

1969/175



**MOTOR SPIRITS DISTRIBUTION (RETURNS) REGULATIONS
1969**

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 1st day of September 1969

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Motor Spirits Distribution Act 1953, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Motor Spirits Distribution (Returns) Regulations 1969.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Returns by wholesalers—(1) Every wholesaler shall by the 31st day of December 1969 forward to the Licensing Authority a return in the form in the First Schedule hereto setting forth in respect of each retailer and each bulk consumer a complete statement of particulars for the year ended with the 31st day of December 1968.

(2) Every wholesaler shall by the 1st day of April in each year forward to the Licensing Authority a return in the form in the First Schedule hereto setting forth in respect of each retailer and each bulk consumer a complete statement of particulars for the preceding year commencing with the 1st day of January and ending with the 31st day of December.

3. Returns by retailers—(1) Every retailer shall by the 31st day of December 1969 forward to the Licensing Authority a return in the form

in the Second Schedule hereto setting forth in respect of the retailer a complete statement of particulars for the year ended with the 31st day of December 1968.

(2) Every retailer shall by the 1st day of April in each year forward to the Licensing Authority a return in the form in the Second Schedule hereto setting forth in respect of the retailer a complete statement of particulars for the preceding year commencing with the 1st day of January and ending with the 31st day of December.

4. Additional returns—Any return required by these regulations shall be in addition to any return from any wholesaler or retailer relating respectively to such matters specified in paragraphs (a) to (h) of subsection (1) and paragraphs (a) to (h) of subsection (1A) of section 21A of the Motor Spirits Distribution Act 1953 as the Licensing Authority may require.



Reg. 2

FIRST SCHEDULE

FORM OF ANNUAL RETURN OF A WHOLESALER IN RESPECT OF EACH
RETAILER AND BULK CONSUMER TO WHOM THE WHOLESALER HAS SOLD
MOTOR SPIRITS

*(As required by section 21A of the Motor Spirits Distribution Act 1953;
to be completed for the Year Ending with the 31st Day of December
19....., and returned direct to the Motor Spirits Licensing Authority by
the day of 19.....)*

PART I

Name of wholesaler
Address of wholesaler

1. *Motor spirits sold by wholesaler*—(1) Total number of gallons of motor spirits sold by wholesaler during the year ending with 31 December 19.....

..... gallons

(2) Total number of gallons of motor spirits sold by wholesaler to retailers during the year ending with 31 December 19.....

..... gallons

(3) Total number of gallons of motor spirits sold by wholesaler to bulk consumers during the year ending with 31 December 19.....

..... gallons

(Attach to this form a complete list of the names and addresses of all bulk consumers supplied with motor spirits during the year ending with 31 December 19..... and show the total number of gallons sold to each bulk consumer.)



2. *Advances made by wholesaler*—(1) Total advances made by the wholesaler (including any nominee of the wholesaler) to retailers during the year ending with 31 December 19..... \$.....

(2) Total advances owing by retailers to the wholesaler (including any nominee of the wholesaler) as at 31 December 19..... \$.....

3. *Debts owing to wholesaler*—Total debts (other than debts referred to in subclause 2 of this Part) owing by retailers to the wholesaler (including any nominee of the wholesaler) as at 31 December 19..... \$.....

4. *Guarantees given by wholesaler*—(1) Total new guarantees given during the year ending with 31 December 19..... by the wholesaler (including any nominee of the wholesaler) in respect of advances to and debts owing by retailers. \$.....

(2) Total guarantees in force as at 31 December 19..... which have been given by the wholesaler (including any nominee of the wholesaler) in respect of advances to or debts owing by retailers. \$.....

5. *Pumps and storage tanks*—(1) Total number of pumps made available by the wholesaler to retailers as at 31 December 19.....

No.

(2) Total number and capacity of storage tanks made available by the wholesaler to retailers as at 31 December 19.....

No.

Capacity

6. *Rents*—(1) Total annual rentals charged in respect of all leases or other interests in land granted by the wholesaler (including any nominee of the wholesaler) to retailers at any time during the year ending with 31 December 19..... and the Government valuation (capital value) thereof.

Total rents charged \$.....

Total Government valuations \$.....

(2) Total annual rental of all leases or interests in land in force at any time during the year ending with 31 December 19....., and granted to retailers at any time whatsoever by the wholesaler (including any nominee of the wholesaler).

Total rents charged \$.....

Total Government valuation \$.....

7. *Estates and interests owned in business of retailers*—The total value of all estates and interests which the wholesaler (including any nominee of the wholesaler) owned in the business of retailers at any time during the year ending with 31 December 19..... \$.....

8. *Estates and interests used by retailers*—The total value of all estates and interests of the wholesaler (including any nominee of the wholesaler) used by retailers in their businesses at any time during the year ending with 31 December 19..... \$.....

