

THE REGULATION OF PRICES ACT, 1973

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SCHEDULE

THE UNITED REPUBLIC OF TANZANIA



No. 19 OF 1973

ASSENT,

Julius K. Nyerere
 President

23RD JULY, 1973

An Act to repeal and replace the Price Control Ordinance

[.....]

ENACTED by the Parliament of the United Republic of Tanzania..

PART I

PRELIMINARY.

1. This Act may be cited as the Regulation of Prices Act, 1973 and shall come into operation on such date as the Minister may, by order published in the *Gazette*, appoint. Short title

2.-(I) In this Act, unless the context otherwise requires-

Interpre-
tation

"Assistant Price Commissioner" means, in relation to region, the Assistant Price Commissioner appointed for that region under section 7 (2), and in relation to a district, the Assistant Price Commissioner appointed for that district under section 7 (3);

"commission agent" means any person who receives, or orders goods or services on account of other persons, or who solicits orders for goods or services on behalf of other persons, and includes a person carrying on business as a broker, but does not include a person employed as a commercial traveller by any person licensed under the Business Licensing Act, 1972;

Interpre-
tation

"goods" includes all chattels (other than things in action and money), growing crops and things attached to or forming part of the land, which are agreed to be severed before sale or under a contract of sale;

"hire" includes a transaction in the nature of a hire-purchase;

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- "maximum commission means the maximum lawful commission which may be charged in respect of the sale or hire of any goods or the rendering of any services in accordance with the provisions of this Act-;
- "maximum hire charge means the maximum lawful charge at which goods may be hired in accordance with the provisions of this Act;
- "maximum price" means the maximum lawful price at which goods may be sold in wholesale, sub-wholesale, retail or otherwise, as the case may be, in accordance with the provisions of this Act, and may include such maximum commission in relation to the sale of such goods as may from time to time be fixed under the Provisions of this Act; and includes maximum hire charge for any goods and also, in relation to any service, the maximum service charge;
- "maximum service charge" means the maximum lawful charge at which any service may be rendered in accordance with the provisions of this Act;
- "member" in relation, to the Price Commission means a member of the Commission and includes the chairman of the Commission;
- "Minister" means the Minister for the time being responsible for commerce;
- "the National Price Commission" or the "Price-Commission" means the National Price Commission established by section 3;
- "the Ordinance" means the Price Control Ordinance repealed by this Act;
- "Price Commissioner" means the Price Commissioner appointed under section 3,
- "price-controlled goods" means goods the maximum price for which has been fixed by a notice issued or deemed to, have been issued under this Act;
- "price-controlled service" means a service the maximum charge for which has been fixed by a notice issued or deemed to have been issued under this Act;
- "Price Inspector" means a Price Inspector appointed under section 28;
- "producer" means any person producing goods in the course of his business;
- "sale" with its grammatical variations and cognate expressions means any transaction whereby any article is delivered by one person to another for any material consideration pursuant to a contract under which the ownership in the article has passed to such other person or his principal, or so passes, at the time of the delivery or will or may pass on the happening of any event agreed upon by the parties; and includes an agreement to sell and an offer to sell; and an offer to sell shall include the exposing of goods for sale, the publication of a price list, the furnishing of a quotation or any other act or notification whatsoever by which willingness to enter into any transaction of sale is expressed and the words sell", "seller", "buyer", "buy purchase" and purchaser" shall be construed accordingly;

"Selling price" means the actual net price charged to the purchaser of the goods concerned, after all discounts or other allowances have been deducted, and references to the price in relation to any sale shall be construed as references to such selling price;

"service" includes the sale or hire of goods, where sold or hired in connection with the rendering of service;

"supply" includes sale or hire;

"trader" means-

- (i) any person, other than a commission agent or a clearing and forwarding agent, who is required to take out a licence under the provisions of the Business Licensing Act, 1972;
- (ii) any person who carries on the business of supplying goods or services whether or not such person is required to take out a licence under the Business Licensing Act, 1972; or
- (iii) any person carrying on business in the course of which he supplies goods or services for the purpose of or in pursuance of a contract made by him for work, labour and materials.

(2) References in sections 8, 11, 12, 13, 15, 16, 27, 29, 32, 33, 34 and 36 to the Price Commissioner or to the Price Commission shall save where the context otherwise requires, include references to an Assistant Price Commissioner:

Provided that-

- (a) any function conferred upon an Assistant Price Commissioner by any of the said provisions (whether so conferred expressly or by virtue of the foregoing construction provision) may-
 - (i) in the case of an Assistant Price Commissioner for a region, be exercised only in respect of goods sold or hired, or services rendered, within the region, persons carrying on business in the region, transactions within the region or as the case may be, contraventions or other matters occurring or arising within the region;
 - (ii) in the case of an Assistant Price Commissioner for a district, be exercised only in, respect of goods sold or hired, or services rendered, within the district, persons carrying on business in the district, transactions within the district or, as the case may be contraventions or other matters occurring or arising within the district;
- (b) nothing in this subsection shall be construed as conferring upon an Assistant Price Commissioner for a region or district any power in relation to the determination of price structures save-
 - (i) in the case of an Assistant Price Commissioner for a region, to the extent that such power may lawfully be exercised under the provisions of section 10 or pursuant to any delegation made under subsection (3);
 - (ii) in the case of an Assistant Price Commissioner for a district, to the extent of a delegation made under the provisions of this Act.

