

## Serial Number 1946/201



**THE MOTOR-SPIRITS RETAIL HOURS REGULATIONS 1946**

B. C. FREYBERG, Governor-General

**ORDER IN COUNCIL**

At the Government Buildings at Wellington, this 26th day of  
November, 1946

Present :

THE RIGHT HON. W. NASH PRESIDING IN COUNCIL

PURSUANT to section 4 of the Shops and Offices Amendment Act, 1946, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

**REGULATIONS**

**PART I.—PRELIMINARY**

1. These regulations may be cited as the Motor-spirits Retail Hours Regulations 1946.
2. These regulations shall come into force on the 1st day of December, 1946.
3. In these regulations, unless inconsistent with the context,—
  - “Minister” means the Minister of Labour :
  - “Motor-spirits” means motor-spirits, petrol, and oil :
  - “The principal Act” means the Shops and Offices Act, 1921–22.
  - “Retail licensee” means the holder of a license to carry on the retail sale and distribution of motor-spirits issued under Part III of the Industrial Efficiency Act, 1936, and requiring or permitting the licensee to deliver motor-spirits through a pump or pumps ; but does not include any retail licensee whose principal business is the sale of motor-spirits to other retail licensees who buy to sell again.
4. These regulations shall take effect notwithstanding the provisions of any license from time to time in force under Part III of the Industrial Efficiency Act, 1936.
5. Nothing in these regulations shall be deemed to prohibit the opening of his premises at any time by a retail licensee for the purpose of obtaining motor-spirits for use in a motor-vehicle belonging to the licensee or for the supply of motor-spirits—
  - (a) To a person licensed to ply for hire with a motor-vehicle in the carriage of passengers (whether under the Transport Licensing Act, 1931, or regulations made thereunder or under the by-laws of any local authority) for use in a vehicle to which such license applies ;
  - (b) To the owner of a vehicle licensed to ply for hire as aforesaid for use in that vehicle ; or
  - (c) For use in a launch.

6. Nothing in the principal Act shall be deemed to preclude or prohibit the employment of male assistants in the sale of motor-spirits at any premises during any hours or on any day when such premises are permitted to be open for the sale of motor-spirits pursuant to these regulations.

#### PART II.—HOURS FOR RETAIL SALE OF MOTOR-SPIRITS

7. The hours during which and the days on which the premises of retail licensees may normally be open for the sale of motor-spirits shall be as follows, viz. :—

- (1) Between the hours of 7.30 o'clock in the forenoon and 8 o'clock in the evening on Friday or such other day as may be observed in the district as the late night for shops ;
- (2) Between the hours of 7.30 o'clock in the forenoon and noon on Saturday or such other day as may be observed in the district as the statutory closing day for shops ; and
- (3) Between the hours of 7.30 o'clock in the forenoon and 6 o'clock in the evening on all other days in the week, *with the following exceptions* :—

(a) On Sundays, Christmas Day, Good Friday, and Anzac Day, the premises of retail licensees shall not be open for the sale of motor-spirits.

(b) On Anniversary Day or Show Day (whichever day is generally observed as a holiday in the particular district) and on Boxing Day, New Year's Day, Easter Monday, the Sovereign's Birthday, and Labour Day the premises of retail licensees may be open for the sale of motor-spirits between the hours of 8 and 11 o'clock in the forenoon.

(c) On the working-day that next precedes Christmas Day and on the Thursday that next precedes Good Friday the premises of retail licensees may be open for the sale of motor-spirits between the hours of 7.30 o'clock in the forenoon and 11 o'clock at night.

8. Except as provided in Part III of these regulations, if any premises of any retail licensee engaged in the sale by retail of motor-spirits are not closed and kept closed or if in any such premises any motor-spirits are sold or offered for sale outside the hours prescribed in the last preceding regulation or on any day on which it is prescribed by the last preceding regulation that the premises of retail licensees shall not be open for the sale of motor-spirits, the retail licensee and any person acting or apparently acting in the management or control of the premises commits an offence against these regulations.

9. Any premises shall not be deemed to be closed within the meaning of these regulations unless all appliances for the supplying of motor spirits belonging to such premises are effectively locked up so that motor-spirits cannot be supplied.

10. Nothing in these regulations shall be deemed to render unlawful the opening at any time of any premises at which motor-vehicles are garaged for the purpose only of the egress or ingress of motor-vehicles from or to such premises.