9. *Estates and interests in any property*—The total value of all estates and interests of the wholesaler in any property used in the business of retailers at any time during the year ending with 31 December 19.....
 \$.....

10. Property delivered by wholesaler. All property delivered by the wholesaler (including any nominee of the wholesaler) to retailers for sale by retailers not paid for and not recorded as a debt owing by the retailers as at 31 December 19.....
 \$.....
 (Return under this subclause property not invoiced within 7 days after 31 December 19.....)

11. *Benefits provided for retailers*—Total value of all goods, equipment, services, improvements to premises, and other benefits provided for retailers by the wholesaler (including any nominee of the wholesaler) at any time during the year ending with 31 December 19..... for which the wholesaler or his nominee required no payment or a payment less than market value.
 Total value of goods, services, etc. \$.....
 Amount of any contribution required from the retailer \$.....
 (Specify benefits provided under general headings.)

12. *Money given to retailers*—Total amount of money given to retailers by the wholesaler (including any nominee of the wholesaler) during the year ending with 31 December 19.....
 Amount— \$.....
 \$.....
 \$.....
 (Group these gifts under general headings in accordance with the purpose for which they were donated.)

It is hereby certified that the particulars contained in this return are true and correct, and without material omission.

..... Managing Director.
 Secretary.

PART II

(This part is to be completed separately for each retailer.)

Name of wholesaler
 Name of retailer
 Address of retailer

1. *Motor spirits sold to retailer*—(1) Total number of gallons of motor spirits sold to the retailer (including any deliveries made direct to customers of the retailer) during the year ending with 31 December 19.....
 gallons.

- (2) Total number of gallons of motor spirits sold to the retailer during the year for which this return is made—
- (a) Delivered into storage tanks for sale by the retailer through pumps gallons
 - (b) For sale by the retailer otherwise than through pumps gallons
- (3) The number of customers during the year for which this return is made supplied by the wholesaler on behalf of the retailer with motor spirits otherwise than through pumps
-

2. *Advances made to retailer*—(1) Total advances made to the retailer during the year ending with 31 December 19..... by—

- (a) The wholesaler \$.....
- (b) All nominees of the wholesaler \$.....
(State names and addresses of nominees.)

(2) Total advances owing by the retailer as at 31 December 19..... to—

- (a) The wholesaler \$.....
 - (b) All nominees of the wholesaler \$.....
(State names and addresses of nominees.)
-

3. *Debts owing by retailer*—Total debts (other than those returned in subclause 2 of this Part) owing by the retailer as at 31 December 19..... to—

- (a) The wholesaler \$.....
 - (b) All nominees of the wholesaler \$.....
(State names and addresses of nominees.)
-

4. *Guarantees given to retailer*—(1) Total guarantees in respect of advances to or debts owing by the retailer given during the year ending with 31 December 19..... by—

- (a) The wholesaler \$.....
- (b) All nominees of the wholesaler \$.....
(State names and addresses of nominees.)

(2) Total guarantees in respect of advances to or debts owing by the retailer in force at 31 December 19..... given by—

- (a) The wholesaler \$.....
 - (b) All nominees of the wholesaler \$.....
(State names and addresses of nominees.)
-

5. *Pumps and storage tanks*—(1) Total number of pumps made available to the retailer by the wholesaler as at 31 December 19..... No.

(2) Total number and capacity of storage tanks made available to the retailer by the wholesaler as at 31 December 19..... No.
Capacity

6. *Rent from leases or interests in land*—(1) The annual rental of all leases or interests in land granted to the retailer at any time during the year ending with 31 December 19..... by—

(a) The wholesaler—

Annual rental \$.....
Government valuation (capital value) \$.....

(b) All nominees of the wholesaler—

Names
Addresses
Annual rental \$.....
Government valuation (capital value) \$.....

(2) The annual rental of all leases or interests in land in force at any time during the year ending with 31 December 19....., and granted to the retailer at any time whatsoever by—

(a) The wholesaler—

Annual rental \$.....
Government valuation (capital value) \$.....

(b) All nominees of the wholesaler—

Names
Addresses
Annual rental \$.....
Government valuation (capital value) \$.....

7. *Estates or interests owned in business of retailer*—All estates or interests owned in the business of the retailer at any time during the year ending with 31 December 19..... by the wholesaler or by any nominee of the wholesaler.

Indicate Whether Wholesaler or Nominee, and give Name and Address of Each Nominee	Details of Estate or Interest	Value	Basis of Valuation

(Indicate by the use of asterisks those estates or interests owned by the wholesaler or any nominee of the wholesaler as at 31 December 19.....)

8. *Estates or interests used in business of retailer*—All estates or interests used in the business of the retailer at any time during the year ending with 31 December 19..... and owned by the wholesaler or by any nominee of the wholesaler.