(3) The National Price Commission and the Price Commissioner may, by directions in writing, delegate any of its or his, functions to an Assistant Price Commissioner.

(4) The president may give the National Price Commission, the Price commissioner or an Assistant Price Commissioner directions as to the performance by it or him of its or his functions under this Act, and all such directions shall be given effect to accordingly.

PART II

PRICE COMMISSION AND PRICE COMMISSIONERS

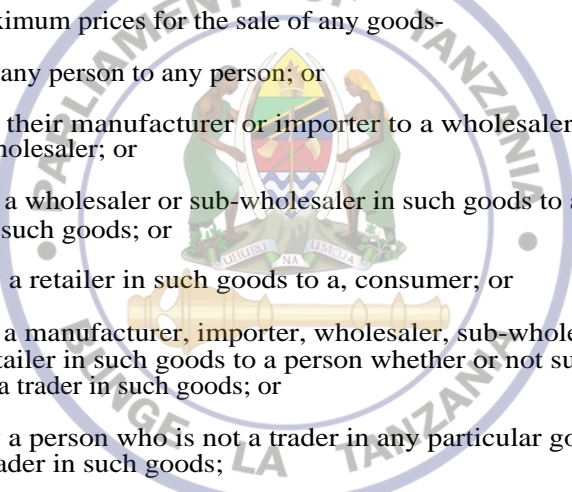
Establishment of National Price Commission	<p>3. There is hereby established a Commission to be known as the National Price Commission which shall consist of-</p> <p>(a) the Price Commissioner who shall be appointed by the President and who shall be the chairman and the chief executive officer of the Commission;</p> <p>(b) not less than five and not more than seven other members who shall be appointed by the Minister.</p>
Procedure of commissions	<p>4. The provisions of the Schedule to this Act shall have effect as to the constitution and proceedings of, and otherwise in relation to, the Price Commission.</p>
Amendment of schedule	<p>5. The President may, by order in the <i>Gazette</i>, amend, add to, vary or replace the Schedule to this Act.</p>
Functions of the national Price Commission	<p>6. The functions of the National Price Commission shall be-</p> <p>(a) to determine reasonable price structures on a national basis and to provide for their orderly variation when necessary;</p> <p>(b) to ensure that prices of goods and services in Tanganyika are compatible with and conform to the principles of socialism and the political, economic and social aspirations of the people of the United Republic;</p> <p>(c) to perform such other functions as are conferred on it by this Act or as the President may, from time to time, by order published in the <i>Gazette</i>, confer upon it.</p>
Price Commissioners	<p>7.-(1) The Price Commissioner appointed under section 3 shall have such functions as are conferred upon him by this Act.</p> <p>(2) Every Regional Development Director shall be the Assistant Price Commissioner for the region for which he is the Regional Development Director.</p>

(3) Every District Development Director shall be the Assistant Price Commissioner for the district for which he is the District Development Director.

(4) The Assistant Price Commissioners shall have such functions as are conferred upon them by or under this Act.

(5) The Minister may after consultation with a Regional Development Committee of a region or a District Development Committee of a district appoint, by notice in the *Gazette*, a public officer other than the Regional Development Director or the District Development Director, to be the Assistant Price Commissioner for that region or, as the case may be, district.

8.-(1) For the avoidance of doubts it is hereby declared that the power to determine price structures in relation to goods or services include the powers to-

- 
- (a) fix maximum prices for the sale of any goods-
 - (i) by any person to any person; or
 - (ii) by their manufacturer or importer to a wholesaler or sub-wholesaler; or
 - (iii) by a wholesaler or sub-wholesaler in such goods to a retailer in such goods; or
 - (iv) by a retailer in such goods to a consumer; or
 - (v) by a manufacturer, importer, wholesaler, sub-wholesaler or retailer in such goods to a person whether or not such person is a trader in such goods; or
 - (vi) by a person who is not a trader in any particular goods to a trader in such goods;
 - (b) fix the maximum service charge that may be made for any services;
 - (c) fix the maximum hire charge that may be made for the hire of any goods,
 - (d) fix the maximum commission that may be charged, whether as part of the price or charge or separately therefrom, by any person or class of persons in respect of the sale, purchase or hire of any goods or for the rendering of any services;
 - (e) fix the maximum price, or prescribe the manner in which the maximum price shall be ascertained, of any used goods, whether for sale by traders in such goods, or by the owners of such goods;

(f) fix the maximum amount including interest and other charges that may be charged in respect, of any goods sold by way of hire-purchase;

(g) prescribe the type of packing, weight, size, quality and the processing and, ingredients of any goods, manufactured in Tanganyika.

(2) For the purposes of this section the Price Commission may fix the maximum price or any maximum charge or maximum commission in respect of the sale or hire of any goods or the rendering, of any services by declaring in any manner whatsoever how such maximum price, charge or commission shall be ascertained.

