

BASUTOLAND, BECHUANALAND
PROTECTORATE, SWAZILAND.
HIGH COMMISSIONER'S NOTICE
No. 204 of 1943.

CONTROL OF PETROL.

It is hereby notified for general information that, under and by virtue of the powers vested in him by section *one* of the Basutoland Emergency Powers (Defence) Proclamation, 1939 (No. 35 of 1939), section *one* of the Bechuanaland Protectorate Emergency Powers (Defence) Proclamation, 1939 (No. 36 of 1939), and section *one* of the Swaziland Emergency Powers (Defence) Proclamation, 1939 (No. 37 of 1939), respectively, His Excellency the High Commissioner has been pleased to make the following regulations relating to the sale and distribution of petrol in Basutoland, the Bechuanaland Protectorate, and Swaziland, each of which is hereinafter respectively referred to as "the Territory":—

1. In these regulations unless inconsistent with the context—

"basic stock" means the stock of petrol as determined by the Controller in terms of regulation 12;

"Controller" means the Controller of Petrol appointed under sub-regulation (1) of regulation 2;

"motor vehicle" means a road vehicle of any description which uses petrol as a fuel;

"petrol ration coupon" means a coupon mentioned in regulation 5;

"reseller" means any person who sells petrol by retail in the course of or as part of any business carried on by him and shall include the servant or agent of such person and any other person acting on his behalf;

"wholesale distributor" means any person who carries on the business of selling petrol in bulk and shall include the servant or agent of such person and any other person acting on his behalf.

2. (1) The Resident Commissioner shall appoint a Controller of Petrol who shall, subject to the direction of the Resident Commissioner, perform the functions vested in him by these regulations, and may at any time terminate any such appointment.

(2) The Resident Commissioner or any person authorised by him may appoint a Deputy Controller, an Assistant Controller and a Technical Adviser to assist the Controller to perform his functions under these regulations, and the Controller may, in his discretion, delegate any of his said functions to any person so appointed.

3. The Controller may appoint—

(a) District Controllers for specified areas and delegate to them any of his functions under these regulations;

(b) Inspectors or other officers and bodies of persons to assist him in the administration of these regulations.

4. (1) The Controller may order any person to furnish him or any person designated by him with any information whatsoever available to the person so ordered relating to petrol, petrol ration coupons or special petrol permits which he or his servant or agent has or had in his possession or custody or over which he has or had any control.

(2) If any person has in his possession or under his control more petrol than he will, in the opinion of the Controller, need for his own use or in connection with his business during a reasonable period, or has in his possession any petrol which, in the opinion of the Controller, is required in the national interest for use in any industry or trade for the maintenance of essential services, the Controller may order such person to deliver a stated quantity of such petrol to a person named in the order upon payment by the last mentioned person to the first mentioned person of a price to be determined by the Controller.

(3) Any person shall at the request of an Inspector duly appointed under regulation 3 (b) or of a person (hereinafter referred to as an Inspector) who produces a document which purports to have been issued by the Controller or any person thereto deputed by the Controller and which authorises him to act on behalf of the Controller, produce to the Inspector any book or document at his disposal, which relates directly or indirectly to petrol and permit the Inspector to make a copy thereof or to take an extract therefrom and shall furnish the Inspector with such other information at his disposal (whether written or oral) relating to petrol as the Inspector may demand from him.

(4) Any person who discloses, except to the Controller or to any person whose duty it is to deal with the subject-matter of the disclosure, or when required to do so as a witness in a court of law, or for the purposes of these regulations, any information concerning any person or business, which he acquired in the performance of his duties or in the exercise of his powers under these regulations, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds.

5. (1) The Controller shall cause petrol ration coupons of various denominations in sets or folders to be printed and to be delivered in his discretion to postmasters in charge of money order offices through-

out the Territory or to any other class of officials whom he may designate by notice in the *Gazette*, with the consent of the Resident Commissioner or Head of the Department in which such officials are employed, and the Controller may cause such coupons to be delivered to any other person for distribution in such manner and on such conditions as the Controller may direct.

(2) The Controller may direct the persons mentioned in sub-regulation (1) in what manner and to whom they shall issue petrol ration coupons.

(3) No person shall be entitled to any petrol ration coupons and the issue of such coupons shall be entirely within the discretion of the Controller, who may at any time order any person to surrender for cancellation any petrol ration coupons which may have been issued to him and may still be in his possession.