#### PART III.—URGENT SALES

11. Notwithstanding anything hereinbefore contained in combined districts, cities, boroughs, and town districts, arrangements may be made by the New Zealand Retail Motor Trade Association,

Incorporated, for the establishment of emergency stations at which motor-spirits that are urgently required may be sold and purchased by and from retail licensees on any day or during any hours when the premises of retail licensees in the locality are normally required to be closed pursuant to Part II of these regulations.

12. The number of emergency stations so to be established and the hours during which they shall be open shall be as agreed upon between the New Zealand Retail Motor Trade Association, Incorporated, of the one part, and (in the case of a locality in the North Island) the North Island (N.Z.) Motor Union, Incorporated, of the other part, or (in the case of a locality in the South Island) the South Island (N.Z.) Motor Union, Incorporated, of the other part, respectively, or, failing such agreement, as may be determined by the Minister.

13. In districts outside combined districts, cities, boroughs, and town districts, and in any combined district, city, borough, or town district where provision for an emergency station or for emergency stations has not been made, motor-spirits that are urgently required may be sold and purchased at the premises of any retail licensee on any day or during any hours when such premises are normally required to be closed pursuant to Part II of these regulations.

14. Where a sale of any motor-spirits to any driver of a motor-vehicle takes place from any premises pursuant to this Part of these regulations, that sale, or, in any locality referred to in the last preceding regulation, the opening of such premises for the purpose only of that sale shall not be deemed to be an offence against these regulations if before the sale takes place such driver supplies to the retail licensee or person acting or apparently acting in the management or control of the premises the information indicated in the Schedule hereto and such information is entered in the Register of Urgent Sales hereinafter referred to and verified by the signature thereto of the driver.

15. The entry referred to in the last preceding regulation shall be verified by the counter-signature of the person effecting the sale, and that person shall, unless the motor-vehicle is at the time of the sale not in or adjacent to the premises, be jointly responsible for the accuracy of so much of the information entered in the Register as can be verified by inspection of the motor-vehicle.

16. There shall be kept on the premises of every emergency station and of every retail licensee referred to in Regulation 13 hereof a Register of Urgent Sales in a bound volume, the pages or page-openings of which are headed as set out in the Schedule hereto, and every retail licensee concerned shall, whenever required, produce to an Inspector of Factories the volume or volumes comprising his Register of Urgent Sales and permit such Inspector to inspect and make copies of any entry therein, and shall retain every such volume on his premises for production and inspection as aforesaid for at least three months after the last date when any entry is made therein.

17. In every combined district, city, borough, and town district every retail licensee shall at all times during which his premises are closed display outside the premises a conspicuous notice showing the names and particular addresses (to be supplied to him as hereinafter provided) of all emergency stations in the locality, together with a plan showing the location thereof.

18. The list of names and addresses and the plan hereinbefore referred to shall from time to time be delivered to every retail licensee concerned by the New Zealand Retail Motor Trade Association Incorporated.

## PART IV.—OFFENCES AND PENALTIES

## 19. Any person—

- (a) Who in supplying, pursuant to Regulation 14 hereof, information to any retail licensee or person acting or apparently acting in the management or control of any premises supplies information that is false in any respect; or
- (b) Who makes or signs any false entry in a Register of Urgent Sales; or
- (c) Who, in effecting any sale under Part III of these regulations, countersigns an entry in a Register of Urgent Sales that is false in any particular for the accuracy of which he is jointly responsible; or
- (d) Who, being a retail licensee to whom the provisions of Regulation 16 hereof apply, fails to keep any volume of his Register of Urgent Sales in his possession and on the premises to which his license relates for a period of three months after the last day when any entry is made therein; or
- (e) Who fails to comply with any requirement of these regulations,—

commits an offence against these regulations.

20. Every person who commits an offence against these regulations shall be liable to a fine not exceeding £5.

## SCHEDULE

*The Motor-spirits Retail Hours Regulations 1946*

## REGISTER OF URGENT SALES

Letter(s) and Numerals on Number-plates of Motor-vehicle.	Make of Motor-vehicle.	Quantity and Kind of Motor-spirits purchased.	Date of Purchase.	Time of Purchase.	Name and Address of Registered Owner of Motor-vehicle.	Name and Address of Driver of Motor-vehicle.	Destination of Driver of Motor-vehicle.	Reasons why the Motor-spirit is urgently required.	Signatures of Driver of Motor-vehicle and Person effecting the sale.

T. J. SHERRARD,  
Acting Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.  
Date of notification in *Gazette*: 28th day of November, 1946.  
These regulations are administered in the Department of Labour.