Determination
of price
structures

9.-(1) The Price Commission may, from time to time, determine and review, in accordance with the provisions of this Act, price structures on a national basis of goods and services.

(2) Where in the opinion of the Minister it is in the national interest that the prices, of any goods or services or class of goods or services be controlled on a national basis under this Act or that the prices of any goods so controlled be reviewed, he may direct the Price Commission to determine or review such prices and the Price Commission shall proceed to do so in accordance with the provisions of this Act.

Assistant
Price
commissioners

10.-(1) The provisions of section 9 shall apply mutatis mutandis in relation to an Assistant Price Commissioner of a region as if references therein to the Price Commission were references to such Assistant Price Commissioner:

Provided that:

(a) all such functions as are provided for or referred to in section 9 shall, in the application of that section to an Assistant Price Commissioner, be restricted to the prices of goods sold or hired within such region

(b) the Assistant Price Commissioner shall not proceed to determine price structures of, any goods or services the prices of which have been determined by the Price Commission, save for the areas in the region where such prices fixed by the Price Commission do not apply.

(2) The Price Commission may, subject to any directions of the Minister in that behalf, review any price structure determined by an Assistant Price Commissioner and may vary the same.

(3) The Price Commission may, where in its opinion it is desirable to control the prices of any goods or services or category of goods or services on a regional basis, refer the matter to an Assistant Price Commissioner who shall, upon such reference being made to him, proceed to act thereon in accordance with the provisions of this Act.

(4) Where in the opinion of an Assistant Price Commissioner for a region the prices of any goods or services or category of goods or services controlled on a national basis is unrealistic or inappropriate in the region, the Assistant Price Commissioner may refer the matter to the Price Commission Which shall, upon such reference being made to it, proceed to act thereon in accordance with the provisions of section 9.

(5) An Assistant Price Commissioner for a region may, and shall, if so directed by the Price Commission, delegate, by an order in *the Gazette*, to an Assistant Price Commissioner for a district within the region his functions under this section to determine price structures of goods within such district and upon such delegation being made the provisions of this section shall apply *mutatis mutandis* to the performance by such Assistant Price Commissioner for the district of such function so delegated to him.

(6) The Minister shall establish, in respect of every region and district, an Advisory Committee to advise the Assistant Price Commissioner for the region or district for which the Committee has been established on the performance by him of his functions under this Act and may by regulations made under this Act provide for the composition and procedure of such Committees:

Provided that in the case of an Advisory Committee established in respect of a district the composition thereof shall include, all the constituency members of the National Assembly representing the constituencies within the district and all National members of the National Assembly ordinarily resident within the district.

11. Nothing in this Act shall be construed as preventing the Price Commission or an Assistant Price Commissioner from fixing different price structures in relation to any goods or services or class of goods or services for different areas.

Different price structures for different areas

12.-(1) The Price Commission shall, in determining the price structure of any goods or services or class of goods or services, have regard to-

Factors to be taken into account in determination of price structures

- (a) the commodities and services essential to the community;
- (b) the need to avoid unduly rapid or frequent variations in prices;
- (c) the need to preserve and promote the competitive position of local products in the domestic market as well as in foreign markets;
- (d) the need to prevent the income of peasants and workers in the United Republic from being affected adversely by unnecessary and unjustified price increases;
- (e) the need to maintain fair relationships among the incomes of different sectors of the community;
- (f) the need to ensure the continued, ability of the Government to finance development programmes and recurrent expenditure;
- (g) the need to provide circumstances under which local manufacturing, processing and service industries are well as maintain efficiency and expand their business
- (h) the need to provide circumstances conducive to a healthy and orderly development of trade and commerce in rural as well as urban areas;
- (i) such guide lines as to margins or otherwise as the Minister may, from time to time issue

(2) In addition to the factors specified in subsection (1), the Price Commission shall-

- (a) in determining the maximum ex-factory price for goods manufactured in the United Republic, take into account the direct costs of production, the general overhead expenses, the normal wear and tear of capital assets, the cost of holding stocks of goods and materials, a margin in relation to the turnover and the capital employed, the level of excise duty, sales tax and other similar taxes and duties payable by or collected from the manufacturer
- (b) in determining the maximum importer's selling prices for goods imported by the importer, take into account the c.i.f. cost of the goods, the landing, handling and clearing charges, the customs duties and other similar taxes payable by the importer, the inventory carrying and storage costs and a margin in relation to the turnover and the capital employed:
- (c) in determining the maximum wholesale and sub-wholesale prices, take into account the manufacturer's, importer's, or as the case may be, wholesaler's maximum price, the cost of transport to the point at which the wholesale or the sub-wholesale price applies, the inventory carrying and storage costs and a margin in relation to the turnover and the capital employed;
- (d) in determining the maximum retail prices of any goods, take into account the relevant manufacturer's, importer's, wholesaler's and sub-wholesaler's maximum prices in relation to such goods, the cost of transport to the point at which the retail price applies, the inventory carrying and storage costs and a margin in relation to the turnover and the capital employed;
- (e) in determining the maximum retail prices for services, take into account the cost of material (if any) used, the direct and the overhead costs of providing the service, and a margin in relation to the turnover and the capital employed;
- (f) in determining the maximum prices for agricultural commodities and products, take into account the production costs (including the labour of the peasants engaged in the production), the transport expenses, any statutory levy or fee payable in respect of the commodity or product, the storage and marketing costs, and the processing expenses, if any; and in particular, the Commission shall have regard to securing a rational structure of ex-factory, in to store, out of store, and processed product prices.

