

## Serial Number 1946/169

*Reprint under section 7 of the Regulations Act, 1936, of Serial number 1939/275, as amended by Serial numbers 1941/36, 1941/123, 1942/12, 1943/336, 1944/3, and 1944/174.*



### THE CONTROL OF PRICES EMERGENCY REGULATIONS 1939 (REPRINT)

GALWAY, Governor-General

#### ORDER IN COUNCIL

At the Government Buildings at Wellington, this 20th day of  
December, 1939

Present :

THE HON. W. NASH PRESIDING IN COUNCIL

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

#### REGULATIONS

1. These regulations may be cited as the Control of Prices Emergency Regulations 1939.

#### DEFINITIONS

2. In these regulations, unless the context otherwise requires,—

“Minister” means the Minister of Industries and Commerce :

“Price”, in relation to the sale of any goods or to the performance of any services, includes every valuable consideration whatsoever whether direct or indirect; and “indirect consideration” includes every valuable consideration whatsoever which in effect relates to the sale of any goods or to the performance of any services, although ostensibly relating to any other matter or thing :

“Price-order” means a price-order made pursuant to these regulations :

“Retailer”, in relation to the sale of any goods, includes every person, other than a wholesaler, who sells such goods to any other person, and, in respect of the sale of any goods by a wholesaler to any person for any purpose other than resale, includes such wholesaler :

“Sale” includes barter and every other disposition for valuable consideration :

“ Tribunal ” means the Price Tribunal constituted by these regulations :

“ Wholesaler ”, in relation to the sale of any goods, means a person who sells such goods to any person for the purpose of resale.

#### PRICE TRIBUNAL

3. (1) There is hereby constituted a special Tribunal, to be known as “ the Price Tribunal ”.

(2) The Tribunal shall consist of two or more persons to be appointed in that behalf by the Governor-General on the recommendation of the Minister.

(3) One of the members of the Tribunal shall be appointed as the President.

(4) Except as provided in the next succeeding clause, the members of the Tribunal shall hold office during the pleasure of the Governor-General.

Clauses 2, 3, and 4 and the heading thereto of the Control of Prices Emergency Regulations 1939, Amendment No. 1 (Serial number 1941/123), are as follows :—

#### ASSOCIATE MEMBERS OF PRICE TRIBUNAL

2. (1) The authority to appoint members of the Price Tribunal conferred by clause 3 of the principal regulations may be exercised to appoint as associate members of the Tribunal persons who in the opinion of the Minister are possessed of expert knowledge of some branch of trade or industry.

(2) Not more than two associate members of the Tribunal shall be appointed to hold office at the same time.

(3) It shall be the duty of every person appointed to be an associate member of the Tribunal to refrain from divulging to unauthorized persons or for unauthorized purposes any information that may come to his knowledge in the course of his duties as such member.

(4) Except as otherwise provided in these regulations, all the provisions of the principal regulations applicable to members of the Price Tribunal shall apply with respect to the associate members of the Tribunal.

3. (1) Associate members shall be competent to sit as members of the Tribunal in accordance with the following provisions :—

(a) By direction of the Minister, given to the President of the Tribunal, either or both of the associate members may be present at any sitting of the Tribunal :

(b) In the absence of any direction given by the Minister, or in any case to which a direction given by the Minister does not extend, either or both of the associate members may, with the concurrence of the presiding member, be present at any sitting of the Tribunal.

(2) Any direction given by the Minister pursuant to this clause may be of general application or may be limited in its application to any specified sitting or to specified sittings of the Tribunal, or to sittings where matters of any specified class or specified classes are dealt with.

(3) Every sitting of the Tribunal in respect of which the provisions of clause 8 of the principal regulations have been complied with shall be deemed to have been validly constituted, and no person shall be concerned to inquire, with respect to any sitting of the Tribunal, whether or not any directions have been given by the Minister pursuant to this clause or whether any such directions have been complied with.

(4) Notwithstanding anything in subclause (1) of clause 8 of the principal regulations, in the absence of the President from any sitting of the Tribunal a member who is not an associate member shall preside.

4. In addition to the functions conferred on them as members of the Tribunal by the principal regulations or otherwise, the associate members shall carry out such duties in relation to the functions of the Tribunal as may be required of them.

4. (1) The persons appointed on the 2nd day of June, 1939, as members of the Advisory Board constituted under the Board of Trade Amendment Act, 1923, shall, while they continue in office as members of the said Advisory Board, be deemed, without further appointment, to have been appointed as members of the Tribunal under these regulations.

(2) The member of the said Advisory Board, being a Judge of the Court of Arbitration, shall be deemed to have been appointed the President of the Tribunal.

5. (1) If for any reason any member of the Tribunal is unable to act as such, or if on any occasion it is inexpedient that any member of the Tribunal should act as such, any person appointed in that behalf by the Minister, by writing under his hand, may act as a member of the Tribunal.

(2) Any appointment under this clause may be for a particular occasion or may authorize the person appointed to act as a member of the Tribunal whenever the occasion for his so doing arises.

