

Serial Number 1940/77.



**THE OIL FUEL RETAIL HOURS EMERGENCY
REGULATIONS 1940.**

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 26th day of April, 1940.

Present :

THE HON. P. FRASER PRESIDING IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

1. These regulations may be cited as the Oil Fuel Retail Hours Emergency Regulations 1940.

2. In these regulations, unless inconsistent with the context,—

“Minister” means the Minister of Labour :

“Oil fuel” means motor-spirits, power kerosene, or lubricating-oil as defined by the Oil Fuel Emergency Regulations 1939.

3. 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.

4. On receiving a requisition in writing signed by not less than two-thirds of the sellers by retail of oil fuel in any area or locality desiring that establishments engaged in the sale by retail of oil fuel in such area or locality be opened and closed for the sale by retail of oil fuel on any or every day in the week (including Sunday) at such hours as may be specified in the requisition, or, in addition, that such establishments be closed for the whole of any such day, the Minister may, by notice in the *Gazette*, direct that on and after a day specified therein all such establishments shall, except as hereinafter provided, be opened and closed for the sale of oil fuel as the notice may prescribe :

Provided that the terms of the notice may either be in accordance with the requisition or may comprise such modification thereof in respect of area or locality or times of opening and closing or otherwise as the Minister in his discretion thinks fit.

5. Any such notice may from time to time by like notice be revoked or modified by the Minister at his discretion.

6. For the purpose of ensuring the supply of oil fuel that may be required during the time that establishments are required to be closed pursuant to these regulations the Minister may by the same or any other notice exempt any establishment from the operation of any such notice, or may make such other provision in the notice as he may think

fit to ensure that supplies shall be available at the normal retail price, and any such exemption or provision may by like notice from time to time be revoked or modified.

7. Every notice purporting to be inserted by the Minister in the *Gazette* pursuant to these regulations shall be conclusive evidence of the matters stated therein.

8. Any person who sells by retail any oil fuel during such time as his establishment for the sale of oil fuel is required to be closed pursuant to a notice in force under these regulations commits an offence unless he proves that such sale was made in pursuance of some provision made by the Minister in accordance with Regulation 6 hereof.

9. Any seller by retail of oil fuel who fails to close his establishment or to keep his establishment closed within the meaning of these regulations during such times as such establishment is required to be closed pursuant to a notice in force under these regulations commits an offence against these regulations.

10. An establishment shall not be deemed to be closed within the meaning of these regulations unless all appliances and containers for the supplying of oil fuel belonging to such establishment are effectively locked up so that oil fuel cannot be supplied.

11. Every seller by retail of oil fuel shall, during any time during which his establishment is required to be closed pursuant to a notice in force under these regulations, keep and maintain in a conspicuous position so as to be readily seen from the exterior of the establishment a notice indicating the hours during which the establishment is closed and the address of the nearest place where supplies of oil fuel may be obtained whilst the establishment is closed.

12. Any seller by retail of oil fuel whose establishment is, in pursuance of Regulation 6 hereof, exempted from the operation of any notice in force under Regulation 4 hereof, or whose establishment is the subject of express provision made in pursuance of Regulation 6 hereof, and who, unless prevented by circumstances that could not reasonably have been foreseen or were beyond the control of such seller,—

- (a) Fails to keep his establishment open continuously (if it be exempted from the notice in force under Regulation 4 hereof); or
- (b) Fails to keep his establishment open as may be required by any express provision made in pursuance of Regulation 6 hereof; or
- (c) Fails or refuses to supply any kind of oil fuel (as hereinbefore defined) at the normal retail price thereof commits an offence against these regulations:

Provided that it shall not be an offence on the part of such seller by retail to fail or refuse to supply some particular brand, grade, or quality of any kind of oil fuel so long as he supplies or offers to supply another brand, grade, or quality of that kind of oil fuel.

13. Every person who commits an offence against these regulations shall be liable on summary conviction to a fine not exceeding £50.

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

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 2nd day of May, 1940.

These regulations are administered in the Department of Labour.