(3) Notwithstanding the provisions of subsections (1) and (2), the President may in relation to any goods or services, direct the Price Commission to take into account any additional or alternative factor or to determine the price structure on any basis specified in such direction and every such direction shall be given effect to by the Price Commission.

Powers of
Price
Com,
Mission

13. (1) In the performance of its functions under this Act the Price Commission shall have the power to-

- (a) receive and review application for determination or variation of maximum prices from manufacturers, wholesalers, sub-wholesalers, retailers and persons who provide services.

- (b) receive and review applications in respect of prices from any user or consumer or from any public authority;
- (c) to conduct a review of prices;
- (d) to secure, notwithstanding any written law to the contrary, access to relevant data concerning production, importation or trade of or in any goods or services from any person, public authority or other organization.

(2) The Price Commissioner may, by notice in writing, require any person carrying on any business in Tanganyika to produce to him, within such time as he may specify in the notice-

- (a) a copy of the balance sheet or the profit and loss account of such business in respect of such financial year or years as may be specified in the notice;
 - (b) a return of income made by such person in respect of any year for the purposes of assessment of income tax or personal tax;
 - (c) inventory records and other records and documents in relation to the business;
 - (d) such other information as the Price Commissioner may consider relevant.
- (3) Any person who fails to comply with any notice under subsection (2) shall be guilty of an offence.

14.-(1) Subject to any directions of the Minister in that behalf, the Price Commission shall not review the ex-factory prices of price of locally manufactured goods or the prices for services more than once in any calendar year, save where the Commission is satisfied that special circumstances exist.

Restriction on review of price structures

(2) The Price Commission may, by notice in the *Gazette*, specify periods in, any calendar year during which applications for review of ex-factory prices of manufactured goods of any category specified in relation to any such period may be made to the Price Commissioner, and may refuse to entertain any application not made within the period specified in relation thereto.

(3) Subject to any directions of the Minister in that behalf, the Price Commission shall not review the prices of any category of imported goods more than once during any period of three months, save where in the opinion of the Commission such review is necessary or desirable in the public interest.

15. No decision of the Price Commission, the Price Commissioner or an Assistant Price Commissioner made or purporting to have been under this made pursuant to any provision of this Part shall be subject to review subject to by any court on any ground whatsoever.

Decisions under this Part not subject to review by courts

PART III

CONTROL OF PRICES

16.-(1) Where the Price Commission has fixed the maximum prices of any goods or class of goods or has fixed maximum service charge for any services, the Price Commissioner shall publish in the *Gazette* a notice setting out a list of such goods or services and the maximum prices fixed therefor, and may in addition to or in lieu of such publication in the *Gazette* publish such list in such manner as will, in the opinion of the Price Commissioner, ensure the contents thereof coming to the notice of the members of the public who will or are likely to be effected thereby:

Provided that nothing in this section shall be construed as ignorance of the contents of any such list being a defence in any prosecution for an offence under this Act where such list has been published in the *Gazette*.

(2) With effect from the date of the publication of any notice under this section or any subsequent date specified in such notice the maximum prices of the goods or services described in the notice shall be the prices prescribed in relation thereto.

Display of maximum prices in relation to price-controlled goods

17. (1) The Price Commissioner may, by order published in the *Gazette*, require any trader or other person or any class of traders or persons supplying price-controlled goods or rendering price-controlled services to display, in such language or languages as may be specified in the order, in a prominent manner and in a conspicuous position so that it, may be easily read and is clearly legible to customers in those parts of his or their business premises where business is done, a list of the current maximum prices and maximum hire charges for such price-controlled goods as are mentioned in the order which he or they may supply, or the maximum service charges for such price-controlled services, as are specified in the order, which he or they may render.

(2) An order under this section may apply to Tanganyika as a whole or to any area or areas thereof and may provide for the form in which any, such list of maximum prices or maximum hire charges or maximum service charges which it requires to be displayed shall be arranged.

Books of account

18. Every trader, manufacturer, producer, commission agent, clearing and forwarding agent or other person supplying price-controlled goods or rendering price-controlled services shall keep such books of account or other records in respect of his dealing in price-controlled goods or price-controlled services, and make such entries therein as may be prescribed, by regulations made under this Act and shall preserve such, books of account or records after the date of the last entry therein for a period of two years or such longer period as may be so prescribed.