(3) The fact that any person who has been duly appointed by the Minister to act as a member of the Tribunal acts as such shall be conclusive evidence of his authority so to do.

6. The Tribunal shall have a seal, which shall be judicially noticed in all Courts.

7. If and when the Tribunal consists of two members both members shall be present at every sitting of the Tribunal, and both members shall concur in every decision of the Tribunal.

8. (1) If and when the Tribunal consists of more than two members at least two members shall be present at every sitting of the Tribunal. At every such sitting the President, if present, shall preside. In the absence of the President, the Minister shall nominate a member to preside.

(2) If at any such sitting two members only are present both members shall concur in every decision of the Tribunal. In every other case a decision of a majority of the members present shall be the decision of the Tribunal, and in the event of an equality of votes on any question the presiding member shall have a casting vote as well as a deliberative vote.

9. Unless in any case the Tribunal otherwise decides, every sitting of the Tribunal shall be held in private.

10. Except as hereinbefore provided, the Tribunal shall determine its own procedure.

11. References in any regulations heretofore made to the Price Investigation Tribunal shall hereafter be read as references to the Tribunal constituted under these regulations.

#### REMUNERATION AND ALLOWANCES OF MEMBERS OF TRIBUNAL

12. (1) Members of the Tribunal, not being officers of the Public Service or other persons in receipt of salary payable out of public moneys, may in respect of their services as members of the Tribunal be paid such salary or other remuneration as may be fixed by the Minister, with the concurrence of the Minister of Finance.

(2) Members of the Tribunal may also be paid any expenses for locomotion, board, or lodging reasonably incurred by them in respect of their attendance at meetings of the Tribunal or when travelling with the authority of the Minister on the business of the Tribunal.

#### POWERS AND FUNCTIONS OF TRIBUNAL

13. (1) The general functions of the Tribunal shall be—

- (a) To investigate any complaints that may be made direct to the Tribunal or that may be referred to it by the Minister with respect to the prices charged for any goods or services :
- (b) To issue price-orders in accordance with these regulations :
- (c) To exercise any other powers or functions that may be conferred on it by these regulations or otherwise :
- (d) Generally to maintain a survey of the prices charged for goods or services, to institute proceedings for offences in relation to prices, and to take such other steps as in its opinion may be necessary to prevent profiteering or the exploitation of the public.

(2) Nothing in these regulations shall be construed to deprive any person or authority of any powers or functions that he or it may have under or pursuant to any Act in respect of any of the matters referred to in the last preceding subclause.

(3) The power conferred on the Minister by clause 11 of the Price Stabilization Emergency Regulations 1939 may hereafter be exercised by the Minister or by the Tribunal, and the references to the Minister in the said clause and in the proviso to clause 10 of the said regulations shall hereafter be read as including references to the Tribunal.

Subclause (3) of clause 13 refers to clause 11 of the Price Stabilization Emergency Regulations 1939. The said clause 11 was revoked by subclause (7) of clause 2 of the Control of Prices Emergency Regulations 1939, Amendment No. 5 (Serial number 1944/174), and subclause (8) of the said clause 2 of Serial number 1944/174 is as follows :—

(8) The terms and conditions of any approval heretofore given by the Minister under clause 11 of the Price Stabilization Emergency Regulations 1939 or given by the Tribunal for the purposes of that clause under the authority conferred on the Tribunal by subclause (3) of clause 13 of the principal regulations shall be deemed to have had effect according to their tenor if the like terms and conditions could be inserted in or attached to an approval given in accordance with this regulation. Where in any approval heretofore given as aforesaid no locality was specified as the locality to which the approval related, the approval shall be deemed to have been given in respect of the whole of New Zealand.

14. (1) In the exercise of its functions under these regulations the Tribunal may hold such inquiries or may conduct such investigations as it thinks fit.

(2) At any such inquiry the Tribunal may hear evidence on oath, and may, by order under the seal of the Tribunal, summon any person to appear before it and to give evidence as to the subject-matter of the inquiry, and may require any witness to produce to the Tribunal all or any books or documents in his possession or control relative to the subject-matter of the inquiry.

(3) In addition to the powers conferred by the last preceding subclause, the Tribunal may for the purposes of any inquiry or investigation conducted by it require any person, firm, or body corporate to answer in writing, within such time and in such form as the Tribunal thinks fit, any questions relative to the subject-matter of the inquiry or investigation, or to produce for the inspection of any person nominated in that behalf by the Tribunal any books or documents in the possession or control of that person, firm, or body corporate, and to allow copies of or extracts from such books or documents to be made by the person so inspecting them.

(4) The Tribunal may, if it thinks fit, require that any written answers given to any questions of the Tribunal shall be verified by statutory declaration.

15. Any member of the Tribunal or any person authorized in that behalf by writing under the seal of the Tribunal may at any reasonable time enter upon and search any premises used or supposed to be used for the storage of goods intended for sale, and may inspect and take records of any stocks of goods found thereon or therein, and may, on payment or tender of a reasonable price, take samples of any such goods.

