



THE ECONOMIC STABILISATION (PRICES) REGULATIONS 1983

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 20th day
of December 1983

Present:

THE RIGHT HON. D. S. THOMSON PRESIDING IN COUNCIL

PURSUANT to the Economic Stabilisation Act 1948, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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REGULATIONS

1. Title—These regulations may be cited as the Economic Stabilisation (Prices) Regulations 1983.

2. Commencement and expiry—(1) These regulations shall come into force on the 1st day of March 1984.

(2) These regulations shall continue in force until the close of the 28th day of February 1985, and shall then expire.

3. Interpretation—(1) In these regulations, unless the context otherwise requires,—

“The Act” means the Economic Stabilisation Act 1948:

“Authority” means the Price Review Authority established by regulation 15 of these regulations:

“Component item” means any item (including overheads and labour) customarily incorporated in the calculation of the price for the supply of services; but does not include the cost of any goods accompanying the supply of those services:

“Manufacturer”, in relation to any goods, includes a producer or packer of the goods:

“Minister” means the Minister of Trade and Industry:

“New goods or services” means—

(a) Any goods or services of a kind not available in New Zealand before the commencement of these regulations; or

(b) In relation to goods or services supplied by any trader, any goods or services of a kind not previously supplied by that trader:

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

“Professional body” means any society, institute, or other body whose membership is comprised wholly or principally of persons who render professional services:

“Professional services” means services of a kind described in the First Schedule to these regulations:

“Retailer”, in relation to any goods,—

(a) Includes every trader who supplies the goods to any other person for any purpose other than resupply; but

(b) Does not include—

(i) A manufacturer of the goods; or

(ii) A supplier of services that are accompanied by the supply of the goods:

“Secretary” means the Secretary of Trade and Industry; and, in relation to any power conferred on the Secretary by these regulations, includes any person to whom the Secretary of Trade and Industry has, with the authority of the Minister, delegated that power by writing under the hand of the Secretary of Trade and Industry:

“Services”—

(a) Has the same meaning as the expression “performance of services” in section 2 of the Commerce Act 1975; and

(b) Includes the provision of residential accommodation, whether with or without meals, in any building or part of a building (not being a self-contained or substantially self-contained flat or apartment or a unit within the meaning of the Unit Titles Act 1972 or a separate dwellinghouse), including the provision of accommodation in—

- (i) Any premises in respect of which a licence under the Sale of Liquor Act 1962 is in force or is deemed to be in force pursuant to the Licensing Trusts Act 1949 or the Masterton Licensing Trust Act 1947 or the Invercargill Licensing Trust Act 1950; or
 - (ii) Any private hotel, motel, guest-house, rooming-house, residential club, hostel, residential institution, boarding school, hospital, or home for aged persons; and
 - (c) Includes the provision of a camp or caravan site in a motor camp and a vehicle parking site:
- “Supply”,—
- (a) In relation to goods, includes supply or resupply, by way of sale, exchange, lease, hire, or hire purchase; and
 - (b) In relation to services, includes provide, grant, or confer;— and “supply” as a noun, “supplied”, and “supplier” have corresponding meanings:
- “Trader”—
- (a) Means any person who is engaged in any—
 - (i) Trade; or
 - (ii) Business; or
 - (iii) Industry; or
 - (iv) Profession; or
 - (v) Occupation; or
 - (vi) Activity of commerce; or
 - (vii) Undertaking relating to the supply or acquisition of goods or services or to the disposition or acquisition of any land or interest in land; and
 - (b) Includes every manufacturer, importer, wholesaler, retailer, or other seller or supplier of goods or services:
- “Turnover” means the total gross receipts of all kinds in respect of the supply of goods or services:
- “Wholesaler”, in relation to any goods,—
- (a) Means a trader who sells the goods to any other person for the purposes of resale or resupply; but
 - (b) Does not include a manufacturer of the goods:
- “Working day” means any day of the week other than—
- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign’s birthday, and Waitangi Day; and
 - (b) A day in the period commencing with the 25th day of December in any year and ending with the 15th day of January in the following year.

