

REPRINT

PRICE CONTROL ACT (CAP. 64)

As in force at: 1 October 2009

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| STATUS: CURRENT |
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| For details see Endnotes |
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AN ACT TO PROVIDE FOR A PRICES ADVISORY COMMITTEE; TO REQUIRE PERSONS WHO SELL CERTAIN GOODS OR SUPPLY CERTAIN SERVICES TO POST UP THEIR PRICES OR CHARGES; TO ENABLE THE MINISTER BY ORDER TO RESTRICT PRICES OR CHARGES; AND FOR CONNECTED PURPOSES.

PRICE CONTROL ACT (CAP. 64)

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PRICE CONTROL ACT (Cap. 64)

As in force at: 1 October 2009

1 Short title and interpretation

- (1) This Act may be cited as the *Price Control Act*.
- (2) In this Act, “**business**” includes any trade, profession or vocation, and the expression “**by way of business**” shall be interpreted accordingly.

2 Prices Advisory Committee

- (1) There shall be Prices Advisory Committee (in this Act referred to as the “Advisory Committee”).
- (2) The Advisory Committee shall consist of a Chairman and four other members appointed by the Minister.
- (3) As to the members other than the Chairman:
 - (a) two of them shall be members appointed after consultation with persons appearing to the Minister to represent producers, wholesalers and retailers; and
 - (b) two of them shall be members appointed after consultation with persons appearing to the Minister to represent consumers;and the Chairman shall be a person who appears to the Minister to be impartial.
- (4) At any meeting of the Advisory Committee it shall be taken to be properly constituted if there are present the Chairman and at least one member appointed after consultation under each of paragraphs (a) and (b) of subsection (3).
- (5) The Chairman and other members of the Advisory Committee:
 - (a) shall hold and leave office in accordance with their terms of appointment;

- (b) may at any time by notice in writing resign; and
 - (c) may be removed from office if (in the opinion of the Minister) they have become physically or mentally incapacitated or have failed to discharge their functions as members or have otherwise become unable or unfit to discharge their functions.
- (6) The Minister shall provide such staff and other facilities for the Advisory Committee as may be necessary for the performance of its functions.
- (7) The Advisory Committee may regulate its own procedure.
- (8) There shall be paid to the Chairman and other members of the Advisory Committee such travelling and other allowances (including compensation for loss of remunerative time) as the Minister may from time to time determine.
- (9) Membership of the Advisory Committee is not a public office for the purposes of the *Constitution*.

3 Functions of the Advisory Committee

- (1) It shall be the duty of the Advisory Committee:
- (a) to keep under review the prices or charges for sale of goods or supply of services;
 - (b) from time to time to consider which goods or services should be the subject of an order under section 4, and which goods or services subject to such an order should cease to be so subject;
 - (c) from time to time to consider what prices or charges should be restricted under section 6 and how the restriction should be framed, and what prices or charges restricted under that section should be differently restricted or should cease to be restricted;
 - (d) where power to fix prices or charges for the sale of goods or supply of services to which this Act applies is conferred on a Minister or other person exercising Government functions, to consider from time to time the level at which such prices or charges should be fixed;

- (e) to consider the terms of any order to be made by the Minister under this Act;
- (f) to consider the terms of any order, to be made by a Minister or other person exercising Government functions, fixing prices or charges for the sale of goods or the supply of services to which this Act applies;

and they shall report to the Minister accordingly.

- (2) The Minister shall lay a copy of any report received by him under this section before Parliament and shall publish the report in the *Gazette* or in such other manner as he thinks appropriate.

4 Application of Act to goods and services

- (1) The Minister may by order apply this Act to any goods or services.
- (2) The order may apply the Act to goods sold or services supplied in a particular place or area or in particular circumstances.
- (3) References in this Act to goods or services to which this Act applies shall be interpreted in accordance with orders under this section.
- (4) No order may be made under this section unless the Advisory Committee have been consulted as to the terms of the order; but this subsection does not limit the discretion of the Minister as to the matters to be included in the order.
- (5) The Minister shall make arrangements for the purpose of securing that, before the date on which an order under this section comes into effect, adequate steps are taken to bring the contents of the order to the attention of those who may be affected by it.

5 Requirement to post up prices and charges

- (1) A person who, by way of business, sells goods or supplies services to which this Act applies shall, at any premises (including market premises) where the goods are sold or from which the services are supplied, display notice of the price or charge which they are sold or supplied.
- (2) A notice under this section shall be of such size and shall be so

displayed as to be clearly visible to persons entering for business purposes the premises or, as the case may be, the part of the premises where the goods are sold or from which the services are supplied.

- (3) The Minister may by order prescribe the form that a notice is to take for compliance with this section; and a notice in that form shall be taken to comply with the requirement of subsection (2) as to size.
- (4) A person who fails to comply with subsection (1) shall be guilty of an offence and liable to a fine of three hundred penalty units, or imprisonment for three months, or to both.