16. No information that is laid after the commencement of these regulations for an offence against section 32 of the Board of Trade Act, 1919, or against the Prevention of Profiteering Act, 1936, or against the Board of Trade (Price-investigation) Regulations 1939, or the Price Stabilization Emergency Regulations 1939, or against these regulations shall be heard or determined in any Court unless the subject-matter of the information has been investigated by the Tribunal either before or after the laying of the information and a certificate [under the seal of the Tribunal has been produced to the Court that the matter has been so investigated].

The words printed within brackets in clause 16 were substituted by clause 10 of the Price Stabilization Emergency Regulations 1939, Amendment No. 1 (Serial number 1941/36), which is as follows:—

10. (1) Clause 16 of the Control of Prices Emergency Regulations 1939 is hereby amended by omitting all words after the word “certificate”, and substituting the words “under the seal of the Tribunal has been produced to the Court that the matter has been so investigated”.

(2) In any certificate given by the Tribunal for the purposes of the said clause the Tribunal may, if it thinks fit, include particulars as to its findings and any recommendations that it thinks fit to make with respect to the subject-matter.

#### PRICE-ORDERS

17. (1) The Tribunal may from time to time, with the authority of the Minister, make orders (herein referred to as price-orders) fixing the wholesale or retail price of any goods therein specified, or fixing

margins within which any such goods may be bought or sold. Such margins may be fixed as maximum prices and minimum prices, or may be fixed by reference to the amounts or percentages by which selling-prices may exceed prices to be specified in the order and described therein as prevailing prices or standard prices, or may be fixed in any other manner that the Tribunal in any case regards as adequate in the circumstances.

(2) Any price-order made in respect of any goods may fix different prices or margins in respect of different forms, modes, conditions, or localities of the sale or supply of such goods, and in particular may fix different prices or margins in respect of the following classes of sales, namely :—

- (a) Sales by wholesalers :
- (b) Sales by retailers :
- (c) Sales for delivery within any specified area or locality :
- (d) Sales of different quantities, qualities, grades, or classes of goods :
- (e) Sales to or for the use of different persons or classes of persons, according to the purposes for which such goods are used or intended to be used.

[ (2A) In any price-order issued under this clause the Tribunal may include such provisions, not inconsistent with these regulations, as it thinks necessary or desirable for the proper administration of the price-order or to ensure compliance with the terms thereof, and every person shall be deemed to have committed an offence against these regulations who commits a breach of or fails to comply with any obligations imposed on him by any such provisions.]

(3) Notice of every price-order made under the authority of these regulations shall be given by the Tribunal in such manner as in the circumstances of the case it thinks fit.

[ (4) It shall be the duty of every retailer who is for the time being engaged in the business of selling any goods of which the retail price is fixed by a price-order under this clause to keep a copy of the price-order or a statement of the prices fixed thereby in respect of such goods prominently displayed in his shop so that customers may freely consult the price-order or statement without having to ask for or obtain permission to do so.]

Subclause (2A) (as printed within brackets) of clause 17 was inserted by clause 15 of the Control of Prices Emergency Regulations 1939, Amendment No. 3 (Serial number 1942/336). This amendment is expressed by the said clause 15 to take effect as from the commencement of the principal regulations.

Subclause (4) (as printed within brackets) of clause 17 was inserted by clause 16 of the Control of Prices Emergency Regulations 1939, Amendment No. 3 (Serial number 1942/336), in substitution for subclause (4) as enacted by clause 2 of the Control of Prices Emergency Regulations 1939, Amendment No. 2 (Serial number 1942/12.)

Clause 16 of the Control of Prices Emergency Regulations 1939, Amendment No. 3 (Serial number 1942/336), is as follows :—

**16.** (1) Subclause (4) of clause 17 of the principal regulations (as set out in clause 2 of the Control of Prices Emergency Regulations 1939, Amendment No. 2) is hereby revoked, and the following subclause is hereby substituted therefor :—

[Here follows subclause (4) as printed within brackets in clause 17 above.]

(2) The obligation imposed on retailers by the foregoing provisions of this clause shall commence to operate as follows :—

- (a) With respect to price-orders that have been issued before the commencement of these regulations on the expiration of fourteen days after the commencement of these regulations :
- (b) With respect to any other price-order, on the expiration of fourteen days after the date of the publication of the price-order.

Clause 5 of the Prices Stabilization Emergency Regulations 1939, Amendment No. 1 (Serial number 1941/36), is as follows :—

5. (1) In this clause the expression “ new line of goods ” means any kind or class of goods that were not sold in any given locality on the fixed day or at any time before the fixed day.

(2) In the exercise of the powers conferred on it by the Control of Prices Emergency Regulations 1939 the Tribunal may require any person who in any locality is engaged in selling any new line of goods (hereinafter in this clause referred to as the vendor) to submit to the Tribunal such particulars as will enable it to determine whether or not the price charged by the vendor for such goods is fair and reasonable.

(3) With respect to any new line of goods the Tribunal may make an order limited in its application to the vendor or vendors named therein, but in all other respects in accordance with the provisions of clause 17 of the Control of Prices Emergency Regulations 1939 as to price-orders.

