



**THE ECONOMIC STABILISATION (CONSERVATION OF  
PETROLEUM) REGULATIONS 1979**

KEITH HOLYOAKE, Governor-General

**ORDER IN COUNCIL**

At the Government Buildings at Wellington this 26th day of February  
1979

Present:

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

PURSUANT to the Economic Stabilisation Act 1948, 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 Economic Stabilisation (Conservation of Petroleum) Regulations 1979.

(2) These regulations shall come into force on the 27th day of February 1979.

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

“Authorised retailer” means a retailer authorised by the Minister under regulation 7 (1) of these regulations:

“Essential user” means a person who is carrying on an occupation specified in the Second Schedule to these regulations:

“Fuel tank” means a tank, on a motor vehicle or ship, that is designed to contain motor spirits for use for the propulsion of the motor vehicle or ship:

“Motor spirits” has the same meaning as in the Customs Tariff (items 22.08.029, 27.10.011, 27.10.029, and 38.19.049) under the Customs Acts; and includes motor spirits manufactured in New Zealand:

“Motor vehicle” means a vehicle drawn or propelled by mechanical power:

“Public holiday” means Anzac Day, Christmas Day, Boxing Day, New Year’s Day, the 2nd day of January, Good Friday, Easter Monday, Labour Day, the Sovereign’s birthday, or Waitangi Day:

Provided that where any day is observed throughout New Zealand as a holiday in substitution for any day specified in the foregoing provisions of this definition, the day so observed, and not the day so specified, shall be a public holiday for the purposes of these regulations:

“Restricted period” means any period specified in the First Schedule to these regulations:

“Retailer” means a person, other than a wholesaler, who sells motor spirits to any other person, whether in conjunction with any other business or not; and in respect of a sale made by a wholesaler to any other person, for any purpose other than resale, includes that wholesaler:

“Sale” includes barter and every other disposition for valuable consideration; and “sell” has a corresponding meaning:

“Secretary of Energy” means the Secretary of Energy appointed in accordance with section 5 of the Ministry of Energy Act 1977:

“Ship” means every description of vessel (including a barge, lighter, or like vessel) used in navigation, however propelled:

“Traffic officer” means an employee of the Ministry of Transport who is for the time being a traffic officer within the meaning of section 2 (1) of the Transport Act 1962:

“Wholesaler” means a person who sells motor spirits to any other person for the purpose of resale.

**3. Administration of regulations**—The powers and functions of the Minister under these regulations and any powers or functions which the Minister may exercise under the Act for the purposes of these regulations shall be exercised by the Minister of Energy.

**4. Restrictions on sale of motor spirits**—(1) No person shall sell any motor spirits by way of retail to any other person, or purchase any motor spirits by way of retail from any other person, unless—

- (a) At the time of the transaction, the motor spirits are deposited—
  - (i) By the seller or by an employee of the seller; or
  - (ii) By the customer under the supervision of the seller or of an employee of the seller—
 directly into the fuel tank of a motor vehicle or ship brought by the customer to the place of business of the seller; or
- (b) The amount of motor spirits so sold or purchased does not exceed 9.1 litres.

(2) Every person who contravenes subclause (1) of this regulation commits an offence against these regulations.

(3) Nothing in subclause (1) of this regulation shall apply to a transaction (being a sale or purchase of motor spirits in or into a container or tank) if—

- (a) The transaction takes place in the ordinary course of business between a retailer and a customer; and
- (b) Motor spirits were customarily sold by retail in or into containers or tanks, before the commencement of these regulations, by that retailer to that customer; and
- (c) The amount of motor spirits to which the transaction relates does not exceed the average of the amounts of motor spirits sold by retail by that retailer to that customer in transactions that occurred in the period of 12 months ending with the commencement of these regulations.

(4) In any prosecution for an offence against subclause (1) of this regulation it shall be for the defendant to prove that the act complained of was not an offence by virtue of subclause (3) of this regulation.

**5. Restrictions on use of coin-operated pumps—**(1) In this regulation, “coin-operated pump” means a pump that is used for the retail sale of motor spirits and that can be operated by a person on the insertion of a coin or coins into a slot provided for that purpose in respect of the pump.

(2) No person shall pump any motor spirits from a coin-operated pump unless—

- (a) He is the retailer by whom the pump is provided, or an employee of the retailer; or
- (b) He does so under the supervision of the retailer or of an employee of the retailer.

(3) Every person who contravenes subclause (2) of this regulation commits an offence against these regulations.

**6. Restricted periods for sale of motor spirits—**(1) No person shall—

- (a) Sell any motor spirits to any other person; or
- (b) Purchase any motor spirits from any other person—

during any restricted period, except in accordance with regulation 7 or regulation 8 of these regulations.