(2) Subject to subclause (1) of this regulation, in these regulations, unless the context otherwise requires, expressions defined in the Commerce Act 1975 have the meanings so defined.

(3) For the purpose of these regulations, the price of any goods or services shall be deemed to have been increased in relation to any maximum price under these regulations if there has been any variation in the nature, quality, or quantity of the goods or services, or in the conditions of sale of the goods or services, being a variation that is disadvantageous to the purchaser of the goods or services, without a corresponding adjustment in price.

(4) For the purpose of these regulations, the publication or exhibition of a price list in respect of any goods or services, or the furnishing of a quotation for any goods or services, 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, where it occurs after the commencement of these regulations, to constitute an offer to supply those goods or services, as the case may be, at the price so specified or indicated.

4. Restriction on price increases—(1) Subject to regulations 10, 11, 12, 14, and 23 of these regulations, in the period beginning on the 1st day of March 1984 and ending with the close of the 28th day of February 1985,—

- (a) The maximum price at which any manufacturer of goods or supplier of services is, at the commencement of these regulations, supplying goods or services shall not be increased more than twice by that manufacturer or supplier; and
- (b) The maximum price of any component item customarily being incorporated, at the commencement of these regulations, in the price of any services being supplied by any supplier of services shall not be increased more than twice by that supplier.

(2) For the purposes of subclause (1) of this regulation, the maximum price at which any manufacturer of goods or supplier of services is supplying goods or services, as the case may be, at the commencement of these regulations shall be—

- (a) In the case of goods, the normal price at which goods of the same kind were last supplied by him in similar quantities and under similar conditions of supply before the commencement of these regulations;
- (b) In the case of the performance of services (whether or not accompanied by the supply of goods), the normal price at which services of the same kind were last supplied by him under similar conditions of supply before the commencement of these regulations;
- (c) In the case of any component item customarily incorporated in the price of services supplied by him, the price last used before the commencement of these regulations in respect of that item in calculating the price for the supply of those services.

5. Restriction on price increases in respect of new goods and services and in respect of prices charged by new manufacturers and suppliers—

(1) Subject to subclause (2) of this regulation, where—

- (a) Any manufacturer of goods or supplier of services who was in business immediately before the commencement of these regulations supplies any new goods or new services; or
- (b) Any manufacturer of goods or supplier of services who was not in the business of supplying goods or services immediately before the commencement of these regulations supplies any goods or services,—

the maximum price of the new goods or new services or the goods or services, as the case may be, shall be the normal price at which those goods or services are first supplied by the manufacturer or supplier of services.

(2) Subject to regulations 10, 11, 12, 14, and 23 of these regulations, in the period beginning on the 1st day of March 1984 and ending with the close of the 28th day of February 1985, no manufacturer or supplier of services who supplies goods or services to which subclause (1) of this regulation applies shall implement more than one increase in the maximum price of those goods or services.

6. Notification of proposed increases in prices or proposed prices—

(1) This regulation applies to—

- (a) Any manufacturer of goods whose business as such a manufacturer in his immediately preceding financial year recorded a turnover of \$10,000,000 or more; and
- (b) Any supplier of services whose business as such a supplier in his immediately preceding financial year recorded a turnover of \$3,000,000 or more; and
- (c) Any trader or any class or classes of trader to whom this regulation is declared to apply by the Minister from time to time by notice in the *Gazette*.

