

BASUTOLAND, BECHUANALAND PROTECTORATE, SWAZILAND.

HIGH COMMISSIONER'S NOTICE  
No. 19 of 1942.

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"):

REGULATIONS.

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

- "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;
- "re-seller" means a person licensed or otherwise authorised to sell petrol by retail in the course of his business;
- "wholesale distributor" means any person who carries on the business of selling petrol in bulk.

2. (1) The Resident Commissioner shall appoint the Government Secretary as Controller of Petrol, who shall perform the functions vested in him in these regulations, but subject to the directions of the Resident Commissioner.

(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.

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.

10/1/1941  
10/1/1941  
10/1/1941

4. (1) The Controller may order any person to furnish the Controller from time to time with any information whatsoever available to the said person relating to petrol, 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) Any person shall, at the request of a person (hereinafter referred to as an inspector), who produces a document which purports to have been issued 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.

(3) 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 delivered to all postmasters in charge of money order offices throughout 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.

(1) 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.

(b) 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) 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, sub-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 *bona fide* farmer;

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

(f) to any re-seller 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 10, to enable him to obtain a sufficient supply of petrol for his needs as a re-seller during any particular period; or

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

(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 another 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 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.

(7) A special petrol permit, issued by authority of the Controller of Petrol of the Union of South Africa, shall be recognised as valid within the Territory.

7. In exercising the powers conferred on him by paragraph (a) of sub-regulation (1) of Regulation 6, the Controller shall act in consultation with the Head (or his deputy) of the Department or sub-department concerned.

8. Subject to the provisions of sub-regulation (4) of Regulation 5, no re-seller of petrol shall supply petrol to any person and no person shall acquire petrol from a re-seller unless—

- (a) the person supplied has delivered to the supplier a set or folder containing petrol ration coupons representing a quantity of petrol not less than the quantity supplied, and the supplier or his servant has himself, at the time of the supply, detached from the folder coupons representing the quantity of petrol so supplied;
- (b) every coupon so detached bears in print the name of the month in which the petrol is so supplied;
- (c) the petrol so supplied is poured directly into a tank which is a normal part of a motor vehicle bearing the registration letters and number shown on the counterfoil of the said set or folder; or unless
- (d) the person supplied has delivered to the supplier a special petrol permit, issued in terms of Regulation 6, and the petrol is supplied in accordance with that permit, and both the person supplied and the supplier have complied with all requirements of that permit.

9. No re-seller 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.

10. After a date fixed by the Controller by Notice in the *Gazette*, 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, Assistant Controller or a District Controller.

11. 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~~ 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.

12. If the owner of a motor vehicle other than a ~~tractor~~ tractor, who by reason of his occupation or by reason of the distance between his residence and the place where he works or ordinarily transacts business, or where his children attend a school, or for the purpose of transacting urgent business, or because of any other exceptional circumstances, is obliged to travel such distances in the said motor vehicle that the basic monthly ration of petrol for that motor vehicle as determined under Regulation 11 is insufficient for his needs, the Controller or any person authorised by him may, in his discretion, issue to the said owner in any month petrol ration coupons, additional to those which have been or may be issued to him under Regulation 5, for so much petrol as the Controller or the person authorised as aforesaid deems necessary, or may, in his discretion, authorise in writing, any person mentioned in sub-regulation (1) of Regulation 5 to issue to the said owner such additional coupons for such quantity of petrol as is specified in the said authorisation.

13. The Resident Commissioner may, by Notice in the *Gazette*, impose a fee not exceeding three pence upon each issue of petrol ration coupons and of special petrol permits.

14. (1) Any person who counterfeits or alters any petrol ration coupon or special petrol permit or authorisation 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 tenders to a re-seller or to a wholesale distributor any such coupon, permit or authorisation as aforesaid whose validity has expired, in order to obtain petrol by means thereof, shall be guilty of an offence.

(3) Any person who contravenes any provision of these regulations or who fails to comply with any such provision or with any order of direction given or condition or limitation or obligation imposed under these regulations shall be guilty of an offence.

15. Any person guilty of an offence mentioned in Regulation 14 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 of the First Class 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.

16. 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.

17. These regulations may be cited as the Petrol Control Regulations, 1942, and shall come into operation on the second day of February, 1942.

By Command of His Excellency  
the High Commissioner.

H. E. PRIESTMAN,  
Administrative Secretary.

High Commissioner's Office,  
Cape Town, 26th January, 1942.