(2) Every person who contravenes subclause (1) of this regulation commits an offence against these regulations.

(3) In any prosecution for a contravention of this regulation, the onus shall lie on the defendant to prove that he sold or purchased the motor spirits to which the prosecution relates in accordance with regulation 7 or regulation 8 of these regulations.

**7. Sales during restricted periods to essential users—**(1) The Minister may from time to time in writing authorise any specified retailer to sell motor spirits to any essential users during any restricted periods.

(2) The Minister may at any time by notice in writing to an authorised retailer revoke the authorisation given under this regulation to that retailer.

(3) Every authorisation or notice of revocation of an authorisation under this regulation shall be notified in the *Gazette* as soon as practicable after it is given.

(4) During any restricted period, an authorised retailer may sell motor spirits, on the following conditions but not otherwise, to any other person whom he believes on reasonable grounds to be an essential user:

- (a) Before the transaction, the retailer shall take reasonable steps to satisfy himself that the person to whom he is to sell the motor spirits is an essential user who requires the motor spirits for the purposes of his activities as an essential user; and
- (b) Before the retailer supplies the motor spirits to the purchaser pursuant to the transaction, the retailer shall make and keep a record in Form 1 of the Third Schedule to these regulations in respect of the transaction; and
- (c) Before the retailer supplies the motor spirits to the purchaser pursuant to the transaction, the purchaser shall certify as true and sign the record made out by the retailer in respect of the transaction.

(5) During any restricted period, an essential user may purchase motor spirits, on the conditions specified in paragraphs (a) to (c) of subclause (4) of this regulation but not otherwise, from any authorised retailer.

#### **8. Emergency supply of motor spirits during restricted periods—**

(1) Where a member of the Police is satisfied that any person needs to purchase motor spirits for emergency purposes during any restricted period, the member of the Police may permit any authorised retailer to sell to the person during that restricted period the amount of motor spirits that is necessary to meet the emergency.

(2) When giving permission to an authorised retailer to sell motor spirits in accordance with this regulation, the member of the Police shall inform the retailer of—

- (a) The full name and address of the person to whom the motor spirits may be sold, and any other information that in the opinion of the member of the Police may assist the retailer to identify the person; and
- (b) The amount of motor spirits that may be sold to the person.

(3) During any restricted period, an authorised retailer to whom permission has been given under this regulation may sell motor spirits, on the following conditions but not otherwise, to any other person to whom he believes on reasonable grounds that the permission relates:

- (a) Before the transaction, the retailer shall take reasonable steps to satisfy himself that the person to whom he is to sell the motor spirits is the person to whom the permission relates; and
- (b) Before the retailer supplies the motor spirits to the purchaser pursuant to the transaction, the retailer shall make and keep a record in Form 2 of the Third Schedule to these regulations in respect of the transaction; and

- (c) Before the retailer supplies the motor spirits to the purchaser pursuant to the transaction, the purchaser shall certify as true and sign the record made out by the retailer in respect of the transaction; and
- (d) The amount of motor spirits to be sold pursuant to the transaction shall not exceed the amount for which the permission was given.

(4) During any restricted period, any person in relation to whom permission has been given under this regulation by a member of the Police in respect of that restricted period may purchase motor spirits, on the conditions specified in paragraphs (a) to (d) of subclause (3) of this regulation but not otherwise, from any retailer to whom the permission has been given.

**9. Records to be kept by authorised retailers—**(1) At the end of every restricted period, every authorised retailer shall make and keep written records of—

- (a) The total quantity of motor spirits sold by him to essential users during that restricted period; and
- (b) The total quantity of motor spirits sold by him under regulation 8 of these regulations during that period.

(2) Every authorised retailer shall, if required to do so by any member of the Police or traffic officer, produce to that member of the Police or traffic officer for inspection any record that the authorised retailer is required to keep under these regulations.

(3) Every authorised retailer shall, if required to do so by the Secretary of Energy or any person authorised in writing by the Secretary of Energy, deliver to the Secretary of Energy or authorised person, or to any other specified person, any specified record that the authorised retailer is required to keep under these regulations.

(4) Every authorised retailer who contravenes subclause (1), subclause (2), or subclause (3) of this regulation commits an offence against these regulations.

**10. Employee or agent may act on behalf of authorised retailer—**Any act or thing required or permitted to be done by an authorised retailer under regulations 7 to 9 of these regulations may be done on behalf of the authorised retailer by an employee or agent of the authorised retailer.

**11. Powers of traffic officers—**Every traffic officer, if for the time being in uniform or in possession of any warrant or other evidence of his authority as a traffic officer, is hereby authorised to enforce the provisions of these regulations, and in particular may at any time—

- (a) Require any person whom he finds committing an offence against these regulations or whom he believes with good cause to have committed such an offence, to state correctly his name, occupation, and usual place of residence; and
  - (b) For the purposes of exercising the other powers conferred on him by this regulation, enter on to any land (other than a building) forming the business premises of any retailer.
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## SCHEDULES

## FIRST SCHEDULE

Reg. 2

## RESTRICTED PERIODS

The continuous period commencing at noon on each Saturday and ending at 6 a.m. on the following Monday.

