

No. 26.

THE DEFENCE REGULATIONS, 1940 TO (No. 1) 1941.

ORDER MADE BY THE COMPETENT AUTHORITY UNDER REGULATION 61.

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 61 of the Defence Regulations, 1940 to (No. 1) 1941, I hereby order as follows:—

1. This Order may be cited as the Defence (Regulation of Sale Prices) (Imported Articles) Order, 1941.

2. For the purposes of this Order—

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

“normal quantity” means, in relation to the quantity of any imported article required by any person, such quantity as would be required for use and consumption in the household, establishment or place of business of that person during a period of one month, or such longer period as ought fairly to be allowed by reason of the nature of the imported article or in view of the existence of any special circumstances;

“original percentage of profit” means the lowest 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;

“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.

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.

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 profit calculated on the total value of such article which total percentage of profit shall be arrived at by adding to the original percentage of profit twenty-five per centum of the original percentage of profit.

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 profit calculated on the total value of such article which total percentage of profit shall be arrived at by adding to the original percentage of profit twelve and a half per centum of the original percentage of profit :

Provided always that where a person purchases such article within the Colony from any such vendor for the purpose of resale, the following provisions shall apply, that is to say—

- (a) if the vendor from whom such person has purchased such article has included in the sale price the full percentage of profit permitted to be added under the provisions of this clause, such person shall not add any other percentage of profit ;
- (b) if the vendor from whom such person has purchased such article has not included in the sale price the full percentage of profit permitted to be added under the provisions of this clause, such person may add to the sale price such percentage of profit as would bring up the percentage of profit to the full percentage of profit permitted under the provisions of this clause.

6. Notwithstanding anything in clause 4 of this Order contained, 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 of the imported articles specified in column 1 of the Schedule hereto 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 the percentage of profit shown in column 2 of the said Schedule opposite the name of each such article, such percentage of profit to be calculated on the total value of such article for the time being.

7. Notwithstanding anything in clause 5 of this Order contained, 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 of the imported articles specified in column 1 of the Schedule hereto 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 the percentage of profit shown in column 3 of the said Schedule opposite the name of each such article, such percentage of profit to be calculated on the total value of such article for the time being.

8.—(1) Notwithstanding anything in this Order contained the Commissioner may appoint a committee in his District consisting of not less than three and not more than five persons under his chairmanship (in this Order referred to as " the District Prices Committee ") and such committee may fix the maximum price at which any imported article, not being an article the price of which has been fixed by a specific order made by me under regulation 61 of the Defence Regulations, 1940 to (No. 1) 1941, shall be sold or purchased by any person.

(2) Where a District Prices Committee has fixed under the provisions of paragraph (1) hereof the maximum price at which any imported article shall be sold or purchased by any person, the following provisions shall have effect, that is to say—

- (a) the Chairman shall issue to the owner of the article an order under his hand stating the maximum price at which the article named in the order shall be sold or purchased ;
- (b) the order issued under the provisions of sub-paragraph (a) of this paragraph shall be exhibited by the person named therein at a conspicuous part of the premises at which the article is sold or is offered for sale.

(3) Upon the issue by the Commissioner of an order under the provisions of paragraph (2) hereof the imported article named therein shall not be sold or purchased or offered for sale or purchase by any person at a higher price than the price mentioned in the order.

9. 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.

10. 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.

11. I may appoint Inspectors and the Commissioner of each District shall, if so required by me, appoint Inspectors to enquire—

- (a) into the stocks of any imported article 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 imported article or the sale price thereof.

12. Any person when so required in writing by an Inspector appointed under clause 11 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 any imported article 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 or the sale price thereof.

13. 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.

14. No person who carries on business in respect of any imported article to which this Order applies shall without good cause on demand being made to him by a prospective purchaser and on being offered the requisite purchase price, refuse to sell to him such article.

15. No person shall, except under the authority of a licence granted by the Commissioner of the District, acquire any imported article, if by so doing the quantity thereof in his possession or under his control shall exceed the normal quantity required by him.

16. Whenever the price for the whole quantities of an imported article to which this Order relates involves the payment of a fraction of ten paras, there may be charged and paid therefor a sum of ten paras.

17. Nothing in this Order shall be deemed to apply to, or affect, any imported article in respect of which the sale price has been fixed by a specific Order made by me under regulation 61 of the Defence Regulations, 1940 to (No. 1) 1941, subsisting for the time being.

18. The Schedule hereto may be amended by me by Notice published in the *Gazette* and upon such publication such amendment shall form part of this Order for all purposes.

19.—(1) Any person who—

(a) acts in contravention of the provisions of clauses 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14 or 15 of this Order, or
 (b) makes under clause 12 of this Order a declaration which is false,
 is liable to the penalties prescribed in regulation 94 of the Defence Regulations, 1940 to (No. 1) 1941.

(2) If in any proceedings taken under this Order any question arises as to the total value of any imported 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 clause 13 of this Order an "intent to defraud the public" shall be deemed to be 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 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 directly or indirectly made any arrangement for the sale of, such imported article to any member of the public.

20. This Order shall come into operation on the 26th day of February, 1941, and thereupon the Defence (Regulation of Sale Prices) (Imported Articles) General Orders, 1939 to 1940, shall be repealed:

Provided that such repeal shall not affect—

(a) the previous operation of any Order so repealed;
 (b) anything duly done or suffered under any Order so repealed;
 (c) any right, obligation or liability acquired, accrued or incurred under any Order so repealed;
 (d) any penalty incurred in respect of any contravention of any Order so repealed;
 (e) any investigation, legal proceeding or remedy in respect of any such right, obligation, liability or penalty as aforesaid;
 and any such investigation, legal proceeding or remedy may be instituted or enforced, and any such penalty may be imposed, as if this Order had not been made.

Gazettes :
 Supplement
 No. 3 :
 19.10.1939
 17.11.1939
 22. 5.1940

SCHEDULE.

1.	2.	3.
Name of imported article.	Percentage of profit.	Percentage of profit.
1. Cement	8%	5%
2. Imported cotton yarn of all colours for weaving and making stockings	5%	10%
3. Unbleached calico (locally known as <i>capot</i>) ..	5%	10%
4. Gunny sacks	5%	5%
5. Sherbet	5%	10%

B. J. SURRIDGE,
Registrar of Co-operative Societies,
Food Controller,
Competent Authority.