- 19.**-(1) Every manufacturer, producer, trader or commission agent— Issue of
invoices
- (a) shall at the time of sale or hire to a wholesaler, sub-wholesaler or retailer, issue to the buyer an original invoice containing the following particulars—
- (i) the name of the seller or person letting on hire;
 - (ii) the name of the purchaser or hirer;
 - (iii) the date of the sale or hire;
 - (iv) a description sufficiently exact to identify the price-controlled goods;
 - (v) the quantity of the price-controlled goods sold or hired;
 - (vi) the prices or charges charged therefor including any charge for commission; and
- (b) shall retain in his records a duplicate copy of such invoice, which need not contain the name of the seller or person letting on hire.
- (2) Every manufacturer, producer, trader or commission agent —
- (a) shall at the time of sale or hire of price-controlled goods by retail to a consumer supply the consumer an original invoice containing the following particulars—
- (i) the name of the seller or person letting on hire;
 - (ii) the date of the sale or hire;
 - (iii) a description sufficiently exact to identify the price-controlled goods;
 - (iv) the quantity of the price-controlled goods sold or hired; and
 - (v) the prices or charges charged therefor including any charge for commission; and
- (b) shall retain in his records a duplicate copy of such invoice which need not contain the name of the seller or person letting on hire.
- (3) For the purposes of this section the seller or person letting on hire shall specify in writing the price or charge which he assigns to each class of price-controlled goods included in the transaction.
- (4) Every person who renders to any person any price-controlled service for which a charge has been or is to be made shall, as soon as possible after such service has been rendered, supply to such person an invoice describing the said service and showing the charge which has been or is to be made for such service, including any charge for commission, and the selling price of any materials used in connection therewith and shall keep a copy of every such invoice in his records
- (5) The Price Commissioner may, by order under his hand, exempt any trader, manufacturer, producer, commission agent or other person from compliance with the provisions of subsection (1), (2), (3), or (4) for such period and subject to such conditions as he may specify in such order.

PART IV

OFFENCES

- Sale, hire or service above maximum price or charge
20. Any person who sells or lets on hire any price-controlled goods or renders any price-controlled service at a price or charge which exceeds the maximum price or the maximum hire charge, or the maximum service charge, as the case may be, or charges any commission exceeding the maximum commission, shall be guilty of an offence.
- Sale of price-controlled goods not conforming with requirements
21. Any trader who sells, lets on hire, purchases, or is in possession of any price-controlled goods manufactured in Tanganyika which do not conform as to packing, weight, size, quality or the processing or ingredients thereof with any order made under this Act shall be guilty of an offence.
- Failure to display prices, etc.
22. Any person who fails to comply with the requirements-
- (a) in regard to the display of maximum prices and charges, imposed by section 17; or
 - (b) in regard to the keeping of books of account and records, the making of entries therein, and the preservation thereof, imposed by section 18; or
 - (c) in regard to the supply or retention of invoices imposed by section 19.
- shall, unless he has been exempted from compliance with such obligations, be guilty of an offence.
- Falsification of documents
23. Any person whom relation to any dealing in price-controlled goods or price-controlled services falsifies any document, record, book or account concerning his trade or business, or knowingly or recklessly makes an entry therein which is false or incorrect in any material particular, or neglects to make an entry concerning any dealing in, price controlled goods or price-controlled services which should have been made in the normal course of trade and the absence of which makes such document, record, book or account false or incorrect, shall be guilty of an offence.
- Price-controlled article sold together with article not price-controlled
- 24.-(1) Where any price-controlled article and any article which is not price-controlled are sold together by trader to a buyer at a single price in excess of the aggregate of the maximum price of the price-controlled and the normal price of the article not price-controlled when sold separately, the trader shall be deemed to have sold the price-controlled article at a price in excess of the maximum price and shall be guilty of an offence.
- (2) Where any price-controlled article, is supplied by a trader in the course of a service for which no maximum service charge is fixed and the price charged by him for such service includes the price of the article and other articles (if any) supplied by him in the course of rendering such service, then if such price so charged exceeds the aggregate of the maximum price of the price-controlled article and the normal charge

of the service, taking into account all the articles, other than the price-controlled article, supplied by the trader, the trader shall be deemed to have sold the price-controlled article at a price in excess of the maximum price and shall be guilty of an offence.

(3) Where a person renders a price-controlled service and at the same time for the same price renders a service in respect of which no maximum price has been fixed or supplies any article not price controlled, then if the price charged exceeds the aggregate of the maximum price of such service in respect of which maximum price is fixed and the normal price of such other service or article not price controlled, such person shall be deemed to have charged for the price-controlled service a service charge in excess of the maximum service charge and shall be guilty of an offence.

(4) For the purposes of this section "normal price" means —

- (a) in relation to any article, the price at which similar article was normally sold, on or about the date when the offence is alleged to have been committed, by other traders in the same locality in which the accused carries on the business in the course of which the offence is alleged to have been committed;
- (b) in relation to any service, means the price at which similar service was normally rendered, on or about the date when the offence is alleged to have been committed, by other persons engaged in the business of rendering similar service in the same locality in which the accused carries on the business in the course of which the offence is alleged to have been committed.

25. Any person who—

- (a) obstructs any person authorized by this Act to enter and inspect any premises or to examine any books, accounts or other documents; or
- (b) refuses or delays or fails to produce any books, accounts or other documents relating to his trade or business which he may be required under this Act to produce; or
- (c) refuses to furnish any information or who knowingly or without reasonable grounds for believing the same to be true furnishes false information upon demand being made by a person authorized by this Act to demand the same; or
- (d) fails to comply with any order, requirement or notice lawfully given or made under this Act,

Offences to obstruct authorities

shall be guilty of an offence.