(4) The provisions of clause 20 of the Control of Prices Emergency Regulations 1939 shall apply with respect to orders made under this clause as if such orders were price-orders within the meaning of those regulations.

(5) Any order made under this clause may be at any time amended or revoked by the Tribunal.

Clause 18 was revoked by clause 3 of the Control of Prices Emergency Regulations 1939, Amendment No. 4 (Serial number 1944/3). Clause 18 was affected by clause 11 of the Price Stabilization Emergency Regulations 1939, Amendment No. 1 (Serial number 1941/36), which was also revoked by the said clause 3 of Serial number 1944/3.

#### OFFENCES AND PENALTIES

19. (1) Every person commits an offence against these regulations who, having been summoned to appear before the Tribunal for the purposes of any inquiry, refuses or wilfully neglects to appear before the Tribunal in pursuance of the summons, or to take an oath as a witness, or to answer any question put to him concerning the subject-matter of the inquiry, or to produce to the Tribunal any book or document that he is required to produce.

(2) Every person commits an offence against these regulations who, being required by the Tribunal to answer in writing any question of the Tribunal, refuses or wilfully neglects so to answer such questions within the time and in the form required by the Tribunal, or to verify any such answers by statutory declaration, if so required by the Tribunal.

(3) Every person commits an offence against these regulations who, being required by the Tribunal to produce any books or documents for inspection by any person nominated in that behalf by the Tribunal, refuses or wilfully neglects to produce any such books or documents for inspection, or refuses to allow such person to make any copy of or extract from any such book or document, or obstructs or in any way interferes with such person in the performance of his duties.

(4) Every person commits an offence against these regulations who obstructs or in any way interferes with any member of the Tribunal or with any person authorized in that behalf by the Tribunal in the exercise of the rights of entry and search conferred by clause 15 of these regulations.

**20.** (1) While a price-order in respect of any goods remains in force every person who, whether as principal or agent, and whether by himself or his agent, sells or agrees or offers to sell any goods to which the price-order relates for a price that is not in conformity with the price-order commits an offence against these regulations.

(2) While a price-order in respect of any goods remains in force every person who, whether as principal or agent and whether by himself or his agent, sells any goods to which the price-order relates and thereafter demands for any such goods a price that is not in conformity with the price-order commits an offence against these regulations.

(3) While a price-order in respect of any goods remains in force every person who, whether as purchaser or seller or otherwise howsoever, is party of any device, plan, or scheme for the purchase or sale of any goods at a price that is not in conformity with the price-order commits an offence against these regulations.

(4) Every person shall, unless and until he proves the contrary, be deemed to have committed an offence under this clause of these regulations who, while a price-order in respect of any goods remains in force,—

(a) Packs or puts up any such goods in a container of a size smaller than the container ordinarily used by him before the making of the price-order for goods of that kind; or

(b) Packs or puts up in a container a quantity of such goods smaller than the quantity ordinarily packed or put up by him in a container of the same size before the making of the price-order; or

(c) Alters, to the prejudice of the user, the formula or recipe ordinarily used by him before the making of the price-order in the manufacture or production of any such goods; or

(d) Manufactures any such goods of a quality inferior to the quality of similar goods ordinarily manufactured by him or by a predecessor in business before the making of the price-order.

**21.** Every person who aids, abets, counsels, or procures or is in any way knowingly concerned with the commission of an offence against these regulations shall be deemed to have committed an offence against these regulations.

**22.** Every person who commits or attempts to commit or does any act with intent to commit any offence against these regulations shall be liable, in the case of an individual, to a fine of £100, and in the case of a company or other corporation to a fine of £500.

**23.** An information for any offence against these regulations may be laid at any time within three years after the commission of the offence.



## RATES OF CHARGES FOR SERVICES

24. The foregoing provisions of these regulations shall, with the necessary modifications, apply with respect to the rates or fees that may be charged for services (otherwise than pursuant to a contract of service between master and servant) in the same manner as they apply in respect of the prices of goods.

## MODIFICATION OF OTHER ENACTMENTS

25. Where after the commencement of these regulations any person is charged with an offence against section 32 of the Board of Trade Act, 1919, or against the Prevention of Profiteering Act, 1936, or against the Board of Trade (Price-investigation) Regulations 1939, or the Price Stabilization Emergency Regulations 1939, it shall be a good defence if the defendant proves that the act or omission complained of was in conformity with a price-order made under these regulations or was with the consent or approval of the Minister or the Tribunal.

Clauses 6, 7, 8, and 9 of the Price Stabilization Emergency Regulations 1939, Amendment No. 1 (Serial number 1941/36), are as follows:—

6. (1) The Price Stabilization Emergency Regulations 1939 and the Control of Prices Emergency Regulations 1939 shall apply, and be deemed at all times heretofore to have applied, with respect to transactions that involve the sale or other disposition of goods and also the performance of services.

(2) The regulations referred to in the last preceding subclause shall apply and be deemed at all times heretofore to have applied, to sales of goods and the performance of services by any local authority or public body, and to transactions involving the sale or other disposition of goods and also the performance of services by any such local authority or public body, notwithstanding the fact that the local authority or public body may, by virtue of any Act of general or special application, be authorized to provide such goods or services and to fix prices or charges therefor.