The continuous period commencing at 9 p.m. on the day immediately preceding each public holiday and ending at 6 a.m. on the day immediately following the public holiday.

## SECOND SCHEDULE

Reg. 2

## ESSENTIAL USERS

1. A member of an ambulance service.
2. A district nurse.
3. An employee of the New Zealand Electricity Department or of an Electrical Supply Authority, within the meaning of section 2 of the Electricity Act 1968, engaged on emergency work being undertaken by that department or Authority.
4. A member of a fire brigade within the meaning of section 2 of the Fire Services Act 1975.
5. A driver of any motor vehicle designed and used for the transport of food or livestock.
6. A registered medical practitioner.
7. A driver of any motor vehicle designed and used for the delivery of milk.
8. A member of the Police.
9. An officiating minister within the meaning of section 2 of the Marriage Act 1955.
10. An employee of the Ministry of Works and Development or of a local authority or of a gas undertaking engaged on any emergency work being undertaken by the Ministry or the local authority or the gas undertaking.
11. A driver of a passenger-service vehicle (other than a rental vehicle) within the meaning of section 2 (1) of the Transport Act 1962.
12. An employee of the Post Office.
13. A rural mail contractor.
14. A traffic officer within the meaning of section 2 (1) of the Transport Act 1962.
15. A registered veterinary surgeon.

THIRD SCHEDULE

Reg. 7 (4) (b)

FORM 1

*Record of motor spirits sold to an essential user*

1. Date of sale:
2. Full name of essential user:
3. Business address of purchaser:
4. Classification of essential user (i.e., member of ambulance service, etc.):
5. Registration number of motor vehicle of essential user:
6. Quantity of motor spirits sold to essential user (being motor spirits required for the purposes of the activities of the essential user):
7. Name of retailer:

I certify that the foregoing information is true in all respects.

.....  
(Signature of essential user)

FORM 2

Reg. 8 (3) (b)

*Record of motor spirits sold for emergency services*

1. Name of member of the Police permitting sale:
2. Police station:
3. Date of sale:
4. Full name of purchaser:
5. Address of purchaser:
6. Quantity of motor spirits sold to purchaser:
7. Name of retailer:

I certify that the foregoing information is true in all respects.

.....  
(Signature of purchaser)

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 restrict sales of motor spirits.

The effect of these regulations may be summarised as follows:

- (a) Retail sales of motor spirits must, subject to 2 exceptions, be made—
- (i) At the premises of the seller; and
  - (ii) The motor spirits must be deposited, by or under the supervision of the seller or his staff, directly into the fuel tank of a motor vehicle or sea craft.

Exceptions to these requirements in respect of retail sales of motor spirits are—

- (i) Where the quantity sold does not exceed 9.1 litres (2 gallons); or
  - (ii) Where retail sales, in or into containers or tanks, have customarily been made by a retailer to a particular customer before the commencement of these regulations and that retailer, after the commencement of these regulations and in the ordinary course of business, sells to that customer an amount that does not exceed the average of the amounts sold to that customer in transactions that occurred in the period of 12 months ending with the commencement of these regulations. The burden of proving that this exception applies is on the retailer and the customer.
- (b) No person may use a coin-operated pump intended for the retail sale of motor spirits unless he is the retailer or an employee of the retailer, or unless he uses the pump under the supervision of the retailer or employee.

- (c) No person may sell or purchase motor spirits during any restricted period.

The First Schedule to the regulations specifies two restricted periods. The first is the period between noon on Saturday and 6 a.m. on Monday. The second is the period between 9 p.m. on the day immediately preceding each public holiday and 6 a.m. on the day immediately following the public holiday.

Provision is made for the exemption of essential users of motor spirits. These are specified in the Second Schedule. Essential users may purchase motor spirits only from retailers authorised by the Minister of Energy.

Provision is also made for any member of the Police to permit emergency sales during restricted periods. These sales may be made only by authorised retailers.

- (d) Retailers authorised to sell motor spirits during restricted periods are required to keep records of the quantities sold during those periods.

- (e) Powers are conferred on traffic officers of the Ministry of Transport to enforce the principal regulations. In particular a traffic officer may require the name, occupation, and address of any person whom he believes to have contravened the regulations, and may enter on retail premises (though not into buildings).

It is an offence against section 18 of the Economic Stabilisation Act 1948 to act in contravention of these regulations.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 26 February 1979.

These regulations are administered in the Ministry of Energy.