



THE  
**NEW ZEALAND GAZETTE**  
 EXTRAORDINARY.

Published by Authority.

WELLINGTON, MONDAY, SEPTEMBER 4, 1939.

*The Oil Fuel Emergency Regulations 1939.*

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 4th day of  
 September, 1939.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Public Safety Conservation Act, 1932, there being a Proclamation of Emergency now in force under that Act, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

PRELIMINARY.

1. (1) These regulations may be cited as the Oil Fuel Emergency Regulations 1939.

(2) These regulations shall be read together with and deemed part of the Supply Control Emergency Regulations 1939 (hereinafter referred to as the principal regulations).

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

“Controller” means the Oil Fuel Controller appointed under these regulations; and includes any person for the time being authorized to exercise or perform any of the Controller’s powers or functions:

“Oil fuel” includes motor-spirits, power kerosene, lighting kerosene, Diesel oil, fuel oil, and lubricating-oil, as hereinafter defined:

“Motor-spirits” means any petroleum distillate or similar hydrocarbon that distills completely at a temperature below 225° C. and is suitable for use as fuel in internal-combustion engines; and includes motor benzole and power alcohol:

“Power kerosene” means any petroleum distillate of which less than 50 per cent. by volume distills at a temperature below 160° C., and which is suitable for use as fuel in internal-combustion engines performing heavy duty, such as those of motor-lorries and tractors:

“Lighting kerosene” means any refined petroleum distillate that distills completely at a temperature below approximately 320° C., has a closed test flash-point above 115° C., and is suitable for use as an illuminant:

- “ Diesel oil ” means any petroleum distillate, whether crude or refined, that is suitable for use in compression-ignition engines :
- “ Fuel oil ” means any crude petroleum distillate or residual product of petroleum that is suitable for use in burners for the production of heat or steam :
- “ Lubricating-oil ” means any oil or mixture of oils that is suitable for the lubrication of moving parts of any machinery ; and includes petroleum greases and compounds of oils with other substances to form lubricating grease :
- “ Purchase ” includes every form of acquisition (whether for valuable consideration or otherwise) ; and “ to purchase ” and “ purchaser ” have corresponding meanings :
- “ Sale ” includes every form of disposition (whether for valuable consideration or otherwise) ; and “ to sell ” and “ vendor ” have corresponding meanings :
- “ Consumer’s license ” means a consumer’s license to purchase issued under these regulations.

#### OIL FUEL CONTROLLER.

3. (1) The Minister may from time to time appoint a Controller, to be known as “ the Oil Fuel Controller.”
- (2) The Controller shall hold office during the pleasure of the Minister.
- (3) The Controller shall be subject in all things to the control of the Minister, and shall act in accordance with all directions, general or special, given to him by the Minister.

#### POWERS OF THE OIL FUEL CONTROLLER.

4. The Controller shall have absolute control of the importation, sale, distribution, and use of oil fuel, and may impose such conditions as he thinks fit upon any person in connection with the importation, sale, distribution, or use of oil fuel.
5. Without limiting the generality of the powers hereinbefore conferred, it is hereby declared that the Controller shall have power to do any of the following things, namely :—
- (a) To regulate, restrict, or prohibit the use of motor-spirits by any person for cleaning purposes :
  - (b) To regulate, restrict, or prohibit services conducted by carriers, taxi-proprietors, and motor-omnibus operators in cities, boroughs, or town districts :
  - (c) To restrict or prohibit services conducted for the carriage of passengers or goods by road, water, or air on any route or in any area :
  - (d) To regulate, restrict, or prohibit the use of any private motor-vehicle, launch, or aircraft for purposes of business or personal convenience or pleasure or for purposes other than those which the Controller may specify :
  - (e) Generally to withhold supplies of oil fuel for any other purposes and direct that no person shall use oil fuel or any specified oil fuel or kind of oil fuel for any specified purpose if in the opinion of the Controller such action is necessary for the public welfare :

- (f) To require importers and wholesale distributors of oil fuel to enter into working agreements with one another for the pooling of supplies of oil fuel and storage, tank, wagon, and other equipment and facilities, and for the limitation of the number of distributors of oil fuel operating in any area or district or otherwise :
- (g) To require oil fuel to be sold according to grade as defined from time to time and not under any trade brand :
- (h) To require any person to furnish from time to time to the Controller, or as he may direct, such returns, statements, statistics, or other information relating to oil fuel and the possession and use thereof and dealing therewith as the Controller may deem necessary, and to require that any such information be verified by statutory declaration.