(2) In the period beginning on the 1st day of March 1984 and ending with the close of the 28th day of February 1985, any manufacturer of goods or supplier of services or trader to whom this regulation applies shall, before increasing the price of any goods supplied by him or services supplied by him or component item in the price of any services supplied by him and before fixing a price for any new goods to be supplied by him or any new services to be supplied by him, furnish to the Secretary a return showing—

- (a) The proposed increased price of the goods or services or component item in the price of services or the proposed price of the goods or services, as the case may require; and
- (b) The terms and conditions on which he proposes to supply the goods or services; and
- (c) The basis on which the proposed increased price or the proposed price has been determined; and
- (d) Such further particulars in relation to that manufacturer's or supplier's or trader's prices or proposed prices, or conditions of sale, or performance, as the Secretary may require.

(3) Every return furnished under subclause (2) of this regulation shall be in the form prescribed by the Secretary from time to time for the purpose, and shall be verified by statutory declaration or otherwise as the Secretary may require.

(4) On receipt of a return that complies with subclause (2) of this regulation, the Secretary shall forthwith cause the return to be recorded in a register kept by him for the purpose.

7. Prohibition on supply of goods or services unless increased price or price notified—

(1) Where any person (being a manufacturer of goods or supplier of services or other trader to whom regulation 6 of these regulations applies) is required to furnish a return under regulation 6 (2) of these regulations, that person shall not supply the goods or services at an increased price and shall not incorporate any increase in the price of the component item into the price of the services and, in the case of new goods or new services, shall not supply the new goods or the new services unless—

- (a) That person furnishes the return required under regulation 6 (2) of these regulations; and
- (b) Either—
 - (i) The Secretary, within 20 working days after the date recorded by him as the date of receipt of the return, notifies that person that he does not intend to investigate the proposed increased price or the proposed price, as the case may be; or

(ii) The proposed increased price or the proposed price, as the case may be, and the terms and conditions of supply of the goods or services are in accordance with all the provisions of an order made under regulation 10 of these regulations.

(2) Notwithstanding subclause (1) of this regulation, where the period prescribed in subclause (1)(b)(i) of this regulation expires without the Secretary having notified the person who furnished the return under regulation 6 (2) of these regulations either—

(a) That the Secretary does not intend to investigate the proposed increased price or the proposed price; or

(b) That the Secretary intends to investigate the proposed increased price or the proposed price,—

that person may supply the goods or services at any price, not exceeding the increased price shown in the return, or, in the case of new goods or new services, supply the goods or services at any price, not exceeding the price shown in the return.

8. Obligation on certain importers, wholesalers, and retailers to make returns—(1) In the period beginning on the 1st day of March 1984 and ending with the close of the 28th day of February 1985, every trader who, in his business and in his capacity as an importer, wholesaler, or retailer or in any two or more of those capacities, has recorded in his immediately preceding financial year, a turnover of \$6,500,000 or more, shall furnish to the Secretary, not later than 30 days after the end of each half of his financial year, a return showing—

(a) His turnover and gross profit for the half-year; and

(b) Such further particulars in relation to any goods supplied, or offered for supply, prices charged, or terms and conditions imposed by the importer, wholesaler, or retailer, as the Secretary may require.

(2) Every return furnished under subclause (1) of this regulation shall be in the form prescribed by the Secretary from time to time for that purpose, and shall be verified by statutory declaration or otherwise as the Secretary may require.

9. Obligation on professional bodies to notify increases in scale of charges for professional services—(1) Every professional body which, in the period beginning on the 1st day of March 1984 and ending with the close of the 28th day of February 1985,—

(a) Proposes to issue a scale of prices for professional services provided by its members or any of them; or

(b) Proposes to issue a variation of any scale of prices for professional services provided by its members or any of them; or

(c) Proposes to make or vary any rule or recommendation which affects the prices at which its members or any of them provide their professional services—

(whether or not the members or any of them are obliged by the rules of the body or law to observe any such scale, variation, rule, or recommendation) shall forward to the Secretary, at least 20 working days before the date on which it proposes to issue the scale or variation or to make or vary the rule or recommendation, a copy of that scale, variation, rule, or recommendation.

