

New Zealand.



ANALYSIS.

Title.

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1933, No. 36.

AN ACT to make Provision for the Fixation of Title.  
Maximum and Minimum Prices of Motor-spirits.

[22nd December, 1933.]

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

1. This Act may be cited as the Motor-spirits Short Title.  
(Regulation of Prices) Act, 1933.

2. In this Act, unless the context otherwise requires,— Interpretation.

“Minister” means the Minister of Industries and Commerce :

“Motor-spirits” has the same meaning as in the Customs Tariff (Item 394 (7)) under the Customs Acts, and includes motor-spirits manufactured in New Zealand :

“Price” includes every valuable consideration whatsoever, whether direct or indirect; and “indirect consideration” includes every valuable consideration whatsoever, which in effect relates to the sale of any motor-spirits, although ostensibly relating to any other matter or thing:

“Retailer” includes every person, other than a wholesaler, who sells motor-spirits to any other person, and in respect of a sale made by a wholesaler to any person for any purpose other than resale, includes such wholesaler:

“Sale” includes barter and every other disposition for valuable consideration:

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

Authority to fix maximum and minimum prices of motor-spirits.

3. (1) The Governor-General, on the recommendation of the Minister, may from time to time by Order in Council fix the maximum prices at which motor-spirits may be sold in New Zealand, and may in like manner from time to time fix the minimum prices at which motor-spirits may be so sold.

(2) Any such Order in Council may from time to time be varied or revoked.

Different maximum prices and different minimum prices may be fixed according to differing conditions.

4. Any Order in Council under the last preceding section may fix different minimum prices or different maximum prices in respect of different forms, modes, conditions, or localities of sale or supply, and in particular may fix different prices as aforesaid in respect of the following classes of sales, namely:—

(a) Sales by wholesalers:

(b) Sales by retailers:

(c) Sales for delivery within any specified area or locality:

(d) Sales of different qualities, grades, or classes of motor-spirits:

(e) Sales to or for the use of different persons or classes of persons, according to the quantities of motor-spirits purchased by them in any period or periods, or according to the purpose for which any such motor-spirits are used or intended to be used:

(f) Any other class or classes of sale that may be prescribed by regulations under this Act.

5. (1) In fixing maximum prices or minimum prices in accordance with the foregoing provisions of this Act regard shall be had to all such considerations as the Governor-General in Council thinks proper, including the fair market values of motor-spirits in the several countries of origin, or in other countries from which motor-spirits are commonly imported into New Zealand, and also the fair and reasonable costs of importation (including any duties of Customs or other charges levied on importation into New Zealand), and the fair and reasonable costs of insurance, storage, sale, and distribution.

Prices to be fixed with regard to fair market value in countries of origin.

(2) No Order in Council under the foregoing provisions of this Act shall be deemed invalid on the ground that any of the matters referred to in the last preceding subsection has not been taken into account, or that insufficient or excessive allowance has been made for or in respect of any of the aforesaid matters.

6. (1) While any Order in Council under the foregoing provisions of this Act remains in force every person who, whether as principal or agent, and whether by himself or his agent, sells or agrees or offers to sell any motor-spirits for a price in excess of the appropriate maximum price or for a price less than the appropriate minimum price commits an offence against this Act.

Selling goods in excess of maximum price or below minimum price.

(2) While any such Order in Council remains in force every person who, whether as principal or agent, and whether by himself or his agent, sells any motor-spirits and thereafter demands for the motor-spirits so sold by him a price in excess of the appropriate maximum price or a price less than the appropriate minimum price commits an offence against this Act.

(3) While any Order in Council fixing the minimum price of motor-spirits remains in force under this Act every person who, whether as principal or agent, and whether by himself or his agent, gives or offers or agrees to give to any person in respect of the sale of any motor-spirits, any rebate, refund, discount, allowance, premium, coupon, or other valuable consideration, or any goods (other than the motor-spirits to which the sale relates, without variation of quantity or grade, or other variation), or who, as purchaser, or seller, or otherwise howsoever, is knowingly party to any device, plan, or scheme, whereby the purchaser obtains or is enabled to obtain any motor-spirits at less than the prescribed minimum price, commits an offence against this Act.

Aiding and abetting offences against this Act.

7. Every person who aids, abets, counsels, or procures, or is in any way knowingly concerned in the commission of an offence against this Act, shall be deemed to have committed that offence.

Liability of employers.

8. The liability of an employer or principal to any penalty under this Act in respect of offences committed by a servant or agent in the course of his employment shall be determined by the same principles as those which determine his liability for civil injuries done by that servant or agent, and such offences shall be deemed to have been committed by the employer or principal accordingly.

Penalties for offences against this Act.

9. Every person who commits or attempts to commit, or does any act with intent to commit, or counsels, procures, aids, abets, or incites any other person to commit, or conspires with any other person to commit, any offence against this Act or against any regulations made under the authority of this Act, for which no penalty is otherwise expressly provided in this Act or in such regulations, shall be liable on summary conviction, in the case of an individual, to a fine of two hundred pounds, and in the case of a company or other corporation, to a fine of one thousand pounds.

Minister may require production of books, &c., by dealers in motor-spirits.

10. (1) The Minister may from time to time, by writing under his hand, require any person who is engaged in the business of importing, distributing, or selling motor-spirits to produce for his inspection or for the inspection of any officer of the Department of Industries and Commerce any books or documents in the possession or control of such person in relation to such business, and to allow copies of or extracts from such books or documents to be made by the person so inspecting them.

(2) If default is made by any person in obedience to any order of the Minister under this section, such person and every other person who counsels, procures, or is otherwise knowingly concerned in such default shall be liable on summary conviction to a fine of one hundred pounds.

Minister may require information to be supplied as to importation, distribution, or sale of motor-spirits.

11. (1) Every person engaged in or in connection with the business of the importation, sale, or distribution of motor-spirits shall, as and when required by the Minister, furnish to the Minister in writing such information as the Minister may require in relation to the price

of motor-spirits, either in New Zealand or elsewhere, or particulars with respect to the importation, sale, or distribution of motor-spirits.

(2) All information supplied in accordance with this section shall be furnished in such form as the Minister may require and, if the Minister so requires, shall be certified by the person supplying the same as being correct to the best of his knowledge and belief.

(3) If any person without sufficient reason (the proof whereof shall be on him) fails to furnish any such information within the time limited in the notice requiring the same, or furnishes any information which to his knowledge is false or misleading in any material particular, or refuses or fails to furnish any such information in the form in which the Minister requires it to be furnished, he shall be guilty of an offence against this Act, and shall be liable on summary conviction to a fine of one hundred pounds and to a further fine of ten pounds for each day during which the default continues.

12. Any prosecution for an offence against this Act may be instituted at any time within three years after the commission of the offence.

Limitation of time within which proceedings for offences may be taken.

13. For the purpose of giving full effect to the foregoing provisions of this Act the Governor-General may from time to time, by Order in Council, make regulations—

General regulations.

(a) Prescribing the matters to be included in any accounts or other records to be kept by persons engaged in the business of importing, selling, purchasing, or distributing motor-spirits, and prescribing the form in which any such accounts or records shall be kept :

(b) Prescribing all such other matters (whether of the same nature or not) as may be considered necessary for the purposes of this Act.

14. Nothing in this Act shall be construed to affect the provisions of any other Act in force on the passing of this Act.

Saving other Acts.