



**THE CONTROL OF PRICES EMERGENCY REGULATIONS  
1939, AMENDMENT NO. 4**

C. L. N. NEWALL, Governor-General

**ORDER IN COUNCIL**

At the Government House at Wellington, this 12th day of  
January, 1944

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL 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, Amendment No. 4, and shall be read together with and deemed part of the Control of Prices Emergency Regulations 1939\* (hereinafter referred to as the principal regulations).

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) Where any local authority is empowered by any Act to fix or approve prices or charges for any goods sold or services rendered by any person other than the local authority, the powers of the local authority shall be and be deemed to have heretofore been subject to the following restrictions, namely:—

(a) If in respect of any goods or services the Tribunal has issued a price order or a price-reduction order or has given its approval of any prices, the local authority shall have no power to fix or approve any prices or charges that are not in conformity with the terms of the Tribunal's order or approval, and any prices or charges that have been fixed or approved by the local authority before the coming into force of the price order or the price-reduction order or the Tribunal's approval shall thereafter be read subject to the terms of that order or approval:

(b) In any other case the local authority shall have no power to fix or approve any prices or charges in excess of the appropriate maximum prices or charges fixed by or pursuant to the Price Stabilization Emergency Regulations 1939†.

\* Statutory Regulations 1939, Serial number 1939/275, page 1057.

† Statutory Regulations 1939, Serial number 1939/122, page 574.

(3) Notwithstanding anything in the last preceding subclause, where any local authority, purporting to be acting under the authority of any Act, has heretofore fixed or approved any prices or charges, such prices or charges shall be deemed to have been lawfully fixed or approved and shall continue to operate as maximum prices or charges until reduced by the local authority of its own motion or by direction of the Tribunal, or until altered by the Tribunal by means of a price order or a price-reduction order or unless and until other prices or charges have been approved by the Tribunal.

(4) If any local authority refuses or fails to comply with any direction given by the Tribunal for the purposes of this clause, it shall be deemed to have committed an offence against the principal regulations.

3. (1) Nothing in the principal regulations or in the Price Stabilization Emergency Regulations 1939\* shall be construed to affect or to have heretofore affected the exercise by any person of any power to fix prices or charges in accordance with the Board of Trade Act, 1919, or the Motor-spirits (Regulation of Prices) Act, 1933, or the Marketing Act, 1936.

(2) Except as provided in the last preceding subclause, the regulations referred to therein shall have effect according to their tenor, notwithstanding anything to the contrary in any Act in force when the said regulations came into force.

(3) Clause 18 of the principal regulations and clause 11 of the Price Stabilization Emergency Regulations 1939, Amendment No. 1†, are hereby consequentially revoked.

4. Where the Tribunal, purporting to act under the authority conferred on it by subclause (3) of clause 13 of the principal regulations, has, whether before or after the commencement of these regulations, approved any prices or charges in respect of any goods or services, the approval of the Tribunal shall operate as if it were a price order fixing the approved prices or charges as the maximum prices or charges for the goods or services to which it relates, and every person shall accordingly be deemed to have committed an offence against the principal regulations who does any act or thing in relation to any such goods or services that would have been an offence against the principal regulations if the approved prices or charges had in fact been fixed by a price order :

Provided that in any proceedings for an offence against this clause it shall be a good defence if the defendant proves that the prices or charges approved by the Tribunal did not exceed the prices or charges that could lawfully be charged for the same goods or services in accordance with the Price Stabilization Emergency Regulations 1939.\*

5. Clause 9 of the Control of Prices Emergency Regulations 1939, Amendment No. 3‡, is hereby amended by adding to subclause (1) the following words : “ 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.”

6. Any notice or approval given by the Tribunal under or for the purposes of the Price Stabilization Emergency Regulations 1939\* or the

\* Statutory Regulations 1939, Serial number 1939/122, page 574.

† Statutory Regulations 1941, Serial number 1941/36 page 87.

‡ Statutory Regulations 1942, Serial number 1942/336, page 830.

principal regulations (whether given before or after the commencement of these regulations) shall, unless otherwise expressly provided in the said regulations, be deemed to have been or to be sufficiently given if it is given in writing signed by one or more members of the Tribunal or by any person purporting to act by direction of the Tribunal, and is delivered or posted to the person or persons primarily concerned therewith, or to any person or organization deemed by the Tribunal to represent the person or persons primarily concerned.

7. If in any proceedings for an offence against the principal regulations it is proved against the defendant that the goods to which the proceedings relate were goods of the same kind or class as goods which he admits or is proved to have acquired for a certain price, the goods sold by him shall be deemed to be identical with or to be part of the goods acquired by him at such price unless and until he proves the contrary.

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

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Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 13th day of January, 1944.

These regulations are administered in the Department of Industries and Commerce, Tourist and Publicity.