



THE MOTOR SPIRITS PRICES REGULATIONS 1981

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 23rd day of
February 1981

Present:

THE RIGHT HON. R. D. MULDOON PRESIDING IN COUNCIL

PURSUANT to the Motor Spirits (Regulation of Prices) Act 1933, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Motor Spirits Prices Regulations 1981.

(2) These regulations shall come into force on the 24th day of February 1981.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“B depot agent” means a person who, at the commencement of these regulations, was a B depot agent within the meaning of the Motor Spirits Prices Regulations 1970:

“Local authority” means a Borough Council, Catchment Board, Catchment Commission, City Council, County Council, District Council, Drainage Board, Electric Power Board, Harbour Board, Hospital Board, Nasella Tussock Board, Pest Destruction Board,

Railway Board, Regional Council, Regional Water Board, River Board, Town Council, Transport Board, United Council, or Water Supply Board; and includes the Auckland Regional Authority:

“Premium-grade motor spirits” means any motor spirits with an octane rating of 96 as measured by the standard method of test for knock characteristics of motor fuels below 100 octane rating by the research method (currently designated A.S.T.M. D2699:79) as set out in the American Standards for Testing Material and as from time to time changed or modified:

“Standard-grade motor spirits” includes all kinds of motor spirits other than premium-grade motor spirits.

3. Wholesale prices—The prices authorised to be charged by wholesalers of motor spirits shall relate only to motor spirits delivered to a purchaser in containers holding not less than 200 litres or in bulk into tanks.

4. Wholesale sales—Subject to regulations 7 and 8 of these regulations, the minimum price and maximum price at which a wholesaler may sell motor spirits by wholesale shall be the amount set out in the columns headed “Scale A” in Part I of the Schedule hereto for standard-grade motor spirits and “Scale A” in Part II of the Schedule hereto for premium-grade motor spirits:

Provided that the said maximum price shall not apply—

- (a) To any sale made during the first 15 days of any month in respect of which payment of the purchase price has not been made before the end of that month; or
- (b) To any sale made during any part of a month after the first 15 days thereof in respect of which payment of the purchase price has not been made before the 16th day of the next following month.

5. Bulk consumers—(1) 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 with the 31st day of December he has bought not less than an average for the period of 4167 litres of motor spirits per month and that those motor spirits have not been resold or dealt with otherwise than by use in his own business or businesses; and
- (b) That during the next following year from the 1st day of January to the 31st day of December it is probable that he will buy not less than 50 000 litres of motor spirits for use in his own business or businesses and not for purposes of resale—

then the minimum price and maximum price at which a wholesaler or B depot agent may sell to that person (in these regulations referred to as a bulk consumer) any motor spirits bought by him during the said part of a year ending with the 31st day of December referred to in paragraph (a) of this subclause shall be the price fixed by subclause (2) of this regulation with respect to standard-grade motor spirits and premium-grade motor spirits respectively.

(2) Subject to regulations 7 and 8 of these regulations, the minimum price and maximum price at which a wholesaler or B depot agent may sell, in the manner and for the purposes specified in subclause (1) of this regulation, motor spirits to any bulk consumer shall be the amount set out in the column headed "Scale B" in Part I of the Schedule hereto for standard-grade motor spirits and "Scale B" in Part II of the Schedule hereto for premium-grade motor spirits:

Provided that the said maximum price shall not apply—

- (a) To any sale made during the first 15 days of any month in respect of which payment of the purchase price has not been made before the end of that month; or
- (b) To any sale made during any part of a month after the first 15 days thereof in respect of which payment of the purchase price has not been made before the 16th day of the next following month.

(3) The prices fixed by this regulation shall apply only to sales of motor spirits either in drums for the exclusive use of 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.

6. Retail sales—(1) Except as otherwise provided by this regulation and subject to regulations 7 and 8 of these regulations, the minimum price and maximum price at which any person may sell motor spirits otherwise than in accordance with regulation 4 or regulation 5 of these regulations for cash payable on delivery thereof shall be the amount set out in the column headed "Scale C" in Part I of the Schedule hereto for standard-grade motor spirits and "Scale C" in Part II of the Schedule hereto for premium-grade motor spirits.