7. Every person commits an offence against the Control of Prices Emergency Regulations 1939, and shall be liable accordingly who—

- (a) Without the authority in writing of the Price Tribunal, issues any price-list or similar document containing a statement to the effect that all or any of the prices mentioned therein have been approved by the Tribunal (whether or not they have in fact been so approved); or
- (b) Without the authority in writing of the Tribunal, fixes in respect of any goods or services a price or charge expressed to be subject to adjustment or alteration after the giving by the Tribunal of any decision that may affect the price or charge; or
- (c) Without the authority in writing of the Tribunal—
  - (i) Packs or puts up any goods for sale in a container of a size smaller than any container theretofore ordinarily used by him for goods of that kind; or
  - (ii) Packs or puts up for sale in any container a quantity of goods smaller than the quantity of such goods theretofore ordinarily packed or put up by him in a container of the same size; or

- (d) Alters, to the prejudice of the user, the formula or recipe theretofore ordinarily used by him in the production or manufacture of any goods; or
- (e) Manufactures any goods of a quality inferior to the quality of similar goods theretofore manufactured by him or by a predecessor in business.

**8.** (1) This clause shall apply only with respect to goods of a kind or class to which it is from time to time applied by the Tribunal by notice given by advertisement in one or more newspapers or given in such other manner as in the opinion of the Tribunal is sufficient. Any notice under this subclause may be of general application throughout New Zealand or its application may be limited to any locality specified therein.

(2) Every retailer engaged in selling any goods to which a notice under this clause applies shall, at all times while the notice is in force, keep prominently displayed in his shop, so as to be easily read by customers, printed or written notices showing particulars of former selling-prices and of new selling-prices, or showing rates or amounts of increases in prices. Every such notice shall contain a certificate to the effect that any increased prices have been duly authorized and that such prices are not applicable to any former stocks that were not included in the authority to increase prices.

**9.** Every person carrying on any business which includes the production, manufacture, sale, or supply of any goods, or the supply of any service, shall, for the purposes of these regulations, keep proper books and accounts and costing records, and shall preserve such books and accounts and costing records, including all invoices and copies of invoices, and all vouchers, agreements, correspondence, cables, telegrams, and other documents relating to his purchases, costs, and sales.

Clause 3 of the Control of Prices Emergency Regulations 1939, Amendment No. 2 (Serial number 1942/12), is as follows :—

**3.** (1) Every person commits an offence against the principal regulations who makes default in complying with any obligations imposed on him by or pursuant to those regulations or any amendment thereof (including obligations imposed by or pursuant to the Price Stabilization Emergency Regulations 1939, Amendment No. 1).

(2) The last preceding subclause shall be read in addition to and not in derogation of any of the provisions of the principal regulations with respect to offences.

Clause 2 (and the heading thereto) of the Control of Prices Emergency Regulations 1939, Amendment No. 3 (Serial number 1942/336), are as follow :—

#### APPLICATION OF PRINCIPAL REGULATIONS TO LOCAL AUTHORITIES

**2.** (1) In this clause the term “local authority” includes every local authority and public body created by or pursuant to any public Act or local Act.

(2) For the purposes of the principal regulations and also of the Price Stabilization Emergency Regulations 1939, the term “person”, unless the context otherwise requires, includes, and shall be deemed at all time heretofore to have included,

any local authority that is authorized by or by virtue of any Act to sell any goods or classes of goods or to render any services or classes of services and to fix prices or charges in respect thereof.

(3) No proceedings shall be taken against any local authority for any offence against the principal regulations or the Price Stabilization Emergency Regulations 1939, committed before the commencement of these regulations, and no proceedings shall be taken in respect of prices or charges fixed by any local authority before the commencement of these regulations unless the local authority, on being required so to do by the Tribunal, fails, within a time to be specified by the Tribunal, to reduce the rates of its prices or charges in accordance with the directions of the Tribunal.

Clauses 3 to 14 inclusive, including headings where they appear, of the Control of Prices Emergency Regulations 1939, Amendment No. 3 (Serial number 1942/336), are as follows :—

SPECIAL PROVISIONS AS TO “PROFITEERING” AND “BLACK-MARKETING”

3. (1) Every person commits an offence against this clause who, whether as principal or agent, and whether by himself or his agent, sells or agrees or offers to sell any goods at a price which is unreasonably high.

(2) For the purposes of this clause the price of any goods shall be deemed to be unreasonably high if it produces, or is calculated to produce, more than a fair and reasonable rate of commercial profit to the person selling or supplying, or offering to sell or supply, those goods, or to his principal :

Provided that no price that has been fixed or approved by the Tribunal shall be deemed, for the purposes of this clause, to be unreasonably high.

(3) In determining, in the course of any proceedings for an offence against this clause, whether or not the price of any goods is or was unreasonably high, no account shall be taken of the cost to the seller, or as the case may be, to his principal, that has been or that would be involved in replacing those goods for the purposes of his business, or of the cost-price or the selling-price of any other goods.