26. Any person who is guilty of any offence under this Act shall, upon conviction, be liable to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

penalty

PART V

ENFORCEMENT PROVISIONS

General
powers

27.- (1) The Price Commissioner, any Assistant Price Commissioner any Price Inspector, any police officer of or above the rank of Assistant Inspector or any person authorized in writing by any of the foregoing in that behalf shall have the power-

- (a) to enter and inspect any premises in the occupation or under the control of any trader, manufacturer, producer, commission agent, clearing and forwarding agent or other person supplying price-controlled goods or rendering price-controlled services;
- (b) to examine and make copies of, or seize, any books, accounts or other documents relating to the trade or business of any trader, manufacturer, producer, commission agent, clearing and forwarding agent or other person supplying price-controlled goods or rendering price-controlled services.

(2) Upon entering any premises in pursuance of the powers conferred by this section, the person authorized to enter the said premises shall, before proceeding to exercise any of the other powers conferred by subsection (1) of this section, inform the person present on such premises who is or who reasonably appears to be for the time being in charge of such premises of his intention to exercise his powers under this section.

(3) When any books, accounts or other documents are seized in pursuance of the provisions of paragraph (b) of subsection (1) the person seizing the same shall-

- (a) furnish the owner thereof with a receipt therefor;
- (b) be responsible to the owner thereof for the safe custody of the same; and
- (c) return the same to the owner thereof as soon as his purpose therewith has been served:

Provided, that the provisions of paragraph (c) of this, subsection shall not be construed as derogating from the provisions of any other law for the time being in force which authorizes the retention by a police officer of such books, accounts or other documents.

(4) Nothing in subsection (3) shall be construed as requiring any person to return or be responsible for the safe custody of any books, accounts or other documents which have been handed to a police officer or which have been produced as exhibits in proceedings before any court.

(5) The Price Commissioner, any Assistant Price Commissioner, or any person authorized in that behalf by writing by either the Commissioner or an Assistant Commissioner shall have the power-

- (a) to order in respect of any price-controlled goods, or any goods in relation to which an order has been made under section 30, that, when exposed or offered for sale or hire, they shall bear such mark or label as may be specified in the order for, the purpose of indicating their quality, grade, price or place of origin;
- (b) by order in the Gazette, to prescribe the place in which any price-controlled goods may be stored.

(6) The Price Commission may, with the consent of the Minister, take such measures and do such Acts, matters and things as in its opinion are necessary for the proper enforcement of the provisions of this Act.

28.-(1) The Price Commissioner may, by writing under his hand, appoint any public officer or other person to be a Price Inspector for the purposes of this Act.

Price
inspectors

(2) In addition to the powers conferred upon a Price Inspector by the provisions of this Act, he shall have the power generally to investigate and report upon any non-compliance with any provision of this Act.

(3) Every Price Inspector shall be issued with a letter of identity in the form approved by the Price Commissioner and shall, where in the course of the discharge of his functions under this Act he is required by any person to produce such letter for inspection, produce the same to such person for his inspection.

29.-(1) The Price Commissioner or any Assistant Price Commissioner may in writing certify-

Certificate

- (a) the maximum price that has been fixed for any wholesale or retail sale of any price-controlled goods;
- (b) what constitutes a wholesale or retail sale,
- (c) the maximum hire charge that has been fixed for the hire of any price-controlled goods;
- (d) the maximum service charge that has been fixed for any price-controlled service;
- (e) the maximum commission that has been fixed in respect of the sale, purchase or hire of any price-controlled goods or the rendering of any price-controlled services;
- (f) the total amount of the overcharge invoiced in any transaction;
- (g) the maximum profit allowed upon the sale of any price-controlled goods;
- (h) that any exemption or permission which may be given under this Act has or has not been given, or having been given has been withdrawn;
- (i) that an order or notice made under this Act has been published in any manner other than publication in the *Gazette*.

(2) In any proceedings under this Act instituted in any court, any such certificate shall be admissible in evidence and the court shall, unless the contrary is proved, presume that the signature to the certificate is genuine and is that of the person purporting to hold the office stated therein and that any fact so certified or purporting to be so certified is correct.

Display of prices of goods not price-controlled

30.-(1) The Price Commission may, with the consent of the Minister, and by order in the *Gazette*, require all or any category of traders dealing or authorized by their business licence to deal in any price-controlled goods to display, in such manner as may be specified in such order, prices of all or any class of goods (whether or not price-controlled) sold or exposed for sale by such traders.

(2) Any person to whom any order made under this section applies and who fails to comply with any requirement of such order, shall be guilty of an offence.

