; thence along a right line to a point 40 chains due west of Whatawhata Post-office; thence along a right line to the south-western corner of the Town District of Waiuku; thence by the southern boundary of Area 7, hereinbefore described, to the Maramarua River; thence along a line running due east to its intersection with the Maramarua-Waitakaruru Main Road; thence along a right line to a point on the sea-coast 80 chains west of the mouth of the Waitakaruru Stream; thence easterly and northerly along the coast of the Firth of Thames to a point 80 chains north of Tapu Post-office, the place of commence-• ment.

Area 9.

Tauranga.

All that area in the Auckland Land District bounded by a line commencing at a point on the Tauranga – Te Puke Main Highway 120 chains east of Hairini Post-office; thence northerly along a right line to a point 100 links north of the said highway; thence westerly generally along lines parallel to and 100 links distant from that highway to the boundary of the Borough of Tauranga; thence along the eastern, northern, western, and south-western boundaries of that borough to a point 100 links distant from the Tauranga – Te Puke Main Highway; thence along lines parallel to and 100 links distant from that highway for a distance of 120 chains from Hairini Post-office; thence northerly along a right line to the point of commencement.

Area 10.

Te Puke.

All that area in the Auckland Land District bounded by a line commencing at a point on the Tauranga – Te Puke Main Highway 120 chains east of Hairini Post-office; thence northerly along a right line to a point 100 links distant from that highway; thence easterly and southerly along lines parallel to and 100 links distant from that highway to the northern boundary of the Borough of Te Puke; thence along the northern, eastern, southern, and western boundaries of that borough to a point 100 links distant from the Tauranga – Te Puke Main Highway; thence along lines parallel to and 100 links distant from that highway to a point 120 chains distant from Hairini Post-office; thence northerly along a right line to the point of commencement.

Area 11.

Kaimai, Upper Papamoa, The Mount.

All that area in the Auckland Land District bounded by a line commencing at a point on the sea-coast at the entrance to Tauranga Harbour; thence southeasterly along the sea-coast to a point 80 chains west of Maketu Entrance; thence along a line running due south to a point 100 links distant from the road fronting Sections 15 and 14, Block IV, Maketu Survey District; thence westerly along lines parallel to and 100 links distant from that road to the road intersecting Tumu Kaituna No. 6B; thence across that road to a point 100 links westward of its western side; thence southerly along a right line parallel to and 100 links distant from the western side of that road, and that line produced to the Tauranga-East Coast Railway line; thence along a right line to the south-eastern corner of the Borough of Te Puke; thence along the southern boundary of that borough to its south-western corner; thence along a right line to the Trig. Station Otawa; thence along a right line to a point 40 chains due south of Kaimai Post-office; thence along a right line to the entrance to Tauranga Harbour, the place of 40 chains; thence along a right line to the entrance to Tauranga Harbour, the place of commencement, excluding therefrom Areas 9 and 10, hereinbefore described.

Area 12.

Maketu, Rangiuru.

All that area in the Auckland Land District bounded on the north generally by Area 11, hereinbefore described, from a point 40 chains due south of Kaimai Post-office to a point on the sea-coast 80 chains west of Maketu Entrance; thence easterly along the sea-coast to the Maketu Entrance; thence southerly along a right line to a point on the Tauranga – East Coast Railway 40 chains east of Maniatutu Railway-station; thence along a right line to a point 40 chains due south of Kaimai Post-office, the place of commencement.

AREA 13.

Rotorua, Ngongotaha.

All that area in the Auckland Land District bounded by a line commencing at a point on the shore of Lake Rotorua at the mouth of the Komutumutu Stream; thence down the shore of the lake to the Borough of Rotorua; thence along the northern, eastern, southern, and western boundaries of the Borough of Rotorua to a point 100 links westward of the Rotorua–Ngongotaha Road; thence along lines parallel to and 100 links westward of the Rotorua–Ngongotaha Road; to its intersection with the Ngongotaha Stream; thence up that stream for a distance of 40 chains; thence along a right line running due north to the Komutumutu. Stream, and thence down that stream to its mouth, the place of commencement.

AREA 14.

Mamaku, Turukenga.

All that area in the Auckland Land District bounded by a line commencing at a point 40 chains due north of Mamaku Post-office; thence along a line running in the direction of a point 40 chains due north of Hamurana Post-office, to a point due north of the north-western corner of Area 13, hereinbefore described; thence along a right line to the said north-western corner; thence along the southwestern boundary of Area 13, hereinbefore described, to the western boundary of the Borough of Rotorua; thence along a right line to a point 40 chains due south of Mamaku Post-office; thence due west along a right line for a distance of 40 chains; thence due north along a right line for a distance of 80 chains; thence due east along a right line to the point of commencement.

Area 15.

Rotoiti, Mourea, Reporoa.

All that area in the Auckland Land District bounded by a line commencing at a point 40 chains due north of the Mamaku Post-office; thence along a right line to a point 40 chains north of Hamurana Post-office; thence along a right line running due east for a distance of 40 chains ; thence along a right line running due south to a point 100 links distant from the Hamurana-Mourea Road ; thence along lines parallel to and 100 links distant from that road to a point in line with its junction with the Rotorua-Tauranga Main Road; thence along a line running due east to the shore of Lake Roto-iti; thence generally easterly along the shore of that lake to a point due north of Roto-iti Post-office ; thence along a line running due east for a distance of 40 chains; thence along a line running due south for a distance of 40 chains; thence along a right line to a point 40 chains due east of Reporce Post-office ; thence due south along a right line for a distance of 40 chains ; thence along a right line running due west to the Waiotapu River; thence along a right line to a point 40 chains due south of Mamaku Post-office; thence due west along a right line for a distance of 40 chains; thence due north along a right line for a distance of 80 chains; thence due east along a right line to a point 40 chains due north of the Mamaku Post-office, the place of commencement, and excluding therefrom Areas 13 and 14, hereinbefore described.

Commerce, Tourist and Publicity. . Industries and

Kind of Sale. No. Motor-spirit Areas $1, 5.$ Areas $2, 4.$ Area $3.$ Area $6.$ Area $7.$ Area $8.$ Area $10.$ Area $11.$ Area $12.$ Area $13.$ Area $14.$ Area $15.$ By wholesaler, general 1.6 $5.6.$ 5	Kind of Sale.		Gradeset	Price per Imperial Gallon.													
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C. A. JEFFERY, Clerk of the Executive Council.