(4) Petrol ration coupons shall be valid only for the month printed thereon, provided that the Controller may—

(a) by notice in the *Gazette* extend or shorten the period of validity of any petrol ration coupon;

(b) amend or cancel any petrol ration coupon.

(5) Coupons issued by the Department of Commerce and Industries of the Union of South Africa shall, for the purposes of these regulations, be recognised as valid within the Territory:

Provided that no coupons shall be issued to any person in respect of a vehicle which is not registered in the Territory without the express permission of the Controller or some person authorised under these regulations to act for him.

6. (1) As from a date to be fixed by the Controller by notice in the *Gazette*, no petrol ration coupons shall be issued by any of the persons mentioned in sub-regulation (1) of regulation 5 unless the applicant produces a motor vehicle licence in respect of the vehicle for which the coupons are to be issued and such licence bears an endorsement by the Controller or other person acting on his behalf that it is valid for a stated period for the issue of petrol ration coupons.

(2) The period fixed in any endorsement made in terms of sub-regulation (1) may extend beyond the date of validity of the licence and the document endorsed shall remain valid for the issue of petrol ration coupons for the period mentioned in the endorsement.

(3) No person shall be entitled as of right to have a motor vehicle licence issued in his favour endorsed as valid for the issue of petrol ration coupons and the decision as to whether any licence is to be so endorsed or not shall be entirely within the discretion of the Controller.

(4) The Controller may in his discretion order any person to surrender any document held by him which has been endorsed as valid for the issue of petrol ration coupons and the Controller may thereupon cancel any such endorsement and may withhold the issue of any petrol ration coupons for the vehicle in respect of which the endorsement has been cancelled for such period as he may deem fit or for an indefinite period.

7. (1) The Controller or any person authorised by him may, in his discretion, issue special petrol permits for the supply of petrol—

(a) to any Government Department or native administration;

(b) to any of His Majesty's forces;

(c) to any person who requires petrol for use other than in the engine of a motor vehicle;

(d) to any owner of a motor lorry (including a box lorry), motor van or motor bus;

(e) to any reseller who, through no fault on his part, is or probably will be unable to furnish a wholesale distributor with petrol ration coupons in terms of regulation 11 to enable him to obtain a sufficient supply of petrol for his needs as a reseller during any particular period;

(f) to any person who, through no fault on his part, is unable to obtain petrol ration coupons;

(g) to any person in lieu of valid petrol ration coupons, representing a particular quantity of petrol, if the person issuing the permit is satisfied that it is impracticable or uneconomic for the applicant for the permit to obtain the said quantity of petrol in the manner provided in paragraphs (a), (b), (c) and (d) of sub-regulation (1) of regulation 9.

(2) The Controller or a person authorised to issue special petrol permits under sub-regulation (1) may issue any such permit for such quantities or on such conditions or with such limitations, or impose upon the holder or any person to whom the permit is delivered in exchange for petrol such obligations, as are set forth on the permit.

(3) Such a special petrol permit shall during the period of its validity authorise the supply and acquisition of petrol as set forth therein, subject to any conditions or limitations or obligations appearing thereon.

(4) The Controller or any other person who issued a special petrol permit may at any time direct the holder thereof in writing to return it to the issuer or to deliver it to the Controller for amendment and after receipt thereof amend it, or he may cancel any such permit and inform the holder thereof in writing of its cancellation and direct the holder to return it to the issuer.

(5) A special petrol permit shall be valid only for the period indicated thereon and shall not be transferable.

(6) No person shall use or permit to be used any petrol obtained by him or by any other person to his knowledge under the authority of a special permit, for any purpose other than a purpose for which the permit was issued, or supply any such petrol to any other person.

8. In exercising the powers conferred on him by paragraph (a) of sub-regulation (1) of regulation 7, the Controller shall act in consultation with the Head (or his deputy) of the Department or sub-department or administration concerned.

9. (1) Subject to the provisions of sub-regulation (4) of regulation 5, no reseller of petrol shall supply petrol to any person and no person shall acquire petrol from a reseller unless—

(a) the person to be supplied has delivered to the prospective supplier a set or folder containing petrol ration coupons representing a quantity of petrol not less than the quantity to be supplied;

(b) the supplier or his servant has himself at the time of supplying such petrol detached from the folder coupons representing the quantity of petrol supplied or to be supplied;

(c) every coupon so detached bears in print the name of the month in which the petrol is so supplied;

(d) the petrol so supplied is poured directly into the tank which is a normal part of the motor vehicle bearing the registration letters and number shown on the counterfoil of the said set or folder; or

(e) the person to be supplied has delivered to the prospective supplier a special petrol permit issued in terms of regulation 7 and the petrol is supplied in accordance with that permit.

