

Serial Number 1938/38.



**THE MOTOR-SPIRITS PRICES (NELSON-BLENHEIM)
REGULATIONS 1938.**

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 9th day of March, 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 (Nelson-Blenheim) 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 :

* 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 motor-spirits 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, and Harbour 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 those 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 motor-spirits 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 motor-spirits concerning the purchase of which he has so satisfied the Minister shall be the prices set out in Regulation 8 hereof.

10. 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).

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, 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 10 hereof.

12. 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 11 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.

13. 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.

14. 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.
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FIRST SCHEDULE.

AREA 1.

Picton-Blenheim.

ALL that area in the Marlborough Land District bounded by a line commencing at a point on the shore of Queen Charlotte Sound known as The Snout; thence along a right line to the north-eastern corner of the Borough of Picton; thence southerly generally to and along lines parallel to and 80 chains eastward of the Picton-Blenheim Main Road to a point 80 chains eastward of Tuamarina Railway-station; thence due south to a point 40 chains north of the left bank of the Wairau River; thence south-easterly along lines parallel to and distant 40 chains from the left bank of the Wairau River to the sea-coast; thence by the sea-coast to a point 40 chains south-east of the mouth of the Opawa River; thence to and along lines parallel to and 40 chains eastward of the right bank of the Opawa River to the intersection of such line with the Picton-Waipara Railway; thence along a right line to a point 40 chains due south of the south-eastern corner of the Borough of Blenheim; thence along a right line running due west to a point 100 links due west of the St. Leonard's Road; thence northerly along lines parallel to and 100 links west of the St. Leonard's Road to a point 100 links north of the Old Renwick Road; thence easterly along lines parallel to and 100 links north of the Old Renwick Road to a point 100 links east of Hammerichs Road; thence along lines parallel to and 100 links distant from Hammerichs Road to a point 100 links north of Rapaura Road; thence south-westerly along a line parallel to and 100 links north of Rapaura Road to a point 100 links north-east of Wratt's Road; thence northerly along lines parallel to Wratt's Road and 100 links eastward therefrom, and that line produced to the right bank of the Wairau River; thence down the right bank of the Wairau River to a point 80 chains distant from the Picton-Blenheim Railway; thence northerly generally along lines parallel to and 80 chains distant from that railway, and that line produced to the shore of Shakespeare Bay (Queen Charlotte Sound); thence along the shore of Shakespeare Bay and Picton Harbour to The Snout, the point of commencement.

AREA 2.

Renwicktown, Rapaura.

All that area in the Marlborough Land District bounded on the east by Area 1 hereinbefore described from the right bank of the Wairau River to a point on St. Leonard's Road 40 chains south of the southern boundary of the Borough of Blenheim; thence along a right line to the junction of the Middle Renwick Road and the main road to Havelock; thence along a right line to the right bank of the Wairau River at a point 20 chains south-west of the main road to Havelock; thence north-easterly along the right bank of the Wairau River to the western boundary of Area 1 hereinbefore described, the place of commencement.

AREA 3.

Nelson.

All that area in the Nelson Land District comprised in the City of Nelson as described in *N.Z. Gazette*, 1928, page 2843, and the Town District of Tahunanui as described in *N.Z. Gazette*, 1934, page 749.

AREA 4.

Wakapuaka, Stoke, Richmond, Brightwater.

All that area in the Nelson Land District bounded by a line commencing at a point on the shore of Tasman Bay approximately $1\frac{1}{2}$ miles due north of Wakapuaka Post-office; thence along a right line in the direction of Saddle Hill for a distance of $2\frac{1}{2}$ miles; thence along a right line to the summit of Fringed Hill; thence along a right line running in the direction of Ben Nevis Trig. Station to a point due east of Brightwater Post-office; thence along a right line to a point on the Brightwater-Wakefield Road 40 chains south-west of Brightwater Post-office; thence along a line running due north to the shore of Tasman Bay; thence along the shore of Tasman Bay to a point due north of Wakapuaka, the place of commencement, excepting therefrom the City of Nelson and the Town District of Tahunanui hereinbefore described.

AREA 5.