(4) Subject to the foregoing provisions of this clause, the Court shall determine, for the purposes of any proceedings for an offence against this clause, whether or not any price is or was unreasonably high.

(5) Every person who (whether as seller or purchaser or otherwise howsoever) commits or attempts to commit, or does any act with intent to commit, or counsels, procures, aids, abets, or incites any other person to commit, or conspires with any other person to commit, any offence against this clause shall be liable, in the case of an individual, to a fine not less in any case than £50, but not exceeding £1,000, or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment, and, in the case of a company or other corporation, to a fine not less in any case than £250, but not exceeding £5,000.

4. (1) Every person commits an offence against this clause who, whether as principal or agent, and whether by himself or his agent, sells any goods for purposes of resale, to any person other than a retailer for purposes of retail sale or a manufacturer for the purposes of his business,—

- (a) Unless the wholesale price has been fixed by a price-order, and the price charged by the seller is in conformity with the terms of that order; or
- (b) Unless the wholesale price has been fixed with the general approval of the Tribunal, or has been fixed with the special approval of the Tribunal given to the vendor or the purchaser, and the price charged by the seller is in conformity with the approval of the Tribunal :

Provided that no person shall be deemed to have committed an offence against this clause in respect of the sale of any goods at a price that is not in excess of the fixed price or the standard price thereof, within the meaning of the Price Stabilization Emergency Regulations 1939.

(2) Every person who (whether as seller, or purchaser, or otherwise) commits or attempts to commit, or does any act with intent to commit, or counsels, procures, aids, abets, or incites any other person to commit, or conspires with any person to commit, any offence against this clause shall be liable, in the case of an individual, to a fine not less in any case than £50, but not exceeding £1,000, or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment, and in the case of a company or other corporation to a fine not less in any case than £250, but not exceeding £5,000.

5. (1) If on the conviction of any person for an offence against clause 3 or clause 4 hereof, the goods or any of the goods in respect of which the proceedings were taken are found to be the property of the convicted person, the convicting Court, in addition to imposing any other penalty, may make an order for the forfeiture of those goods or of any of them to the Crown.

(2) All goods forfeited pursuant to this clause shall, on forfeiture, become the property of the Crown, and may be sold or otherwise disposed of as the Minister may direct.

(3) The net proceeds derived from the sale or other disposition of such goods (after defraying the cost of sale or other disposition and any claims in respect thereof made and proved by innocent persons) shall be paid into the War Expenses Account.

#### PROVISION FOR FORFEITURE OF EXCESS OVER AUTHORIZED PRICES

6. (1) In this clause the expression “authorized price”, in relation to any goods, means the price or the maximum price for which such goods may lawfully be sold.

(2) On the conviction of any person of an offence involving the sale of any goods at a price in excess of the authorized price the convicting Court, on application by or on behalf of the Tribunal, may make an order for payment by the defendant into the War Expenses Account of an amount not exceeding the difference (as specified by the Court) between the price actually charged by the defendant and the authorized price.

(3) All moneys payable into the War Expenses Account pursuant to an order made under this clause shall be recoverable, in accordance with the Summary Penalties Act, 1939, in the same manner as fines are recoverable.

TRIBUNAL MAY ISSUE "PRICE-REDUCTION ORDERS"

7. (1) The Tribunal may from time to time, with the authority of the Minister, make orders (herein referred to as price-reduction orders) for the reduction of the prices of any goods of the kinds or classes specified or referred to in any such order. An order may be made under this clause in respect of any goods, whether the prices or the maximum prices that could lawfully be charged for those goods or for goods of the same kind or class before the coming into force of the price-reduction order have been fixed by a price-order under the principal regulations, or have been approved by the Minister or the Tribunal in accordance with clause 11 of the Price Stabilization Emergency Regulations 1939, or are determinable by reference to the fixed price or the standard price thereof in accordance with the last-mentioned regulations.

(2) Any price-reduction order made under this clause may be of general application throughout New Zealand, or its application may be restricted to the sale of goods of the kinds or classes to which the order relates—

(a) Within a specified locality or within localities of a specified class ; or

(b) By any specified seller or by sellers of a specified class.

(3) Any price-reduction order may require prices to be reduced by a specified amount or percentage, or may effect the required reduction of prices by reducing any margins between the cost-price and the selling-price of any goods to which the order relates.

(4) The Tribunal may include in any price-reduction order any provisions, not inconsistent with the principal regulations, that it considers necessary or desirable for the proper administration of the order or to ensure compliance with the terms thereof.

(5) Notice of every price-reduction order made under this clause shall be given as follows :—

(a) In the case of an order of general application throughout New Zealand, notice of the making of the order and of the provisions thereof shall be published in the same manner as regulations under any Act are required to be published :

(b) In the case of an order the application of which is restricted to a specified locality or to localities of a specified class, notice of the making of the order and of the provisions thereof shall be given by publication in such newspaper or newspapers circulating in the locality or in the several localities as the Tribunal may determine :

(c) In the case of an order the application of which is restricted to sales by any specified person or by specified persons, notice in writing of the making of

the order and of the provisions thereof shall be given to the person or persons to whom the order is addressed, or to the agent or manager or the representative of any such person :

(d) In the case of any order as aforesaid, any notice given in the manner hereinbefore prescribed may also be given in such other manner, if any, as in the circumstances of the case the Tribunal thinks fit.