(2) Every professional body which, in the period beginning on the 1st day of March 1984 and ending with the 28th day of February 1985, gives advice to any of its members with respect to the prices at which those

members may or should provide their professional services (whether or not the members or any of them are obliged by the rules of the body or law to observe any such advice) shall forward to the Secretary, within 5 working days after the date on which it first gives that advice, a copy of that advice.

(3) Nothing in this regulation prevents regulations 4, 5, 6, 7, 10, 11, 12, and 14 of these regulations applying in respect of the supply of goods or services by any person.

10. Power of Secretary to determine prices—(1) The Secretary may from time to time make orders—

- (a) Determining the maximum or the actual or the minimum prices that may be charged or received for any goods or services or any kind or class of goods or services by a supplier of goods or services; or
- (b) Fixing the percentage or monetary margin that a supplier of goods may apply to the supply of goods or any kind or class of goods; or
- (c) Prescribing, in relation to a supplier of goods or services, the terms and conditions of supply that the supplier may apply in respect of any goods or services or any kind or class of goods or services.

(2) Every order under subclause (1) of this regulation—

- (a) Shall be in writing; and
- (b) Shall be delivered or posted by the Secretary to the supplier of the goods or services to which the order relates.

(3) The Secretary may make an order under subclause (1) of this regulation in such manner as he thinks fit, and may, in relation to goods and services or to any kind or class of goods or services, determine different prices, fix different percentages and monetary margins, and prescribe different terms and conditions to meet different circumstances relating to the supply of those goods or services or that kind or class of goods or services.

(4) In any order made under subclause (1) of this regulation, the Secretary may include such provisions, not inconsistent with the Act, as the Secretary considers necessary or desirable for the proper administration of the order or to ensure compliance with its provisions.

(5) Every such order shall have effect from the date specified in it.

(6) Any such order may be at any time in like manner amended with respect to the prices determined thereby or in any other particular or respect, or may be at any time in like manner revoked.

(7) For the purpose of informing purchasers and prospective purchasers of any goods or services of the effect of any order made by the Secretary under subclause (1) of this regulation, the Secretary may publish, or require the supplier of those goods or services to communicate to purchasers, in such manner and in such circumstances as he thinks fit, the effect of that order.

(8) No trader shall supply any goods or services otherwise than in accordance with all the provisions of any order which has been made under this regulation and which applies in respect of those goods or services.

11. Interim price authorisation—(1) Pending the determination of a price in respect of any goods or services by an order made under regulation 10 (1) of these regulations, the Secretary may, by notice in writing to the supplier of the goods or services, either—

- (a) Authorise the supply of the goods or services to any person, on the condition that the price fixed and charged by the supplier for those goods or services is a provisional price only; or
- (b) Authorise an interim price for those goods or services, being a maximum, actual, or minimum price, as the case may require, determined in such manner as the Secretary thinks fit.

(2) In any notice given under subclause (1) of this regulation, the Secretary may include such provisions, not inconsistent with the Act, as the Secretary considers necessary or desirable for the proper administration of the notice or to ensure compliance with its provisions.

(3) Without limiting subclause (2) of this regulation, a notice given under subclause (1) (a) of this regulation may include provision for the making of refunds if the maximum or actual price subsequently determined by the Secretary is lower than any provisional price charged to any person.

(4) No trader shall supply any goods or services otherwise than in accordance with all the provisions of any notice which has been given under this regulation and which applies to those goods or services.

12. Alternative undertakings on prices—Where the Secretary is satisfied that the interests of users and consumers, or, as the case may be, suppliers, is adequately safeguarded, he may, instead of determining the particular prices of any goods or services, obtain or accept a written undertaking from the supplier of those goods or services concerning the prices that the supplier will charge for those goods or services, being an undertaking that is consistent with the considerations prescribed in regulation 13 of these regulations.

