

# Charcoal (Producer Gas) Act 1941

## Long Title

An Act to make provision for and in relation to the manufacture and sale of charcoal for use for the generation of producer gas in producer gas equipment; and for purposes connected therewith.

## 1 Name of Act

This Act may be cited as the *Charcoal (Producer Gas) Act 1941*.

## 2 Definitions

In this Act unless the context otherwise indicates or requires:

**"Charcoal"** means charcoal used or intended to be used for the generation of producer gas in producer gas equipment.

**"Manufacture"** includes any process whereby charcoal is prepared or produced.

**"Producer gas"** means gas which is produced by the incomplete combustion of solid fuel and whose active constituent is chiefly carbon monoxide.

**"Regulations"** means regulations made under this Act.

**"Sell"** includes offer to sell, attempt to sell, expose for sale and have in possession for sale, and **"sold"** and **"sale"** have corresponding meanings.

## 3 Regulations

(1) The Governor may make regulations for and in relation to the manufacture and sale of charcoal.

(2) In particular, and without prejudice to the generality of subsection one of this section, such regulations may:

(a) require persons engaged in the manufacture or sale of charcoal to obtain a licence from the person or authority specified in the regulations,

(b) make provision as to the manner and form in which applications for any such licence shall be made, the duration of a licence, and the fee to be paid upon application therefor,

(c) prescribe the circumstances in which or the grounds upon which any application for a licence may be refused,

(d) require persons engaged in the manufacture or sale of charcoal to obtain a licence in respect of each address at which he carries on the manufacture or sale of charcoal,

(e) prescribe the person or authority by whom and the circumstances in which or the grounds upon which any licence issued under the regulations may be cancelled or suspended,

(f) make provision for and in relation to the exemption of persons from compliance with the requirements of all or any of the regulations; specify the person or authority by whom such exemptions may be granted; and provide that any such exemption may be absolute or may be subject to such terms and conditions as are prescribed in the regulations, or are specified in the certificate or other document evidencing the exemption,

(g) prescribe, or authorise the Minister or a person or authority specified in the

regulations to prescribe, standards or grades of quality of charcoal which may be sold,

(h) prescribe the methods to be adopted in the manufacture of charcoal; the class or classes of wood which may be used for the manufacture of charcoal; the type or types of kiln or other medium or process by which charcoal may be manufactured; the number of kilns or other units of production which may be operated by any person for the purpose of manufacturing charcoal; and make such other provisions as the Governor may deem necessary for regulating and controlling the manufacture of charcoal,

(i) prohibit persons from selling charcoal unless it is in a container of a type prescribed in the regulations or of a type approved by a person or authority authorised in that behalf by the regulations; provide that such particulars as may be prescribed in the regulations (including particulars as to weight) shall be legibly written or printed on such container or on a label affixed thereto; and make such other provisions as the Governor may deem necessary for regulating and controlling the sale of charcoal,

(j) authorise a person or authority specified in the regulations to fix the wholesale and/or retail price at which charcoal, or any grade of charcoal, may be sold in the State or in any specified part or parts of the State and to fix any such price either directly or by reference to a margin of profit, and make such provisions as the Governor may deem necessary to ensure that charcoal shall not be sold otherwise than in accordance with the terms of any price fixation made under the regulations,

(k) impose a penalty not exceeding fifty pounds for any breach thereof.

(3) Any penalty imposed by the regulations may be recovered in a summary manner.

(4) (Repealed)

### Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
ClI	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments *Charcoal (Producer Gas) Act 1941 No 60*. Assented to 25.11.1941. This Act has been amended as follows:

2009	No 106	<i>Statute Law (Miscellaneous Provisions) Act (No 2) 2009</i> . Assented to 14.12.2009. Date of commencement of Sch 3, 8.1.2010, sec 2 (2).
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### Table of amendments

Sec 3	Am 2009 No 106, Sch 3.5.
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