(6) Every price-reduction order made under this clause shall have the same effect as if it were a price-order made under clause 17 of the principal regulations, and the provisions of those regulations as to price-orders (including the penal provisions) shall apply accordingly to orders made under this clause.

#### APPLICATION OF PRINCIPAL REGULATIONS TO HIRE-PURCHASE AGREEMENTS

8. (1) For the purposes of this clause—

“Hire-purchase agreement” means an agreement whereby goods are let or hired with an option of purchase, or an agreement for the purchase of goods by instalments (whether the agreement describes the instalments as such, or as rent or hire, or otherwise howsoever) :

“Vendor” and “purchaser” have respectively the same meanings as in the Hire-purchase Agreements Act, 1939.

(2) The disposition of any goods by a hire-purchase agreement entered into after the coming into force of these regulations shall be deemed for the purposes of the principal regulations and of the Price Stabilization Emergency Regulations 1939 to be a sale of those goods from the vendor to the purchaser on the date on which possession of the goods is delivered to the purchaser.

(3) The purchase-price of any goods subject to a hire-purchase agreement as aforesaid shall be deemed to be the total amount of the moneys required to be paid by the purchaser under the agreement and the value of any other consideration provided or required to be provided by the purchaser.

#### TRIBUNAL MAY PROHIBIT THE SALE OF DECLARED CLASSES OF GOODS PENDING THE FIXATION OF PRICES

9. (1) The Tribunal may at any time, by notice published in the *Gazette* and in such other manner, if any, as it thinks fit, declare any goods or goods belonging to a specified kind or class to be goods to which the provisions of this clause shall be applicable. [Any notice given under this subclause may be of general application to all goods specified or referred to therein or may be limited in its application to goods belonging to or in the disposition of any specified person, firm, or company, or may be otherwise limited in any manner that the Tribunal thinks fit.]

The words printed within brackets in subclause (1) of clause 9 were added by clause 5 of the Control of Prices Emergency Regulations 1939, Amendment No. 4 (Serial number 1944/3).

(2) By the same or a subsequent notice, given in such manner as the Tribunal deems adequate in the circumstances of the case, the Tribunal may prohibit absolutely or conditionally the sale of any such goods by any specified person or by any person of a specified class, or by any person whomsoever unless the Tribunal has made a price-order in respect of such goods or has approved a selling-price or a maximum selling-price therefor.

(3) Every person who, while a notice under the last preceding subclause remains in force, sells or agrees or offers to sell any goods in contravention of the terms of that notice shall be guilty of an offence against the principal regulations.

(4) If in any proceedings for an offence against this clause the defendant alleges that the goods or any of the goods to which the proceedings relate were not goods subject to the terms of a notice given by the Tribunal under this clause the burden of proving in respect of such goods that they were not subject to the terms of such notice shall be on the defendant.

#### MISCELLANEOUS PROVISIONS

10. (1) The Tribunal may from time to time, by notice given in such manner as it thinks fit, require any person engaged in the production, manufacture, or sale of any goods, or all persons belonging to any specified class or to specified classes of persons so engaged (with or without exception) to furnish within a specified time and in a specified form or in a form acceptable to the Tribunal, returns setting forth all or any of the following particulars, namely:—

(a) The quantity of such goods or of any of such goods in the possession or under the control of the person making the return at a specified date:

(b) The cost-price of those goods to the person making the return:

(c) The methods and principles in accordance with which such cost-price has been determined:

(d) Where the selling-price or the maximum selling-price has not been fixed by or pursuant to the principal regulations or the Price Stabilization Emergency Regulations 1939, the prices for which and the terms and conditions on which he proposes to sell any such goods, or the prices, terms, and conditions for and subject to which he has theretofore sold any such goods:

(e) The prices (whether wholesale or retail) charged by the person making the return for goods of the same or substantially the same kind on the 1st September, 1939, or on any other date specified by or acceptable to the Tribunal:

(f) Such further particulars in relation to any such goods or prices or conditions of sale as the Tribunal may require.

(2) Every return furnished pursuant to this clause shall be verified by statutory declaration or otherwise as the Tribunal may require.

(3) In any prosecution for an offence against the principal regulations or the Price Stabilization Emergency Regulations 1939 the production of any return furnished by the defendant pursuant to this clause or the production of any copy of or extract from any such return, certified under the seal of the Tribunal to be a correct copy or extract, shall be sufficient evidence against the defendant, unless and until he proves the contrary, of the truth of the statements contained therein.

11. Where in any proceedings the standard price of any goods or the standard rate chargeable for any services is in issue, and the Court is of opinion that the standard price or the standard rate, within the meaning of the Price Stabilization Emergency Regulations 1939, cannot for any reason be determined, the Court, on such evidence as it thinks sufficient, shall fix a fair and reasonable price or a fair and reasonable rate for those goods or services as on the fixed day and the price or rate so fixed shall in those proceedings be deemed to be the standard price or the standard rate.