13. Considerations to be observed by Secretary and Authority—The Secretary and the Authority, in exercising their respective powers under regulations 10, 11, and 19 of these regulations, shall have regard to—

- (a) The costs incurred in producing and distributing the goods or supplying the services:
- (b) Any demonstrated gains in productivity or efficiency by the trader concerned:
- (c) The financial stability and economic viability of the trader concerned, or of that class or classes of traders:
- (d) The conditions of competition prevailing or likely to prevail in the market for the goods or services:
- (e) The desirability of stabilising the price of goods and services having regard to other Government policies to promote the economic stability of New Zealand:
- (f) The desirability of maintaining the supply of goods and services and the variety of goods and services available to users and consumers:
- (g) Any other matter the Secretary or the Authority, as the case may require, thinks relevant.

14. Alternative requirements—(1) Subject to subclause (2) of this regulation, on the application by any person, or on his own motion, the Secretary may, where he considers that it would be impracticable or unreasonable for any trader or traders or class or classes of traders to comply with any provision of these regulations, grant a dispensation from compliance with that provision.

(2) In no case shall the Secretary grant a dispensation from any provision of these regulations that controls the prices of goods or services unless an alternative requirement is established under which the prices of the goods or services to which the dispensation relates are controlled.

(3) The Secretary may grant a dispensation, in whole or in part, and any dispensation may be limited in duration for such period and subject to such conditions or undertakings as the Secretary, in his discretion, thinks fit.

(4) The Secretary may at any time amend or revoke any dispensation granted under subclause (1) of this regulation or amend or revoke any of the conditions subject to which any such dispensation has been granted.

(5) Where the Secretary has granted any dispensation in accordance with this regulation, no person to whom that dispensation applies shall sell any goods or services to which that dispensation relates otherwise than in conformity with that dispensation.

15. Price Review Authority—(1) There is hereby established an authority to be known as the Price Review Authority.

(2) The Authority shall consist of one member of the Commerce Commission to be nominated from time to time by the Chairman of that Commission.

16. Function of Authority—The function of the Authority shall be to investigate and determine applications for review made under regulation 18 of these regulations and referred to it by the Secretary.

17. Seal—The Authority shall have a seal, which shall be judicially noticed by all Courts for all purposes.

18. Applications for review—(1) Any person who is dissatisfied with a decision of or a requirement imposed by the Secretary under any provision of these regulations may apply in writing to the Secretary for a review of that decision or requirement.

(2) Where any person is dissatisfied with a decision of or requirement imposed by the Secretary, that person—

(a) Shall not make an application under section 4 (1) of the Judicature Amendment Act 1972 for a review of that decision or requirement; and

(b) Shall not commence any proceedings in which that decision or requirement is sought to be challenged, quashed, or called in question in any Court—

unless an application made by that person for a review of that decision or requirement has first been determined under this regulation.

(3) Any application for review pursuant to this regulation shall be made by delivering or posting it to the Secretary.

(4) On receipt of any such application the Secretary shall endeavour to resolve the matter promptly by administrative means, and, if he is unable to resolve the matter, shall refer the application to the Authority.

19. Procedure of Authority—(1) As soon as conveniently may be after referral of any application by the Secretary, the Authority shall investigate the matter in such manner as it thinks appropriate.

(2) The Authority may hear and obtain information from such persons as it thinks fit, and may make such inquiries as it thinks fit.

(3) The Authority may receive any relevant information whether or not that information would be admissible in a Court of law.

(4) It shall not be necessary for the Authority to hold any hearing and no person shall be entitled as of right to be heard by the Authority.

(5) So long as the person holding office as the Authority acts bona fide in the discharge of his duties, no action shall lie against him for anything he may say or do in the course of investigating and determining any request for review.

(6) Subject to these regulations, the Authority may regulate its procedure in such manner as it thinks fit.

(7) Proceedings before the Authority shall not be held invalid for want of form.