(2) 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 part of a cent, then the sum so payable by the purchaser shall be the whole cent above it if the part amounts to half a cent or more and shall be the whole cent below it if the part is less than half a cent.

(3) In respect of any sale in one quantity of not less than 200 litres, the minimum price and maximum price computed under this regulation shall be reduced by 0.18 cents per litre.

(4) Where motor spirits are sold by the gallon the price charged shall be as close as possible to the price which may be charged for an equivalent quantity measured in litres.

(5) Where at the request of a purchaser a mixture of standard-grade motor spirits and premium-grade motor spirits, either through separate pumps or through mixing pumps, is sold, the price of each grade shall be calculated separately and the total price shall be the sum of these calculations, subject to subclauses (2) to (4) of this regulation.

7. Local authorities petroleum tax—The minimum and maximum prices referred to in these regulations shall be deemed to be increased by the amount of any local authorities petroleum tax which may be payable under Part XI of the Local Government Act 1974.

8. Sales in Chatham Islands—In respect of any sale of motor spirits to or in the Chatham Islands, the minimum and maximum prices referred to in these regulations shall be deemed to be increased by the amount of any Chatham Islands dues or Chatham Islands County dues payable.

9. Sale on credit—No person selling motor spirits by retail on credit terms shall give or allow any discount to a purchaser that would bring the price below the minimum retail price provided for in these regulations.

10. Agent's commission—Any rate of commission payable by a wholesale vendor of motor spirits to a B depot agent for services rendered by such agent for and on behalf of the wholesale vendor shall not be affected by these regulations, except that if any commission is payable where a wholesale vendor makes delivery of motor spirits into the tanks of a B depot agent or other retailer for resale through a pump, that commission shall be taken into account in computing the price of the motor spirits payable to the wholesale vendor.

11. Exemption from regulations—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 Her Majesty the Queen:
- (c) To the sale of any motor spirits to a local authority:
- (d) To the sale of any motor spirits—
 - (i) To the Liquid Fuels Trust Board for the purposes of research; or
 - (ii) To any other person for the purposes of a research project approved by that Board, if the sale is made pursuant to a contract the terms and conditions of which have been approved by that Board.

12. Revocations—(1) The following regulations are hereby revoked:

- (a) The Motor Spirits Prices Regulations 1970*:
- (b) The Motor Spirits Prices Regulations 1970, Amendment No. 5†:
- (c) The Motor Spirits Prices Regulations 1970, Amendment No. 11‡:
- (d) The Motor Spirits Prices Regulations 1970, Amendment No. 24§:
- (e) The Motor Spirits Prices Regulations 1970, Amendment No. 27||:
- (f) The Motor Spirits Prices Regulations 1970, Amendment No. 30¶.

(2) The Motor Spirits Prices Regulations Commencement Notice 1971** is hereby revoked.

*S.R. 1970/265
 †S.R. 1973/194
 ‡S.R. 1975/21
 §S.R. 1979/150
 ||S.R. 1980/15
 ¶S.R. 1980/240
 **S.R. 1971/12

SCHEDULE

PRICES FOR MOTOR SPIRITS

Part I

Prices for Standard-grade Motor Spirits

Scale A	Scale B	Scale C
By Wholesaler in General	To Bulk Consumer	Retail General
<i>Per Litre</i>	<i>Per Litre</i>	<i>Per Litre</i>
51.36c	54.59c	55.34c

Part II

Prices for Premium-grade Motor Spirits

Scale A	Scale B	Scale C
By Wholesaler in General	To Bulk Consumer	Retail General
<i>Per Litre</i>	<i>Per Litre</i>	<i>Per Litre</i>
53.36c	56.59c	57.34c

P. G. MILLEN,
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 consolidate the Motor Spirits Prices Regulations 1970 and amendments.

In addition, these regulations increase the price of motor spirits by 4c a litre.

NOTE—The prices shown in the Schedule do not include any local authorities petroleum tax (maximum rate 0.66c per litre) or Chatham Islands dues or county dues which may be payable.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 23 February 1981.

These regulations are administered in the Ministry of Energy.