12. In any proceedings under the principal regulations or the Price Stabilization Emergency Regulations 1939 for an offence in respect of the sale of any goods, the production by or on behalf of the informant of any verified copy of any entry in any accounts or records kept by or on behalf of the defendant or of any invoice, receipt, sales-docket, or other document issued by or on behalf of the defendant and purporting to disclose the price at which any goods have been sold shall be sufficient evidence of such price unless and until the contrary is proved, either by the informant or the defendant.

13. (1) Where in any authority given by the Tribunal for the purposes of clause 11 of the Price Stabilization Emergency Regulations 1939, or in any price-order issued by the Tribunal under clause 17 of the principal regulations, the vendor of any goods is authorized to take any freight charges into account in ascertaining the selling-price or the maximum selling-price of any goods, the maximum amount that may be taken into account in respect of such charges shall, in case of dispute, be provisionally fixed by the Tribunal, and in any proceedings in which the amount of such freight charges is in issue the onus of proving that the actual freight charges exceeded the amount provisionally fixed by the Tribunal shall be on the defendant.

(2) The provisions of the last preceding subclause shall apply in every case where the amount of any freight charges is in issue in any proceedings, whether the authority to take such freight charges into account was given by the Tribunal before or after the commencement of these regulations.

14. (1) Every person shall be guilty of an offence against the Price Stabilization Emergency Regulations 1939 who agrees to sell or who offers to sell any goods at a price in excess of the maximum price at which he could lawfully sell those goods in accordance with the said regulations.

(2) For the purposes of the said regulations and of the principal regulations (including these regulations) the publication or exhibition of a price-list in respect of any goods or the furnishing of a quotation for any goods, or the exposure of any goods with a specification or an indication of the price



thereof attached thereto or displayed in the vicinity thereof or in connection therewith, shall be deemed to constitute an offer to sell those goods at the price so specified or indicated.

Clause 2 of the Control of Prices Emergency Regulations 1939, Amendment No. 5 (Serial number 1944/174), and the Schedule therein referred to are as follows:—

2. (1) The Minister or the Tribunal may, by approval given in accordance with this regulation, authorize, in respect of the sale of any goods, a selling-price in excess of the selling-price that could otherwise be lawfully charged.

(2) Any approval given for the purposes of this regulation—

(a) May be absolute or conditional; or

(b) May apply to specified goods or to goods of a specified kind or class; or

(c) May apply with respect to the sale of goods by a specified person or by persons of a specified class; or

(d) May be limited to the sale of goods in any specified locality or in specified localities or in localities of a specified class. If the approval is not expressed to be limited to any locality or localities, it shall be deemed to have been given in respect of the whole of New Zealand.

(3) Any approval given for the purposes of this regulation may specify the maximum prices that may be charged for the goods to which the approval relates, or may fix the maximum prices that may be so charged by reference to margins or percentages or in any other manner that the Minister or the Tribunal, as the case may be, thinks fit.

(4) Any approval given under this regulation shall to the extent thereof operate as if it were a price-order fixing the approved prices as the maximum prices of the goods to which it relates, and every person shall accordingly be deemed to have committed an offence against the principal regulations who does anything in relation to any such goods that would have been an offence against the principal regulations if the approved prices had in fact been fixed by a price-order.

(5) Any approval given for the purposes of this regulation may at any time be in like manner amended or revoked.

(6) The foregoing provisions of this regulation shall, so far as applicable and with the necessary modifications, apply with respect to fees and charges for services in the same manner as they apply with respect to the prices of goods.

(7) This regulation is in substitution for the regulations specified in the Schedule hereto, and those regulations are hereby accordingly revoked.

(8) The terms and conditions of any approval heretofore given by the Minister under clause 11 of the Price Stabilization Emergency Regulations 1939 or given by the Tribunal for the purposes of that clause under the authority conferred on the Tribunal by subclause (3) of clause 13 of the principal regulations shall be deemed to have had effect according to their tenor if the like terms and conditions could be inserted in or attached to an approval given in accordance with this regulation. Where in any approval heretofore given as aforesaid no locality was specified as the locality to which the approval related, the approval shall be deemed to have been given in respect of the whole of New Zealand.

SCHEDULE  
REGULATIONS REVOKED

Title of Regulations.	Extent of Revocation.
The Price Stabilization Emergency Regulations 1939 The Control of Prices Emergency Regulations 1939 The Control of Prices Emergency Regulations 1939, Amendment No. 4	Clause 11. Subclause (3) of clause 13. Clause 4.

C. A. JEFFERY,  
Clerk of the Executive Council.

*Certified for the purposes of section 7 of the Regulations Act, 1936,  
this 16th day of April, 1946.*

H. G. R. MASON,  
*Attorney-General.*

Issued under the authority of the Regulations Act, 1936.

Date of notification of principal regulations in the *Gazette*: 21st day of  
December, 1939.

These regulations are administered in the office of the Price Tribunal,  
Department of Industries and Commerce.