(8) On any application for review under regulation 18 of these regulations, the Authority may—

- (a) Confirm the decision or requirement in respect of which the review was sought; or
- (b) Reverse the decision or cancel the requirement and refer the matter back to the Secretary with such written directions concerning the further exercise of the Secretary's powers as the Authority thinks fit.

(9) The Authority shall, in giving its decision on any application for review under regulation 18 of these regulations, state its reasons for the decision, and shall, if so required by the applicant or the Secretary, state those reasons in writing.

20. Validity of decision of Secretary pending determination of application for review—Pending investigation and determination of the application for review under regulation 18 of these regulations, the decision of or requirement imposed by the Secretary shall continue in force and have effect according to its tenor.

21. Records of price increases—(1) Every trader shall complete and retain a record of—

- (a) The date on which he implemented any price or any increase in his prices or any increase in any component item of his price; and
- (b) The amount of that price or price increase; and
- (c) The basis on which he calculated the price or price increase.

(2) Nothing in this regulation limits the provisions of section 124 of the Commerce Act 1975.

22. Statement to be given to customers—(1) Subject to subclause (2) of this regulation, every supplier of services (other than professional services) for which the price is not a standard charge fixed before the offer to contract is made shall, in addition to complying with regulation 21 (1) of these regulations,—

- (a) Complete and retain in a form approved by the Secretary a record of the time worked in supplying such services; and
- (b) Deliver to the person to whom he supplies any such services a statement in writing setting out the amount of his price and showing separately in itemised form—
 - (i) The amount charged for materials supplied;

(ii) The amount charged for labour and overhead and specifying the number of hours or part thereof worked:

(iii) Any other component items forming part of the price of the services.

(2) Nothing in subclause (1) (b) of this regulation shall apply in any case where the supplier has quoted or tendered a price before the supply of the services, and the price does not exceed the amount quoted or tendered.

23. Exemptions—(1) Nothing in these regulations applies in respect of goods or services specified in the Second Schedule to these regulations.

(2) Nothing in these regulations applies to any goods or services, the prices of which are fixed, approved, or determined pursuant to any of the enactments specified in the Third Schedule to these regulations.

(3) Nothing in regulations 4, 5, 6, 7, and 9 of these regulations applies to any of the goods or services specified in the Fourth Schedule to these regulations.

(4) Nothing in these regulations applies in respect of the rent payable in respect of any land, or any interest in land, or any building or premises.

(5) Nothing in these regulations applies in respect of financial services within the meaning of the Financial Services Regulations (No. 2) 1983*.

(6) Nothing in these regulations applies in respect of mortgage loans within the meaning of the Economic Stabilisation (Mortgage Loans) Regulations 1983†.

(7) Nothing in these regulations applies to the prices or monetary returns paid to growers or producers of primary products, for those products.

(8) Nothing in these regulations applies to any rates or levies imposed by any local authority or public body.

(9) Nothing in these regulations applies to membership subscriptions, fees, or levies charged by social, cultural, or recreational clubs or sporting bodies.

(10) Nothing in these regulations applies to periodical subscriptions, fees, or levies, which are paid to any trade union or professional union or association and which are directly related to the employment of any person.

(11) For the avoidance of doubt, it is hereby declared that nothing in these regulations binds the Crown.

(12) Nothing in these regulations (other than regulation 24) applies with respect to—

(a) Any agreement to dispose of goods for valuable consideration after the 28th day of February 1985:

(b) Any offer to dispose of goods for valuable consideration after the 28th day of February 1985:

(c) The publication or exhibition of a price list in respect of any goods or services being goods to be sold or services to be supplied only after the 28th day of February 1985:

(d) The furnishing of a quotation for any goods or services, being goods to be sold or services to be supplied only after the 28th day of February 1985.

24. Prohibited transactions—No person shall—

(a) Enter into any transaction, or make any contract or arrangement, purporting to do, whether presently or at some future time or upon the happening of any event or contingency, anything that contravenes or will contravene the provisions of these regulations; or

- (b) Enter into any transaction or make any contract or arrangement, whether orally or in writing, or do anything, for the purpose of or having the effect of, in any way, whether directly or indirectly, defeating, evading, or preventing the operation of these regulations in any respect.