#### DISTRICT AND SUB-DISTRICT CONTROLLERS.

6. The Chief Postmaster of each postal district recognized as such by the Post and Telegraph Department shall be a District Controller for the purposes of these regulations.

7. Every District Controller shall in respect of his postal district have such powers and functions as may from time to time be delegated to him under the principal regulations.

8. Every delegation or direction made or given to any District Controller by any Controller who is not the Director-General of the Post and Telegraph Department shall be made or given through the Director-General.

9. Every District Controller may appoint such Sub-district Controllers, and may delegate to them under the principal regulations such powers and functions as may from time to time be authorized by the Controller through the Director-General of the Post and Telegraph Department, or by the Director-General.

#### PURCHASE OF OIL FUEL BY CONSUMERS.

10. No person shall purchase in New Zealand any oil fuel for his own consumption except in accordance with the terms of a consumer's license to purchase issued under these regulations.

11. Every application for a consumer's license shall be made on a form provided by the Controller, and shall be delivered to a Postmaster.

12. A separate application is required in respect of every business or farm property. The application must be made by the manager of the business or property or by his authorized agent, and the Controller shall have the right to define what is to be regarded as one business or one property and who is to be regarded as the manager or the authorized agent of the manager.

13. Except as hereinafter provided, a consumer's license shall be an ordinary license and shall not authorize the purchase of any oil fuel except from the vendor named in the license.

14. On the ground of the purchaser's absence from the place where he is ordinarily resident or upon other grounds deemed by the Controller to be adequate, the Controller may grant a special consumer's license to any person. A special license shall authorize the licensee to purchase oil fuel from any vendor.

15. The licensee under a consumer's license shall keep his license in safe custody and shall not assign, transfer, or lend it, or part with the possession of it, to any person otherwise than by placing it in the custody of his servant or agent for a purpose connected with these regulations.

16. It shall be the duty of every licensee holding a special consumer's license, upon every delivery of oil fuel to the licensee, to procure the particulars indicated in the license relating thereto, to be entered and authenticated by the vendor by means of the vendor's signature, or that of the vendor's servant or agent authorized by the vendor in that behalf.

17. Upon the return to the authority that granted it of a consumer's license mutilated or rendered illegible, or upon proof to the satisfaction of that authority, by statutory declaration or otherwise, that a license has been destroyed, stolen, or lost, and upon payment (in either case) of a fee of 2s. 6d., that authority may, on the application of the licensee, issue a duplicate license, which shall bear the word "Duplicate" thereon and which shall be of the same effect as the original license.

18. No person having purchased oil fuel under a consumer's license shall sell that fuel or any part thereof or use it otherwise than for the purpose or respective purposes set out in his application. In any proceedings for a breach of this regulation any oil fuel in the possession of any person charged shall be deemed to have been acquired under a consumer's license until the person charged affords proof to the contrary.

#### DISPOSAL OF OIL FUEL.

19. All oil fuel held by any person in New Zealand upon the coming into force of these regulations, and all oil fuel imported into or produced in New Zealand after the coming into force of these regulations (except oil fuel in bunkers intended for consumption by the ship that carries it), shall be at the disposal of the Controller.

20. Notwithstanding the terms of any contract entered into before or after the coming into force of these regulations, no person shall purchase or sell any oil fuel at the disposal of the Controller except either in accordance with the terms of a permit to purchase or sell granted to him by the Controller or in accordance with the terms of a consumer's license issued to the purchaser. In any proceedings for a breach of this regulation the oil fuel in question shall be deemed to be oil fuel at the disposal of the Controller until the person charged affords proof to the contrary.