Indicate Whether Wholesaler or Nominee, and Give Name and Address of Each Nominee	Details of Estate or Interest	Value	Basis of Valuation

(Indicate by the use of asterisks those estates or interests owned by the wholesaler or any nominee of the wholesaler as at 31 December 19.....)

9. *Estates or interests in property used in business of the retailer*—All estates or interests in any property used in the business of the retailer at any time during the year ending with 31 December 19..... and owned by the wholesaler.

Details of Estate or Interest	Value	Basis of Valuation

(Indicate by the use of asterisks those estates or interests owned by the wholesaler as at 31 December 19.....)

10. *Property delivered to retailer*—All property delivered to the retailer by the wholesaler or by any nominee of the wholesaler for the purpose of sale by the retailer but not paid for and not recorded as a debt owing by him as at 31 December 19.....:

Delivered by wholesaler \$.....
 Delivered by all nominees of the wholesaler \$.....

Return under this subclause all property not invoiced within 7 days after 31 December 19....., and state names and addresses of nominees.

11. *Benefits provided by wholesaler*—The total value of goods, equipment, services, improvements to premises, and other benefits provided by the wholesaler or by any nominee of the wholesaler to the retailer at any time during the year ending with 31 December 19..... for which no payment or a payment less than market value was required—

(a) From the wholesaler \$.....
 \$.....
 \$.....
 (b) From all nominees of the wholesaler \$.....
 \$.....
 \$.....

(Provide brief details under broad headings, in the case of nominees state their names and addresses, and specify the amount of any contribution required from the retailer.)

12. Gifts of money—Total amount of money given to the retailer during the year ending with 31 December 19..... by—

- (a) The wholesaler \$.....
- \$.....
- \$.....
- \$.....
- (b) All nominees of the wholesaler (give names and addresses) \$.....
- \$.....
- \$.....

(Group these gifts under general headings according to the purpose for which they were donated.)

13. Particulars of all arrangements or agreements not otherwise returned in this form affected by the provisions of the Motor Spirits Distribution Act 1953, and made between the wholesaler, or any nominee of the wholesaler, and the retailer affecting their trading relationships.

(State names and addresses of any nominees involved.)

It is hereby certified that the particulars contained in this return are true and correct and without material omission.

Signature(s)
State capacity in which signed

Reg. 3

SECOND SCHEDULE

FORM OF ANNUAL RETURN OF A RETAILER OF MOTOR SPIRITS

(As required by section 21A of the Motor Spirits Distribution Act 1953; to be completed for the Year Ending with the 31st day of December 19....., and returned direct to the Motor Spirits Licensing Authority by the day of 19.....)

PART I

(To be completed by every retailer of motor spirits separately in respect of each retailer's licence held by the retailer.)

1. Name of retailer:
2. Trading name under which business conducted:
3. Address of premises from which motor spirits sold under the retailer's licence to which this return relates:
4. Nature of business: (e.g., state whether service station without repair shop, service station and repair shop without vehicle franchise, full holder of vehicle franchise).
5. Licence number of retailer's licence to which this Part of this return relates:

6. Licence numbers of other retailer's licences held by the retailer:

7. Have you held the retailer's licence to which this part of this return relates for the whole of the year for which this return is made: Yes/No. If not, give dates of the period or periods within the year for which this return is made during which you have held the licence:

8. Show the total gallons of motor spirits sold by the retailer during the period for which this return is made under the retailer's licence to which this part of this return relates:

(1) Number and brands of pumps installed for selling motor spirits

(2) Total gallons of each brand of motor spirits sold through pumps

(3) Total gallons of each brand of motor spirits sold otherwise than through pumps*

(*“Otherwise than through pumps” covers bulk deliveries from motor spirit wholesalers' depots and from the retailer's premises. If no motor spirits are sold otherwise than through pumps, write “nil”.)

(4) Total number of gallons used by the retailer in any business of the retailer

9. If Part II of this return is not being completed, state whether—

(1) The total amount of motor spirits sold under all retailer's licences held by the retailer including motor spirits sold otherwise than through pumps did not exceed 24,000 gallons in the year for which this return is made; or

(2) Part II has been completed and returned to the Licensing Authority together with Part I relating to retailer's licence number

(Delete whichever alternative does not apply. If alternative (2) applies give retailer's licence number. Part II of this return must be completed by all retailers who have sold more than 24,000 gallons of motor spirits in the year for which this return is made. If a retailer holds more than one retailer's licence, however, and has returned Part II of this return together with Part I relating to another licence held by that retailer he need not complete Part II of this return.)

It is hereby certified that the particulars contained in this return are true and correct, and are without material omission—

Signature(s):

State capacity in which signed:

PART II

(This part need only be completed if the retailer has sold more than 24,000 gallons of motor spirits in the licensing year, and has not otherwise returned this Part in respect of the same period.)