25. Restrictions on contracts—(1) These regulations shall have effect notwithstanding anything in any contract entered into before or after the commencement of these regulations.

(2) Where the price paid by a buyer for any goods or services exceeds the maximum price lawfully chargeable under these regulations in respect of those goods or services, the amount of the excess may, except to the extent of any order made under regulation 27 (3) of these regulations, be recovered by or on behalf of the buyer as a debt due to the buyer from the seller.

26. Evidence in prosecutions—In any proceedings for an offence that consists of a contravention of or a failure to comply with any provision of these regulations, the production by or on behalf of the informant of a verified copy of any entry in any accounts or records kept by or on behalf of the defendant, or of any invoice, receipt, statement of account, or other document issued by or on behalf of the defendant, and purporting to disclose the prices charged by the defendant for any goods or services, shall, in the absence of proof to the contrary, be sufficient evidence of the prices charged for those goods or services.

27. Excess price may be forfeited and refunded to purchaser—(1) On the conviction of any person of an offence against these regulations, being an offence involving the sale of any goods or services at a price that exceeds the maximum price lawfully chargeable under these regulations in respect of those goods or services, the convicting Court, on application by or on behalf of the Secretary, may make an order for payment by the defendant of an amount not exceeding the difference (to be ascertained and specified by the Court), between the price actually charged by the defendant and the maximum price lawfully chargeable under these regulations.

(2) All money payable pursuant to an order made under this regulation shall be recoverable, in accordance with the Summary Proceedings Act 1957, in the same manner as fines and costs are recoverable

(3) Where in any such case the convicting Court is satisfied that the whole or any part of the price has been paid to the defendant by any other person, the Court, if having regard to all the circumstances of the case it deems it just and equitable so to do, may make an order authorising the payment to that other person of such amount as the Court thinks fit, not exceeding the amount by which the price paid exceeded the maximum price lawfully chargeable under these regulations.

(4) An order made under subclause (3) of this regulation shall be sufficient authority to the Registrar of the Court to pay the amount so authorised:

Provided that in no case shall the total amounts so paid exceed the amount recovered from the defendant under this regulation.

28. Revocation—The Price Surveillance Regulations 1979* are hereby revoked.

SCHEDULES

Reg. 3 (1)

FIRST SCHEDULE

PROFESSIONAL SERVICES

1. Services (whether as accountants, auditors, consultants, advocates, investigators, or advisers) performed by chartered accountants or chartered accountants in public practice within the meaning of the New Zealand Society of Accountants Act 1958.

2. Services of actuaries in their capacity as such.

3. Services of architects registered under the Architects Act 1963 in their capacity as such.

4. Chiropractic services, being services performed by chiropractors registered under the Chiropractors Act 1982 in their capacity as such.

5. Dental services, being services performed by registered dentists within the meaning of the Dental Act 1963 in their capacity as such.

6. Services performed by dietitians registered under the Dietitians Act 1950 in their capacity as such.

7. Services of insurance brokers in their capacity as such.

8. Legal services, being services performed by practitioners within the meaning of the Law Practitioners Act 1982 in their capacity as such.

9. Medical services, being the provision of medical or surgical advice or attendance and the performance of surgical operations, performed by registered medical practitioners within the meaning of the Medical Practitioners Act 1968.

10. Services performed by medical laboratory technologists registered under the Medical and Dental Auxiliaries Act 1966 in their capacity as such.

11. Services performed by medical radiation technologists registered under the Medical and Dental Auxiliaries Act 1966 in their capacity as such.

12. Services performed by medical technologists registered under the Medical and Dental Auxiliaries Act 1966 in their capacity as such.

