

New Zealand.

ANALYSIS.

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1917, No. 5.

- Title. AN ACT to amend the Regulation of Trade and Commerce Act, 1914. [16th August, 1917.]
- Preamble. WHEREAS in pursuance of a resolution of the House of Representatives passed on the first day of August, nineteen hundred and seventeen, certain duties of Customs are now being collected on tea imported after that day: And whereas it is desirable to fix a maximum price for the sale of all such tea which has been imported free of duty on or before the said first day of August, nineteen hundred and seventeen, and thereby to prevent the imposition of such duties from being used as a pretext for an unjustifiable increase in the price of such merchandise:
- BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—
- Short Title. 1. This Act may be cited as the Regulation of Trade and Commerce Amendment Act, 1917, and shall be read together with and deemed part of the Regulation of Trade and Commerce Act, 1914 (hereinafter referred to as the principal Act).
- Commencement. 2. This Act shall for all purposes be deemed to have come into operation on the first day of August, nineteen hundred and seventeen.
- Maximum price of tea. 3. The maximum price of tea imported into New Zealand within the meaning of the Customs Act, 1913, on or before the first day of August, nineteen hundred and seventeen, shall be the current price at which goods of the same nature and quality were saleable in the same locality on that date, if sold in the same quantity and on the same terms as to payment, delivery, and otherwise.

4. The maximum price of tea as determined by the last preceding section shall for all the purposes of the principal Act be deemed to have been lawfully determined by an Order in Council under that Act, and all the provisions of the principal Act, including the penal provisions thereof, shall apply accordingly in the same manner as if such an Order in Council had been duly made and had come into operation on the first day of August, nineteen hundred and seventeen, and the rights and liabilities of all persons for all things done or suffered on or after that day shall be determined accordingly.

Application of principal Act to sales of tea.

5. When any tea imported into New Zealand on or before the first day of August, nineteen hundred and seventeen, is or has been at any time since that day (and whether before or after the commencement of this Act) delivered to a purchaser in pursuance of a contract of sale made since that day and before the commencement of this Act, the purchaser shall be entitled to obtain from the seller a refund of any sum by which the price paid for the tea so delivered exceeds the maximum price of tea as determined by this Act, and the contract of sale shall be deemed to be modified accordingly by a reduction of the agreed price, but otherwise shall remain in full force.

Modification of contracts already made.

6. Whenever in any proceedings under the principal Act or this Act it becomes a question whether any tea was imported after the first day of August, nineteen hundred and seventeen, the burden of proving that it was so imported shall lie upon the seller thereof.

Evidence.

7. This Act shall continue in operation during the continuance of the principal Act and no longer.

Duration of Act.