Spring Grove, Wakefield, Foxhill, Belgrove.

All that area in the Nelson Land District bounded by a line commencing at a point on the south-west boundary of Area 6 hereinafter described 40 chains north-west of Belgrove Post-office; thence along lines parallel to and 40 chains north-west of the Nelson-Glenhope Railway to the eastern boundary of Area 6 aforesaid; thence by the eastern and northern boundaries of the said Area 6 to a point 40 chains south-east of Brightwater Post-office; thence along lines parallel to and 40 chains south-east of the aforesaid Nelson-Glenhope Railway to the southern boundary of Area 6 hereinafter described; thence along the southern and south-western boundaries of that district to a point 40 chains north-west of Belgrove Post-office, the place of commencement.

AREA 6.

Riwaka, Motueka, Thorpe.

All that area in the Nelson Land District bounded on the north-east by the shores of Tasman Bay from the mouth of the Riwaka River to the north-western corner of Area 4 hereinbefore described; thence southerly and easterly along that boundary to the south-eastern corner of said Area 4; thence along a right line running in the direction of Ben Nevis Trig. Station to a point due east of Belgrove Post-office; thence along a right line to a point 40 chains south of Belgrove Post-office; thence along a right line running in the direction of Crusader Trig. Station for a distance of $14\frac{1}{2}$ miles; thence along a right line passing through a point 80 chains west of Umukuri Post-office to the Riwaka River; thence down that river to its mouth, the place of commencement, and excluding therefrom Area 5 hereinbefore described.

AREA 7.

Glenhope, Motupiko, Korere.

All that area in the Nelson Land District bounded by a line commencing at the south-eastern corner of Area 6 hereinbefore described; thence along a right line to the road to Lake Roto-iti; thence down the eastern side of that road to Lake Roto-iti; thence along a right line to a point 10 chains south of the Lake Telegraph-office; thence along a right line to a point 40 chains due south of Howard Junction Telegraph-office; thence along lines parallel to and 40 chains distant from the Buller River to a point 40 chains west of Gowan Bridge Post-office; thence north-easterly along a right line to the westernmost corner of Area 6 hereinbefore described; thence south-easterly and easterly along the south-western and southern boundaries of the said Area 6 to its south-eastern corner, the place of commencement.

AREA 8.

Owen Junction.

All that area in the Nelson Land District bounded by a line commencing at a point in the Buller River 40 chains west of Gowan Bridge Post-office; thence southerly along a right line to a point 10 chains distant from the left bank of the Buller River; thence westerly generally along lines parallel to and 10 chains distant from the left bank of the Buller River to a point 40 chains west of Owen River Post-office; thence northerly along a right line to a point 40 chains north of the right bank of the Buller River; thence westerly along lines parallel to and 40 chains distant from the right bank of the Buller River to a point 40 chains west of the Gowan Bridge Post-office; thence southerly along a right line to the Buller River, the place of commencement.

SECOND SCHEDULE.

Kind of Sale.	Scale No.	Grade of Motor-spirit.	Price per Imperial Gallon.											
			Areas 1 and 3.		Areas 2 and 4.		Area 5.		Area 6.		Area 7.		Area 8.	
			s.	d.	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.
By wholesaler, general	1	Standard	2	0½	2	1	2	1½	2	1½	2	2	2	2½
Wholesaler to agent, in bulk		Premium	2	1½	2	2	2	2½	2	2½	2	3	2	3½
To bulk consumers ..	2	Standard	1	11½	2	0	2	0½	2	0½	2	1	2	1½
Wholesaler to agent, in drums		Premium	2	0½	2	1	2	1½	2	1½	2	2	2	2½
Retail, general ..	3	Standard	2	3½	2	3½	2	3½	2	4½	2	5	2	5½
Retail, in drums ..		Premium	2	4½	2	4½	2	4½	2	5½	2	6	2	6½
To purchaser entitled to Customs rebate	4	Standard	2	2½	2	2½	2	2½	2	3½	2	4	2	4½
		Premium	2	3½	2	3½	2	3½	2	4½	2	5	2	5½

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

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 17th day of March, 1938.

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