21. The exercise by any person of any powers of disposition over oil fuel shall be deemed to be a sale thereof, notwithstanding that the oil fuel may not be within the ownership or possession of that person.

22. No person shall sell any oil fuel to the holder of a consumer's license unless the license is produced to him by the licensee on every occasion of such sale, and unless he makes at the time of every such sale an entry of the number of the license, the date of the transaction, and the quantity of oil fuel sold on a vendor's issue schedule provided by the Controller, and procures the entry to be verified by the signature of the licensee or his servant or agent.

23. Every person who sells any oil fuel to the holder of a special consumer's license shall at the time of delivery enter, or cause to be entered, on the license the particulars indicated therein relating to the sale, and authenticate the entry or cause the entry to be authenticated by his signature or that of his servant or agent authorized by him in that behalf.

24. Subject to the provisions of Regulations 26 to 30 hereof, no person shall supply oil fuel to any person who acquires the fuel otherwise than in pursuance of a consumer's license unless before or at the time of supply the person to be supplied produces to the supplier a vendor's stock schedule provided by the Controller and unless the supplier thereupon makes an entry on that form of the date, the quantity supplied, and the source of supply.

25. Every person who sells any oil fuel to the holder of a consumer's license shall in respect of each such holder keep a separate record of licensee's purchases on a form provided by the Controller, and shall make the appropriate entries thereon in respect of every transaction on the day on which the transaction takes place.

26. Except as provided in Regulation 24 hereof, every person required to make a record under these regulations shall retain that record at his place of business for a period of one year from the date when the last entry therein is made, unless pursuant to any requirement of the Controller he is allowed to deliver, and does deliver, it to the Controller, and he shall at all times while the record remains in his custody allow any person authorized in that behalf by the Controller to inspect it at all reasonable times and to make copies thereof and extracts therefrom.

27. Every person being in possession of any storage tank used for oil fuel shall at all reasonable times allow any person authorized in that behalf by the Controller to inspect the tank and take samples of the contents and gauge the contents by dipstick or any other appropriate method.

#### DISPOSAL OF RECORDS BY VENDORS.

28. Every vendor of oil fuel to the holders of consumers' licenses shall—

- (a) Within seven days after the end of each month, deliver to the Controller his vendor's issue schedule and his vendor's stock schedule, showing all entries required by these regulations to be made thereon during that month:
- (b) Return each record of licensee's purchases to the Controller forthwith after it is filed.

#### IMPORTATION OF OIL FUEL.

29. Every consignee of oil fuel to be imported into New Zealand, and every owner and agent of a vessel known to him to be on the water bound for New Zealand carrying oil fuel as cargo, shall as soon as possible give notice in writing to the Controller of the name of the vessel and, so far as is known to the person giving the notice, the quantity and kind of oil fuel borne as cargo, the port of origin thereof, the route of the vessel, her first port of destination in New Zealand, and the expected date of her arrival.

30. Every person required to give a notice under the last preceding regulation shall when any alteration or proposed or expected alteration in the route of the vessel, her first port of destination, or the date of her arrival becomes known to him give further notice in writing to the Controller of such alteration or proposed or expected alteration.

31. The Controller may require any vessel approaching New Zealand or in New Zealand waters or ports carrying oil fuel as cargo to proceed to such port or ports in New Zealand as he may think fit, and to discharge the whole or any portion of her cargo of oil fuel at such port or ports as he may direct, and every owner and agent of the vessel shall forthwith give such directions to the master thereof as may be necessary to carry out the Controller's requirements.

32. The importer of any oil fuel forming the whole or part of the freight or cargo of any vessel the voyage of which is deviated by direction of the Controller under the last preceding regulation shall be entitled to receive payment, under the provisions of the principal regulations relating to payment for supplies and services, of the amount necessary to cover the reasonable additional expenses incurred by the importer through the deviation.

33. Upon the discharge of any oil fuel at any port the Collector of Customs shall forthwith notify to the Controller—

- (a) The name of every consignee of oil fuel :
- (b) The exact kind of oil fuel discharged for each consignee :
- (c) The quantity of each kind of such oil fuel.

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