Burden of proof and evidentiary provisions

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31.-(1) In any proceedings under this Act the production by the Price Commissioner any Assistant Price Commissioner, Price Inspector or any person authorized in writing in that behalf by the Price Commissioner or an Assistant Price Commissioner, or by any Police officer or a public prosecutor within, the meaning of section 84 of the Criminal Procedure Code, of an original invoice or a duplicate invoice purporting to have been found in the possession of the seller, or a copy of such invoice certified as true copy by the Price Commissioner or an Assistant Price Commissioner or a Price Inspector, shall be admissible in evidence and shall be *prima facie* evidence of a sale by the seller and of the correctness of all the facts contained in such invoice, duplicate invoice or certified copy, and notwithstanding the provisions of any written law for the time being in force, the burden of proving that any sale did not take place or that any fact contained in the original invoice, the duplicate invoice or certified copy, is not what it purports to be shall lie upon the accused:

Provided that where the prosecution alleges that any fact contained in any such original invoice, duplicate invoice or certified copy is not what it purports to be, the burden of proving that such fact is correct shall lie upon the accused.

(2) In any proceedings under this Act the prosecutor may, notwithstanding the provisions of any written law for the time being in force, call evidence in rebuttal of any evidence given by the defence.

(3) In any proceedings against any person for an offence under this Act, it shall be no defence —

- (a) that the accused had purchased such goods at a price which in fact exceeds the maximum price thereof under this Act, or that the goods were purchased by the accused before the coming into force of the price-control in relation to such goods and at a price in excess of the maximum price;

(b) that any invoice or other document showing the price at which the goods were sold was endorsed to the effect that no responsibility could be accepted in respect of any error or omission in the invoice or document, or endorsed with symbols indicating, that the statements in such invoice or documents were subject to correction.

(4) In any prosecution for an offence under this Act, the court shall not be entitled to reject the evidence of any person or require any corroboration of the evidence given by him on the ground only that such person participated in the offence by purchasing, whether knowingly or unknowingly, a price-controlled article, or by obtaining a price-controlled service, at more than the maximum price.

(5) In this section "sale" includes the rendering of any service.

32.-(1) Where any person has a cause to believe that he has been charged in respect of any price-controlled goods or service a price in excess of the maximum charge, such person may report his belief to the Price Commissioner, an Assistant Price Commissioner, a Price Inspector, a member of the Price Commission or any officer of the Price Commissioner's office or a police officer and it shall be the duty of the person to whom such report is made forthwith to investigate the same and (where such report is made to a person other than a police officer) to report his finding either to the Price Commissioner or a police officer.

Report

(2) The Price Commission shall from time to time issue directions to persons authorized by subsection (1) to receive reports on the manner in which they shall proceed to investigate any such report and every such direction shall be complied with accordingly.

PART VI

COMPOUNDING OF OFFENCES

33. The provisions of this Part shall apply where a person has committed an offence under this Act and by a writing signed by him and addressed to the Price Commissioner he admits having committed the offence and requests the Price Commissioner to compound the same:

Application

Provided that in the case of an offence of selling or hiring any price-controlled goods or rendering any price-controlled service at more than the maximum price, the provisions of this Part shall not apply if the price at which such goods were sold or hired, or the service was rendered, exceeded the maximum price by more than fifty shillings.

34. (1) The Price Commissioner may, where he is satisfied that any person has committed an offence under this Act or under any regulations made under this Act, by order, compound such offence by requiring such person to make payment of a sum of money:

Price commissioner may compound offences

Provided that-

- (a) such sum of money shall not be less than one hundred shillings or more than two thousand shillings;
- (b) the price commissioner shall give to the person from whom he receives such sum of money, a receipt therefor.

(2) Where an offence is compounded in accordance with the provisions of subsection (1) and any proceedings are brought, against the offender for the same offence, it shall be a good defence for such offender if he proves to the satisfaction of the court that the offence with which he is charged has been compounded under subsection (1).

(3) Where any person is aggrieved by any order made under subsection (1) he may, within thirty days of such order being made, appeal against such order to the High Court and the provisions, of Part X of the Criminal Procedure Code shall apply *mutatis mutandis* to every such appeal as if it were an appeal against a sentence passed by a district court in the exercise of its original jurisdiction.

PART VII

MISCELLANEOUS PROVISIONS

Exclusive of price-controlled goods or price-controlled service from any provision of the Act

35. Where, in the opinion of the Minister the application of the provisions of this Act to any price-controlled goods or price-controlled services is or is likely to be detrimental to the public interest he may, by order in the *Gazette*, and for such period and subject to such conditions as he may in such order specify, exclude such goods or services from the application of all or any of the provisions of this Act.

36. The Price Commissioner may at any time and without assigning any reason therefor, cancel or vary any exemption or permission which he may have granted under the provisions of this Act.

Regulations and directions

37.-(1) The Minister may make regulations for the better carrying into effect of the purpose and provisions of this Act.

(2) The Minister may give the Price Commission or the Price Commissioner or an Assistant Price Commissioner any direction not inconsistent with the provisions of this Act or any direction given by the President under this Act, and every such direction shall be given effect to accordingly.

