

Serial Number 1939/67.



**THE MOTOR-SPIRITS PRICES (WESTLAND)
REGULATIONS 1939.**

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 9th day of June, 1939.

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 (Westland) Regulations 1939.

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, Super Atlantic Ethyl, and Lubricated Super Europa Ethyl—are hereby declared to belong to the class of premium grade motor-spirits.

* See end note.

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 :

“ 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, Harbour Boards, Hospital Boards, and Railway 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 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. Although the respective minimum retail prices set out in clauses 10, 11, and 12 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.

14. 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.

15. 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.

SCHEDULES.

FIRST SCHEDULE.

AREA 1.

Westport.

ALL that area in the Nelson Land District, being the Borough of Westport as described in *N.Z. Gazette*, 1873, page 237.

AREA 2.

Reefton, Blackwater, Ikamatua.

All that area in the Nelson and Westland Land Districts bounded by a line commencing at a point 80 chains due north of the Reefton Post-office; thence due east for a distance of 80 chains; thence south-westerly along a right line running in the direction of the northernmost point of Iveagh Bay, Lake Brunner, to the Grey River; thence to and along the middle of the Grey River to its confluence with the Otututu River; thence up the middle of the Otututu River for a distance of six miles; thence north-easterly along a right line to a point 80 chains due north of the Reefton Post-office, the place of commencement.

AREA 3.

Ahaura, Blackball, Ngahere, Kumara, Hokitika.

All that area in the Westland Land District bounded on the south-east by a line commencing at the northernmost point of Iveagh Bay, Lake Brunner; thence by the eastern shore of Lake Brunner to the southernmost point of Uncle's Bay; thence south-westerly along a right line to a point 40 chains due north of the Teremakau Post-office; thence again south-westerly along a right line to the southernmost corner of the Borough of Hokitika; thence to and along the middle of the Hokitika River to its mouth; thence northerly along the sea-coast to a point in line with the south-western boundary of the Borough of Greymouth; thence south-easterly along that boundary to its southernmost corner; thence north-easterly along a right line to the south-eastern corner of the Borough of Brunner; thence along the eastern boundary of the Borough of Brunner to its north-eastern corner; thence north-westerly along a right line passing through the north-eastern corner of the Borough of Runanga to the sea-coast; thence north-easterly along a right line to a point on the Otututu River, being the north-western corner of Area 2 hereinbefore described; thence down the middle of the Otututu River and up the middle of the Grey River to the southernmost corner of the said Area 2; thence south-westerly along a right line to the northernmost point of Iveagh Bay, the point of commencement.

AREA 4.

Runanga, Brunner.

All that area in the Westland Land District bounded on the north-east, east- and south-east by Area 3, hereinbefore described, from the sea to the south-eastern corner of the Borough of Greymouth; thence along the eastern and northern boundaries of the Borough of Greymouth as described in the *N.Z. Gazette*, 1934, pages 2998 and 3325, to the sea; and thence northerly along the sea-coast to a point in line with the north-western boundary of Area 3, the place of commencement.

AREA 5.

Greymouth.

All that area in the Westland Land District comprising the Borough of Greymouth as described in *N.Z. Gazette*, 1934, pages 2998 and 3325.

AREA 6.

Kanieri, Rimu, Ross.

All that area in the Westland Land District bounded on the north-west by Area 3, hereinbefore described, from the mouth of the Hokitika River to the southernmost point of Uncle's Bay, Lake Brunner; thence south-westerly along a right line to the southernmost point of Lake Kanieri; thence south-westerly along a right line to the summit of Mount Greenland; thence north-westerly along a right line to the mouth of the Mikonui River; thence north-easterly along the sea-coast to the mouth of the Hokitika River, the place of commencement.

SECOND SCHEDULE.

Kind of Sale.	Scale No.	Grade of Motor-spirit.	Price per Imperial Gallon.					
			Area 1.	Area 2.	Area 3.	Area 4.	Area 5.	Area 6.
By wholesaler, general	1	Standard	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Wholesaler to agent, in bulk			2 0 $\frac{1}{2}$	2 0 $\frac{1}{4}$	1 11 $\frac{3}{4}$	1 11 $\frac{1}{4}$	1 11	2 0 $\frac{1}{2}$
To bulk consumer	2	Premium	2 1 $\frac{1}{2}$	2 1 $\frac{1}{4}$	2 0 $\frac{3}{4}$	2 0 $\frac{1}{4}$	2 ' 0	2 1 $\frac{1}{2}$
Wholesaler to agent, in drums			1 11 $\frac{1}{2}$	1 11 $\frac{1}{4}$	1 10 $\frac{3}{4}$	1 10 $\frac{1}{4}$	1 10	1 11 $\frac{1}{2}$
Retail, general	3	Standard	2 2 0 $\frac{1}{2}$	2 2 0 $\frac{1}{4}$	2 1 11 $\frac{3}{4}$	2 1 11 $\frac{1}{4}$	2 1 11	2 2 0 $\frac{1}{2}$
Retail, in drums			2 3 $\frac{1}{2}$	2 3 $\frac{1}{4}$	2 2 $\frac{3}{4}$	2 2	2 2	2 3 $\frac{1}{2}$
To purchasers entitled to Customs rebate	4	Premium	2 4 $\frac{1}{2}$	2 4 $\frac{1}{4}$	2 3 $\frac{3}{4}$	2 3	2 3	2 4 $\frac{1}{2}$
			2 2 $\frac{1}{2}$	2 2 $\frac{1}{4}$	2 1 $\frac{3}{4}$	2 1	2 1	2 2 $\frac{1}{2}$
			2 3 $\frac{1}{2}$	2 3 $\frac{1}{4}$	2 2 $\frac{3}{4}$	2 2	2 2	2 3 $\frac{1}{2}$

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

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette*: 15th day of June, 1939.
These regulations are administered by the Department of Industries and Commerce, Tourist and Publicity.