

No. 303.

THE EMERGENCY POWERS (CYPRUS DEFENCE)
REGULATIONS, 1939.

Repealed 12/2/41

ORDER MADE BY THE COMPETENT AUTHORITY UNDER REGULATION 43.

In exercise of the powers vested in me by virtue of my appointment by the Governor as the Competent Authority for the purposes of Regulation 43 of the Emergency Powers (Cyprus Defence) Regulations, 1939, I hereby order as follows:—

1. This Order may be cited as the Defence (Regulation of Sale Prices) (Imported Articles) General Order, 1939, and shall come into operation on and from the date of its publication in the *Gazette*.

2. For the purposes of this Order—

“imported article” means any article imported into the Colony from any place outside the Colony;

“total value” means—

(a) in the case of a person who has imported an article into the Colony—

(i) the price of the article shown in the invoice relating to such article when imported into the Colony, and

(ii) the amount of the insurance, freight or postage, import duties, wharfage dues and any other toll, due or charge (if any) paid by such person in relation to such article at the time of taking delivery of the article from the Customs, and

(iii) the amount of any expenses reasonably incurred by such person for the transport of such article from the place in the Colony at which he has taken delivery thereof to the place where he sells such article; and

(b) in the case of a person who has purchased an imported article within the Colony for the purpose of resale—

(i) the price at which he purchased the article within the Colony, and

(ii) the amount of any expenses reasonably incurred by such person for the transport of such article from the place at which he has taken delivery thereof to the place where he sells such article;

“original percentage of profit” means the percentage of profit which the vendor obtained by the sale of an imported article, or would have obtained by the sale of such article at the market price had any such sale been made by him, during the period commencing on the 1st day of August, 1939, and ending on the 19th day of August, 1939, both days inclusive, such percentage of profit to be calculated in relation to the total value of such article during the aforesaid period.

3. No person who was not carrying on a business for the sale of an imported article during the period commencing on the 1st day of August, 1939, and ending on the 19th day of August, 1939, both days inclusive, shall—

(a) sell, or

(b) offer for sale, or

(c) attempt to sell, or

(d) either directly or indirectly make any arrangement for the sale of such imported article, without previously obtaining a permit in writing in that behalf from the Commissioner of the District in which such person resides or in which he intends to carry on business.

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4. No person shall—

- (a) sell or purchase, or
- (b) offer for sale or attempt to sell or purchase, or
- (c) either directly or indirectly make any arrangement for the sale or purchase of,

any imported article at a price which would give the vendor, where such vendor is the person who has imported such article into the Colony, a profit in excess of a total percentage of the total value of such article for the time being, such total percentage to be arrived at by adding to the original percentage of profit fifty per centum of the original percentage of profit.

EXAMPLES IN RESPECT OF SALES MADE BY IMPORTERS.

A. Article now in stock in the Colony :

- (1) Total value of article as defined in paragraph (a) of the relevant definition in clause 2 of this Order .. 100 *piastres*.
- (2) Original percentage of profit as defined in clause 2 of this Order 10% = 10 *piastres*.
- (3) Percentage of profit now allowed—
 - Original percentage of profit 10%
 - Plus fifty per centum thereof (50% of 10%) .. 5%
 - Total percentage of profit now allowed 15% = 15 *piastres*.

B. Article imported into the Colony on or from the date of publication of this Order :

- (1) Total value of article as defined in paragraph (a) of the relevant definition in clause 2 of this Order .. 120 *piastres*.
- (2) Percentage of profit now allowed—
 - Original percentage of profit as defined in clause 2 of this Order .. 10%
 - Plus fifty per centum thereof (50% of 10%) .. 5%
 - Total percentage of profit now allowed .. 15% = 18 *piastres*.

5. No person shall—

- (a) sell or purchase, or
- (b) offer for sale or attempt to sell or purchase, or
- (c) either directly or indirectly make any arrangement for the sale or purchase of,

any imported article at a price which would give the vendor, where such vendor is a person who has purchased such article within the Colony for the purpose of resale, a profit in excess of a total percentage of the total

value of such article for the time being, such total percentage to be arrived at by adding to the original percentage of profit twenty-five per centum of the original percentage of profit.

EXAMPLES IN RESPECT OF SALES MADE BY RETAILERS.

A. Article now in stock in the Colony :

- (1) Total value of article as defined in paragraph (b) of the relevant definition in clause 2 of this Order .. 115 *piastres*.
- (2) Original percentage of profit as defined in clause 2 of this Order 10% = 11½ *piastres*.
- (3) Percentage of profit now allowed—
- | | |
|--|-----|
| Original percentage of profit | 10% |
| Plus twenty-five per centum thereof (25% of 10%) | 2½% |

Total percentage of profit now allowed .. 12½% = 14 *piastres* & 15 *paras*.