Provisions resolving conflict of statutory powers to determine price structures

38.-(1) Where by or under any other written law any, person or authority empowered to determine price structures for any goods or services, the Price Commission or an Assistant Price Commissioner shall not exercise its or his powers under this Act to fix maximum prices or maximum charges in relation to such goods or services:

Provided that-

- (a) where in relation to any of such goods or services no maximum prices or charges have been fixed under any such other written law as aforesaid, maximum prices or, as the case may be, maximum charges in relation to such goods or services may be fixed under and accordance with the provisions of this Act, and any price or charge relation to any such goods or service subsequently fixed under such other written law shall, notwithstanding any provision of such written law, be ineffective and the prices or charges fixed under this Act shall continue to apply in relation to such goods or services until varied in accordance with the provisions of this Act;-

- (b) the President may, by order in the *Gazette*, provide that the person or authority having power under any written law as, aforesaid to fix prices or charges for any goods or services shall cease to have such power, either in relation to all such goods or services to which such power applies or to any category of such goods or services specified in the order, and upon such order being published, such person or authority shall, with effect from the date of the publication of the order or any subsequent date specified in the order and notwithstanding the provisions of such other written law, cease to have such power in relation to the goods or services specified in the order, and with effect from such date, maximum prices in relation to such goods or, as the case may be, maximum charges in relation to such services, may be fixed under and in accordance with the provisions of this Act.
- (2) Where the President makes an order under paragraph (b) of the proviso to subsection (1) he may, by such or any subsequent order amend the relevant written law to the extent necessary to give effect to the provisions and purposes of the order and every such amendment shall be deemed to have been made by this Act and shall take effect accordingly .

PART VIII
REPEAL AND SAVINGS

- 39.** The Price Control Ordinance is repealed. Repeal
- 40.** Notwithstanding the repeal of the Price Control Ordinance all subsidiary legislation made under that Ordinance shall, in so far as they may be applicable, continue in force and have effect as subsidiary legislation made under the corresponding provision of this Act, and may be amended or revoked accordingly., saving
- 41.** The President may, at any time within six months of the commencement of this Act, by order in the *Gazette*, make such further transitional and consequential provisions as he may deem necessary consequent upon the repeal of the Ordinance and its re-enactment by this Act. Transitional provisions

SCHEDULE

- 11.** In this Schedule "the appointing authority" means.- Interpre-
- (a) in relation to the Price Commissioner, the President; tation
- (b) in relation to any other member, the Minister.
- 2-(1) A member of the Commission, other than the Price Commissioner shall, unless his appointment is sooner determined by the appointing authority, or he otherwise ceases to be a member, hold office for such period as the appointing authority may specify in his appointment, or if no period is so specified, for period of three from the date of his appointment, and shall be eligible for re-appointment. The price Commissioner shall continue to hold office until he dies, resigns, retires from the civil service or is removed from office by the President Membership
- (2) Any member of the Board may at any time resign by giving notice in writing to the Appointing authority and from the date specified in the notice or, if no date is so specified, from the date of the receipt of the notice by appointing authority, he shall cease to be a member.

Casual vacancies	3. Where any member ceases to be a member for any reason before the expiry of his term of office, the appointing authority may appoint another person in his place and the person so appointed shall hold office for the remainder of the term of office of his predecessor.
Meetings	4.-(1) An ordinary meeting of the Commission shall be convened by the chairman and the notice specifying the place, date and time of the meeting shall be sent to each member at his usual place of business or residence not less than three days before the date of such meeting. (2) The chairman shall be bound to convene a special meeting of the Commission upon receipt of a request in writing in that behalf signed by not less than two other members. Not less than three days notice of such meeting shall be given to all members of the Commission in the manner prescribed in sub-paragraph (1). (3) The chairman presiding at any meeting of the Commission may invite any person who is not a member to participate in the deliberations of the Commission but any such person shall not be entitled to vote.
Procedure	5.-(1) The chairman and three other members shall form a quorum for a meeting of the Commission (2) At any meeting of the Commission a decision of the majority of the members present and voting shall be deemed to be a decision of the Commission. In the event of an equality of votes the chairman shall have a casting vote in addition to his deliberative vote. (3) Notwithstanding the provisions of sub-paragraph (2), where the chairman so directs, a decision may be made by the Commission without a meeting by circulation of the relevant papers among all the members and the expression in writing of their views, but any member shall be entitled to require that any such decision shall be deferred until the subject matter shall be considered at a meeting of the Commission.
Minutes	6 Minutes in proper form of each meeting of the Commission shall be kept and shall be confirmed by the Commission at the next meeting and signed by the chairman of the meeting.
Vacancy, etc. not to invalidate proceedings	7. Subject to the provision of paragraph 5 relating to quorum the Commission may act notwithstanding any vacancy in the thereof other than a vacancy in the office of chairman) and no act or proceeding of the Commission shall be invalid by reason only of some defect in the appointment of a person who purports to be a member thereof.
Orders, directions, etc.	8. All orders, directions, notices or documents made or issued by the Commission shall be signed by- (a) the Price Commissioner; or (b) any member of the Commission or other officer of the Price Commissioner's department authorized in writing by the price Commissioner in that behalf.
Commission may regulate its own proceedings	9. Subject to the provisions of this Schedule the Commission shall have power to regulate its own proceedings.

Passed in the National Assembly on the twentieth day of July, 1973.


Clerk of the National Assembly