1. *Amounts owing to wholesaler*—State all amounts owing to any motor spirits wholesaler or any nominee of a motor spirits wholesaler whether on loan account, on goods account, or on any other account—

	Name of Motor Spirits Wholesaler	Name and Address of Nominee

Loan Account—		
(i) Amount outstanding as at 31 December	\$.....	\$.....
(ii) Amount of original loan	\$.....	\$.....
(iii) Date loan commenced
(iv) Effective rate of interest expressed per centum per annum%%
(v) Repayment date
(vi) Security given for loan
(vii) Basis of repayment

Goods Account—		
(i) Amount of debt outstanding as at 31 December	\$.....	\$.....
(ii) Approximate period of credit represented by debtweeksweeks
(iii) Effective rate of interest, if any, payable on outstanding balance, expressed per centum per annum%%
(iv) Terms of payment

Other Debits—
(State amount(s) and details)

(NOTE—If extra space is required to provide these particulars and if more than one motor spirits wholesaler or nominee is involved, continue on a separate sheet.)

2. *Guarantees*—Guarantees given with respect to the retailer's business by any motor spirits wholesaler or nominee of a motor spirits wholesaler—

Name and Address of Motor Spirits Wholesaler or Nominee	Commencing Date	Terminating Date	Amount of Guarantee	Name and Address of Person or Firm to Whom Given

3. *Other estates or interests*—Estates or interests not elsewhere covered in this Part of this return held by a motor spirits wholesaler or by the nominee of a motor spirits wholesaler in or in relation to the business of the retailer.

NOTE: "Retailer" includes any partner of a retailer, any company under the direct or indirect control of a retailer or his partner, any substantial shareholder of a company which is a retailer, or a company under the direct or indirect control of a substantial shareholder of a company which is a retailer.

(1) Pumps and storage tanks:

Name of Wholesaler or His Nominee	Number of Pumps	Number of Tanks	Capacity of Tanks in Gallons

(2) Equipment other than pumps and storage tanks:

Name of Wholesaler or His Nominee	Description of Equipment	Value of Estate or Interest Held by Wholesaler or Nominee	Annual Rental or Other Fee Charged to Retailer (if none, state "nil")

(3) Leasehold property:

Name of Wholesaler or His Nominee	Description of Property	Value of Leasehold Interest	Annual Rental

(4) Shares in business of retailer:

Name of Wholesaler or His Nominee	Number of Shares	Type of Shares (Ordinary or Preference)	Paid-up Value of Shares

(5) Other items:

Name of Wholesaler or His Nominee	Description of Item	Value of Item

4. *Stocks held on consignment*—Total value of stocks of motor spirits and other goods supplied by a motor spirits wholesaler (including any nominee of a motor spirits wholesaler) held as at 31 December 19..... on a consignment basis.

(i) Value of stocks \$.....

(ii) Name of supplying motor spirits wholesaler or his nominee

(iii) When is purchase price payable—

(a) On sale of the goods by the retailer

(b) When the retailer receives payment from his customer

(c) If at some other time indicate when

5. *Gratuitous services*—Total value of any goods or services made available to the retailer by a motor spirits wholesaler (including any nominee of a motor spirits wholesaler) during the year for which this return is made for which no payment or a payment substantially less than market value is required.

Name of motor spirits wholesaler

Name and address of nominee

—	Improvements, Extensions, or Maintenance of Premises	Gifts or Loans of Plant (State Which)	Other Benefits (to be Specified)
	\$	\$	\$
Value of goods or services made available			
Payment required from re- tailer			

Indicate against each item whether the benefit was contributed by a motor spirits wholesaler or his nominee, and describe below the conditions attaching to each benefit shown in the table

6. *Gifts of money*—Total amount of money given to the retailer by a motor spirits wholesaler (including nominee of a motor spirits wholesaler) during the year ending with 31 December 19.....

- Name of motor spirits wholesaler:
- Amount of gift:
- Purpose for which given:
- Name and address of nominee:
- Amount of gift:
- Purpose for which given:

[NOTE—Where applicable show in this subclause the amount of any contribution made by a motor spirits wholesaler to the retailer towards wages payable to staff engaged by the retailer.]

It is hereby certified that the particulars contained in this return are true and correct, and are without material omission—

Signature(s):
Capacity in which form signed:

P. J. BROOKS,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations are made under the Motor Spirits Distribution Act 1953, and prescribe the form of return to be made by a wholesaler in respect of motor spirits sold by him to each retailer and bulk consumer, and the form of return to be made by a retailer of motor spirits. Returns for the year ended with 31 December 1968 are to be made by 31 December 1969 and returns for each succeeding year commencing with 1 January and ending with 31 December must be made by 1 April in the following year.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 4 September 1969.

These regulations are administered in the Department of Industries and Commerce.