(2) The provisions of sub-regulation (1) shall apply *mutatis mutandis* in so far as they can be applied in connection with the removal of petrol from the stock of a reseller for use by such reseller himself, or by any person in his employ.

10. No reseller shall—

(a) detach from any petrol ration coupon folder, coupons for a quantity of petrol in excess of the quantity supplied by him to the person who has tendered the folder;

(b) fail to return the folder immediately after the supply of petrol to the person who has tendered the folder to him;

(c) except on the express authorisation of the Controller and subject to the provisions of sub-regulation (3) of regulation 4, surrender petrol

ration coupons or special petrol permits acquired by him in exchange for petrol, to any person other than a wholesale distributor, or transfer petrol in his possession to any person, except in terms of regulation 9;

(d) hold petrol ration coupons on behalf of any other person;

(e) for the purpose of accounting for his basic stock in terms of regulation 12, bring into account any petrol ration coupon or special petrol permit which has come into his possession otherwise than in exchange for petrol supplied by him in terms of regulation 9.

11. No wholesale distributor shall supply petrol to any person except in exchange for petrol ration coupons or special petrol permits or on the express authorisation of the Controller, Deputy Controller or Assistant Controller.

12. (1) The Controller may at any time notify any reseller at a particular place of business of the amount of petrol which he has determined to be the basic stock at such place of business and may re-assess such basic stock from time to time.

(2) A reseller who carries on business at more than one place of business shall be assessed as to his basic stock in respect of each place of business separately, and shall not, for stock purposes, transfer petrol, petrol ration coupons or special petrol permits from one place of business to another.

(3) The Controller may at any time call upon a reseller at a particular place of business to account for the basic stock as assessed in respect of such business.

(4) If, after a reseller has been called upon to account for his basic stock in terms of sub-regulation (3), there is found to be any shortfall or surplus in such stock (regard being had to the quantity of petrol represented by the petrol ration coupons and special petrol permits in his possession): such reseller shall be guilty of an offence unless he proves to the satisfaction of the court that such shortfall or surplus was not brought about by any contravention of these regulations on his part or on the part of any person in his employ.

(5) A court which convicts a reseller under sub-regulation (4) on the ground of any surplus in his basic stock may, in addition to any penalty which it may impose, order the confiscation of petrol ration coupons or special petrol permits in the possession of the accused representing a quantity of petrol not exceeding the amount of the said surplus.

13. The Controller may from time to time determine and publish in the *Gazette* a basic monthly ration of petrol for any class of motor vehicles other than tractors. The basic ration so determined for a

motor vehicle other than a motor cycle shall be based upon its weight as disclosed in the licence relating thereto; and the basic ration so determined for a motor cycle shall be based upon its horse power as disclosed in the licence relating thereto.

14. (1) The Controller or any person authorised by him may, in his discretion, issue in respect of any motor vehicle in any month, petrol ration coupons, additional to those which have been or may be issued in respect of that vehicle under regulation 5, for so much petrol as the Controller or the person authorised as aforesaid deems fit; or may, in his discretion, authorise in writing any person mentioned in sub-regulation (1) of regulation 5 to issue to any person mentioned in the said authorisation such additional coupons for such quantity of petrol as is specified in the said authorisation.

(2) No person shall use or permit to be used any petrol obtained by him or by any other person to his knowledge under the authority of petrol ration coupons issued in terms of sub-regulation (1) for any purpose other than the purpose for which such petrol ration coupons were issued.

15. If any person has been supplied by a wholesale distributor with petrol in containers which are the property of the wholesale distributor, the wholesale distributor shall not, without the approval of the Controller, supply any further quantity of petrol to such person until such person has returned to the wholesale distributor or his agent all such containers in his possession, or a number of such containers of a total capacity equivalent to such further quantities of petrol to be supplied.

16. The Resident Commissioner may by Notice in the *Gazette*—

(a) impose a fee not exceeding three pence upon each issue of petrol ration coupons made during the period in each month notified to the public by the Controller as the period during which application for petrol ration coupons may be made to persons mentioned in sub-regulation (1) of regulation 5, and upon each issue of special petrol permits; and

(b) impose a fee not exceeding five shillings upon each issue of petrol ration coupons made at any time other than during the said period.

17. The Controller may, from time to time, by means of a notice published or conveyed in any manner which he deems most suitable to inform those for whom the notice is intended, either throughout the Territory or in any defined area or throughout the Territory with the exception of any defined area, prescribe the hours during which petrol may be supplied by any dealer in petrol to any person or class of persons determined by the Controller.