13. Nursing services, being services performed by nurses registered under the Nurses Act 1971 in their capacity as such.

14. Services performed by occupational therapists registered under the Occupational Therapy Act 1949 in their capacity as such.

15. Services of optometrists or dispensing opticians registered under the Optometrists and Dispensing Opticians Act 1976 in their capacity as such and of optical dispensers in their capacity as such.

16. Services performed by podiatrists registered under the Medical and Dental Auxiliaries Act 1966 in their capacity as such.

17. Services of professional engineers or technologists, being persons practising as consultants in the field of—

(a) Civil engineering:

(b) Mechanical, aeronautical, marine, electrical, or electronic engineering:

(c) Mining, quarrying, soil analysis, or other forms of mineralogy or geology:

(d) Agronomy, forestry, livestock rearing, or ecology:

(e) Metallurgy, chemistry, biochemistry, or physics:

(f) Any other form of engineering or technology of a kind similar to those referred to in the preceding paragraphs of this clause.

FIRST SCHEDULE—continued

18. Services of patent attorneys in their capacity as such.
19. Services of physiotherapists registered under the Physiotherapy Act 1949 in their capacity as such.
20. Services performed by radiographers in their capacity as such.
21. Services performed by real estate agents within the meaning of the Real Estate Agents Act 1976 in their capacity as such.
22. Services of sharebrokers licensed under the Sharebrokers Act 1908 in their capacity as such.
23. Services of ship brokers in their capacity as such.
24. Services of surveyors of land (including surveyors registered under the Surveyors Act 1966), quantity surveyors, surveyors of buildings or other structures, and surveyors of ships, in their capacity as such.
25. Services performed by valuers of land or of chattels in their capacity as such.
26. Veterinary services performed by veterinary surgeons registered under the Veterinary Surgeons Act 1956 in their capacity as such.

SECOND SCHEDULE

Reg. 23 (1)

EXEMPTED GOODS OR SERVICES

1. Secondhand goods.
2. Goods sold directly for export from New Zealand.
3. Services provided by charitable or religious institutions in respect of the care or accommodation of the aged, infirm, needy, or victims of domestic violence.
4. Goods or services the prices or charges for which are charged or received by any local authority or public body, other than prices or charges for goods or services that are of a kind that are customarily sold or supplied in competition with other persons in the district or area under the jurisdiction of the local authority or public body.

THIRD SCHEDULE

Reg. 23 (2)

ENACTMENTS NOT AFFECTED

The Air Services Licensing Act 1983.
 The International Air Services Licensing Act 1947.
 The Commerce Act 1975.
 The Economic Stabilisation (Prices of Automotive Diesel Oil and Fuel Oil) Regulations 1975.
 The Marketing Act 1936.
 The Milk Act 1967.
 The Ministry of Energy Act 1977.
 The Motor Spirits (Regulation of Prices) Act 1933.
 The Natural Gas (Price Restraint) Regulations 1981.
 The Transport Act 1962.

Reg. 23 (3)

FOURTH SCHEDULE

GOODS AND SERVICES TO WHICH REGULATIONS 4, 5, 6, 7, AND 9
DO NOT APPLY

1. Goods which have been sold by auction either to the owner for the time being of the goods or to any person through whom he derives title to the goods, and goods sold by private treaty in circumstances influenced to a substantial extent by the prices realised for similar goods sold by auction.

2. Services the entitlement to which has been sold by auction.

3. Goods sold or services performed on the basis of prices submitted by competitive tender.

4. Fresh meat and frozen fresh meat, except poultry.

5. Fish, fresh, frozen, or smoked (not including canned fish or fish, processed, packaged, and frozen); and shellfish, crustaceans, or oysters.

6. Livestock.

7. Goods custom-built to a purchaser's requirements.

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations establish a new regime that is to apply, during the period that begins on 1 March 1984 and ends on 28 February 1985, in respect of the prices of goods and services.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 21 December 1983.

These regulations are administered in the Department of Trade and Industry.