



ANALYSIS

Title
1. Short Title

2. Licensing Authority may require
information and give directions

1968, No. 149

An Act to amend the Motor Spirits Distribution Act 1953

[18 December 1968]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the *Motor Spirits Distribution Amendment Act 1968*, and shall be read together with and deemed part of the *Motor Spirits Distribution Act 1953* (hereinafter referred to as the principal Act).

2. Licensing Authority may require information and give directions—(1) Section 21A of the principal Act (as inserted by section 7 of the *Motor Spirits Distribution Amendment Act 1963*) is hereby amended by repealing subsection (1), and substituting the following subsections:

“(1) Every wholesaler shall at such times and in such form as may be prescribed by regulations made under this Act forward to the Licensing Authority a return showing the amounts expressed in gallons of all motor spirits sold by him to each retailer and to each bulk consumer for such period or periods as may be prescribed, and shall furnish in that return such particulars as shall be prescribed relating to—

“(a) Advances made by the wholesaler or his nominee to any retailer:

- “(b) Guarantees given by the wholesaler or his nominee in respect of advances to or debts owing by any retailer:
- “(c) Any debt (other than a debt referred to in paragraph (a) or paragraph (b) of this subsection) owing by any retailer to the wholesaler or his nominee:
- “(d) Any estate or interest which the wholesaler or his nominee owns in the business of any retailer:
- “(e) Any estate or interest of the wholesaler or his nominee used in the business of any retailer:
- “(f) Any estate or interest of the wholesaler in any property used in the business of any retailer:
- “(g) Any property delivered to any retailer by the wholesaler or his nominee and not paid for at the time of delivery:
- “(h) Any arrangement or agreement affected by the provisions of this Act made between the wholesaler or his nominee and any retailer affecting their trading relationships:

“Provided that the Licensing Authority may at any time and from time to time require any wholesaler to furnish a return for such period or periods as the Licensing Authority thinks fit and the wholesaler shall forward a return for that period or those periods and shall furnish in that return such particulars relating to matters specified in paragraphs (a) to (h) of this subsection as the Licensing Authority may require.

“(1A) Every retailer shall at such times and in such form as may be prescribed by regulations made under this Act forward to the Licensing Authority a return showing the amount expressed in gallons of all motor spirits sold by him for such period or periods as may be prescribed, and shall in any case in which the amount of all motor spirits sold by him in any one year exceeds twenty-four thousand gallons furnish in that return such particulars as may be prescribed relating to—

- “(a) Advances made by any wholesaler or his nominee to the retailer:
- “(b) Guarantees given by any wholesaler or his nominee in respect of advances to or debts owing by the retailer:
- “(c) Any debt (other than a debt referred to in paragraph (a) or paragraph (b) of this subsection) owing by the retailer to any wholesaler or his nominee:
- “(d) Any estate or interest which the wholesaler, his nominee, or any person owns in the business of the retailer:

- “(e) Any estate or interest of any wholesaler, his nominee, or any person, used in the business of the retailer:
- “(f) Any estate or interest of any wholesaler, his nominee, or any person in any property used in the business of the retailer:
- “(g) Any property delivered to the retailer by any wholesaler or his nominee and not paid for at the time of delivery:
- “(h) Any arrangement or agreement affected by the provisions of this Act made between any wholesaler or his nominee and the retailer affecting their trading relationships:

“Provided however that the Licensing Authority may at any time and from time to time require any retailer to furnish a return for such period or periods as the Licensing Authority may think fit, and the retailer shall forward a return for that period or those periods and shall furnish in that return such particulars relating to matters specified in paragraphs (a) to (h) of this subsection as the Licensing Authority may require.”

(2) The said section 21A is hereby further amended by adding to subsection (2) the words “and the administration of this Act by the Department, and all such information may be transmitted to the Minister or the Department for the purposes of the Industries and Commerce Act 1956 in every way as if it had been obtained by a Committee of Inquiry appointed by the Minister under that Act”.

(3) The said section 21A is hereby further amended by repealing subsection (3).

(4) The said section 21A is hereby further amended by repealing subsection (8), and substituting the following subsections:

“(8) Every person commits an offence against this Act who—

“(a) Fails to comply with any of the provisions of this section or any direction under this section; or

“(b) In any return forwarded to the Licensing Authority pursuant to this section makes any false or misleading statement or any material omission.

“(9) A reference in any return to any other document or source of information whereby any particulars required in the return may be obtained shall be deemed not to be a compliance with the provisions of this section requiring the person filling in the return to supply those particulars.

“(10) If a licensee under this Act makes any false or misleading statement or material omission in any return forwarded by him to the Licensing Authority under this section

the Licensing Authority may, in addition to any other penalty imposed whether under section 40A of this Act or otherwise, revoke his licence, or instead of revoking the licence may suspend the licence either completely or in respect of any specified locality or localities for such period as it thinks fit, or may attach to the licence such conditions or further conditions as it thinks fit, and in any such case if the Licensing Authority gives the licensee a reasonable opportunity to be heard it shall not be necessary for the Licensing Authority to hold a public inquiry or otherwise comply with the requirements of subsections (1) to (5) of section 23 of this Act.

“(11) For the purposes of this section—

‘Delivery’ includes any delivery, supply, or provision made to any retailer anywhere, or the placing or locating of anything at the place of business of any retailer:

‘Property’ means property of every description; and includes any gift, reward, rebate, refund, concession, allowance, consideration, or service:

‘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.”

(5) Section 33 of the principal Act (as amended by section 11 of the Motor Spirits Distribution Amendment Act 1963) is hereby further amended by omitting from subsection (1) the words “requirement or”.

This Act is administered in the Department of Industries and Commerce.