18. (1) Any person who counterfeits or alters any petrol ration coupon or special petrol permit or authorisation or endorsement for which provision is made in these regulations or who utters or tenders such a counterfeit or altered document knowing that it is counterfeit or that it was altered, shall be guilty of an offence.

(2) Any person who, without the authority of the Controller, transfers any petrol ration coupon or special petrol permit except to a reseller or to a wholesale distributor in exchange for petrol supplied by such reseller or wholesale distributor, shall be guilty of an offence.

(3) Any person who tenders to a reseller or to a wholesale distributor any coupon, permit or authorisation, the validity of which has expired, in order to obtain petrol by means thereof, shall be guilty of an offence.

(4) Any person who buys, sells or barter or offers to buy, sell or barter any petrol ration coupon or special petrol permit, shall be guilty of an offence.

(5) Any person who under these regulations knowingly furnishes the Controller, an Inspector or any person acting on behalf of the Controller with any incorrect or incomplete information, shall be guilty of an offence.

(6) Any person other than a reseller or a wholesale distributor who is found in possession of any quantity of petrol in excess of four gallons in containers other than the tank which is the normal part of a motor vehicle, shall be guilty of an offence unless such petrol was supplied to him on the authority of a special petrol permit referred to in sub-regulation (1) of regulation 7, authorising him to obtain the said petrol in a container, or unless it is so held by him with the written approval of the Controller and it is used by such person in accordance with such conditions as the Controller may impose in granting such approval.

(7) Any person who uses or permits to be used petrol which has been supplied to him on an authorisation referred to in sub-regulation (1) of regulation 11 by a wholesale distributor, for any purpose other than a purpose specified in such authorisation, or who, not being a reseller, disposes of such petrol to any other person, shall be guilty of an offence.

(8) Any person who uses petrol for the purpose of operating a vehicle in respect of which the issue of petrol ration coupons has been withheld by the Controller in terms of sub-regulation (4) of regulation 6, shall be guilty of an offence.

(9) Any person who uses a petrol container which is the property of a wholesale distributor for any other purpose than the storage or conveyance of petrol, shall be guilty of an offence.

19. Any person who contravenes any provision of these regulations or who fails to comply with any such provision or with any notice issued, order or direction given, or condition, limitation or obligation imposed under these regulations, shall be guilty of an offence and liable on conviction to the penalties mentioned in regulation 20.

20. (1) Subject to the provisions of sub-regulation (2) of this regulation, any person guilty of an offence under regulation 19 shall be liable to a fine not exceeding five hundred pounds or to imprisonment for a period not exceeding two years or to both such a fine and such imprisonment, and any Subordinate Court shall have jurisdiction to impose any such punishment on convicting an offender of any such offence, whether summarily or after holding a preparatory examination or remittal of the case by the Attorney-General.

(2) Any person who is convicted of buying, selling or bartering or offering to buy, sell or barter any petrol ration coupon or special petrol permit, shall be sentenced to imprisonment without the option of a fine:

Provided that this regulation shall not prohibit the passing of any other sentence in addition to such sentence of imprisonment:

Provided further that a sentence that the offender be detained until the rising of the court shall not be a competent sentence under this regulation.

21. The Controller may by Notice in the *Gazette* make rules, not inconsistent with these regulations, for the control or regulation of the supply, acquisition or use of petrol, and may by such rules impose penalties not exceeding a fine of twenty-five pounds or imprisonment for a period of three months for a contravention thereof or failure to comply therewith.

22. The Controller may apply all or any of these regulations in connection with any substance other than petrol, which is suitable for use as a fuel in any internal combustion engine.

23. These regulations shall apply to any person in his capacity as a servant of the Government in any of its Departments.

24. The regulations published under High Commissioner's Notices No. 19 of 1942 and No. 166 of 1942 are hereby repealed:

Provided that any person or body appointed in any capacity under the provisions of any regulation hereby repealed and lawfully acting in such capacity at the commencement of these regulations, shall be deemed to have been appointed under these regulations, and any order, direction, prohibition, condition

or limitation lawfully issued given or imposed there-
under, and in force at the commencement of these
regulations shall be deemed to have been issued, given
or imposed under these regulations.

By Command of His Excellency
the High Commissioner.

H. E. PRIESTMAN,
Administrative Secretary.

High Commissioner's Office,
Pretoria, 18th September, 1943.