B. Article imported into the Colony on or from the date of publication of this Order :

- (1) Total value of article as defined in paragraph (b) of the relevant definition in clause 2 of this Order .. 118 *piastres*.
- (2) Percentage of profit now allowed—
- | | |
|---|-----|
| Original percentage of profit as defined in clause 2 of this Order .. | 10% |
| Plus twenty-five per centum thereof (25% of 10%) | 2½% |

Total percentage of profit now allowed .. 12½% = 14 *piastres* & 30 *paras*.

6. Every person selling any imported article shall, if so requested by the purchaser, supply such purchaser with a receipt showing the article sold, the price paid for such article and the date of sale, and bearing the signature of the vendor.

7. Every person who exposes for sale, or has a stock of, any imported articles shall exhibit and keep exhibited at a conspicuous place on his premises a list showing the maximum price at which each such article is offered for sale.

8. The Commissioner of each District shall, if so required by me, appoint Inspectors to enquire—

- (a) into the stocks of any imported articles which are in the possession or under the control of any person or generally of all persons residing in any town or village within his District ; and
- (b) into the total value of any of the said articles as defined in clause 2 of this Order or the sale price thereof.

9. Any person when so required to do by an Inspector appointed under clause 8 of this Order shall make a declaration—

- (a) of the stock of any imported article in his possession or under his control, and
- (b) of the total value of such articles as defined in clause 2 of this Order or the sale price thereof,

and any such Inspector may enter upon any premises for the purpose of carrying out any inspection or search reasonably required in order to obtain the necessary information concerning the amount or condition of the stock of any such article and of the total value thereof or the sale price thereof.

10. No person shall—

- (a) sell, or
- (b) offer for sale or attempt to sell, or
- (c) either directly or indirectly make any arrangement for the sale of, any imported article with intent to defraud the public.

11. Where any person who sells or exposes for sale or holds stocks of any imported article refuses, on demand being made to him by a prospective purchaser, to sell to him any such article, and such refusal as in my opinion, or in the opinion of the Commissioner of the District, unreasonable, such person shall at my request, or at the request of such Commissioner, deliver such article to me or to him to be sold at a price in accordance with clause 4 or 5 of this Order, as the case may be, or to be disposed of in such manner as I, or the said Commissioner, may in that behalf direct.

12. Nothing in this Order shall be deemed to apply to, or affect, any imported article in respect of which a specific Order has been made by me under Regulation 42 or 43 of the Emergency Powers (Cyprus Defence) Regulations, 1939, and is subsisting for the time being.

13.—(1) Any person who—

- (a) acts in contravention of the provisions of clause 3 or 4 or 5 or 6 or 7 or 9 or 10 or 11 of this Order, or
 - (b) makes a false declaration under clause 9 of this Order,
- shall be liable to the penalties prescribed in Regulation 63 (1) of the Emergency Powers (Cyprus Defence) Regulations, 1939, and proceedings may be taken against such person under the provisions of Regulation 63 of the said Regulations.

(2) If in any proceedings taken under Regulation 63 of the said Regulations any question arises as to the total value of any article, the subject matter of the charge, as defined in clause 2 of this Order, or as to the sale price of such article, the onus of proving such total value or sale price shall lie upon the person charged.

(3) In any proceedings taken under Regulation 63 of the said Regulations for an offence under clause 10 of this Order, an "intent to defraud the public" shall be deemed to have been established upon proof of any of the following matters, that is to say,—

- (a) that the person charged—
 - (i) having sold an imported article to another person, and
 - (ii) having repurchased the article so sold,
 has subsequently sold, or offered for sale, or attempted to sell, or either directly or indirectly made any arrangement for the sale of, such imported article at a price in excess of the price at which the person charged originally sold such imported article to such other person; or

(b) that the person charged, being a person through whose hands it was unnecessary for an imported article to pass for the purpose of the ultimate sale thereof to the public, has purchased and subsequently sold, or offered for sale, or attempted to sell, or either directly or indirectly made any arrangement for the sale of, such imported article to any member of the public.

Gazettes :
Supplement
No. 3:
15. 9.1939
25. 9.1939
29. 9.1939
3.10.1939

14. The Defence (Regulation of Sale Prices) (Imported Articles) Orders, 1939 to (No. 3) 1939, are hereby repealed, without prejudice to anything done or left undone thereunder.