6 Power to restrict prices or charges

- (1) The Minister may by order restrict any prices or charges for the sale or supply, by way of business, of any goods or services to which this Act applies.
- (2) An order under this section may specify the restriction on any price or charge or may specify any method for determining the restriction.
- (3) An order under this section may apply in relation to goods sold or services supplied in a particular place or area or in particular circumstances, and may make different provision for sales or supplies in different places or areas or in different circumstances.
- (4) An order under this section may contain incidental or supplemental provisions, including provisions for the recovery of overpayments.
- (5) No order may be made under this section unless the Advisory Committee have been consulted as to the terms of the order; but this subsection does not limit the discretion of the Minister as to the matters to be included in the order.
- (6) The Minister shall make arrangements for the purpose of securing that, before the date on which an order under this section comes into effect, adequate steps are taken to bring the contents of the order to the attention of those who may be affected by it.
- (7) Where the price or charge for the sale of any goods or the supply of any service is restricted by an order under this section, any person

who sells those goods or supplies that service at a price or charge in excess of the restricted price or charge shall be guilty of an offence and liable:

- (a) to a fine of five hundred penalty units; or
 - (b) to imprisonment for five months, or to both.
- (8) Section 66(1) of the *Interpretation and General Provisions Act* (power to create offences under regulations) applies to an order under this section as it applies to regulations under an Act.

7 Requirement to provide information

- (1) The Minister may by notice require any person to provide him with such information:
- (a) as he may reasonably require for the performance of his functions under this Act; or
 - (b) as may reasonably be required by the Advisory Committee for the performance of its functions under this Act.
- (2) A notice under this section shall specify the manner in which the information is to be provided and the time within which it is to be provided.
- (3) A person who, without reasonable excuse, fails to comply with the requirements of a notice under this section shall be guilty of an offence and liable to to a fine of one hundred penalty units.
- (4) No information obtained by the Minister under this section shall be disclosed except:
- (a) with the consent of the person by whom, or on whose behalf, the information was provided;
 - (b) to the Advisory Committee;
 - (c) to any Minister or public officer in the course of his duties as such; or
 - (d) with a view to the institution of, or otherwise for the purpose of,

any criminal proceedings under this Act.

- (5) A person who contravenes subsection (4) shall be guilty of an offence and liable to a fine of three hundred penalty units.
- (6) A person who, in purported compliance with the requirements of a notice under this section:
 - (a) makes any statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular; or
 - (b) with intent to deceive, produces a document which is false in a material particular,

shall be guilty of an offence and liable to a fine of five hundred penalty units.

8 Powers of inspection

- (1) For the purpose of determining whether any offence under this Act is being or has been committed, a duly authorised officer of the Minister may at all reasonable hours and on production, if required, of his authority:
 - (a) inspect any goods and enter any land or premises (other than premises used only as a dwelling); and
 - (b) require any person carrying on a business, or employed in connection with a business, to produce any document relating to the business,

and the officer may make extracts from or copies of documents produced under paragraph (b).

- (2) A person who:
 - (a) wilfully obstructs an officer acting under this section; or
 - (b) with intent to deceive, produces a document which is false in a material particular,

shall be guilty of an offence and liable to a fine of three hundred

penalty units.

- (3) No information obtained under this subsection shall be disclosed except as specified in section 7(4), and a person who contravenes this subsection shall be guilty of an offence and liable to a fine of three hundred penalty units.

9 Modification of application of Act to Government, etc.

- (1) An order under section 4 may apply this Act to goods sold or services supplied by the Government or otherwise by or on behalf of the Crown.
- (2) An order under section 6 may not restrict the price or charge:
 - (a) for any goods sold or services supplied by the Government; or
 - (b) for any goods sold or services supplied where the price or charge for the sale or supply is fixed or restricted by or under any written law (other than this Act or an order under it).
- (3) Where this Act applies to any goods or services, but:
 - (a) by virtue of subsection (2), the price or charge for their sale or supply may not be restricted by an order under section 6; and
 - (b) the power to fix that price or charge is conferred on a Minister or other person exercising Government functions,

the power referred to in paragraph (b) shall not be exercised unless the Advisory Committee has been consulted; but this subsection does not limit the discretion of the Minister or other person in fixing the price or charge concerned.

- (4) Subsection (3) does not have effect in respect of any power conferred by or under the *Preservation of Public Security Act* or the *Essential Services Act*.

10 Orders under the Act

- (1) An order under any provision of this Act may be varied or revoked by a subsequent order under that provision.

- (2) Without prejudice to section 68 of the *Interpretation and General Provisions Act*, the variation or revocation of an order under any provision of this Act shall not affect liability for any offence committed before the variation or revocation takes effect.
- (3) A copy of an order to be made under sections 4 or 6 shall be laid before Parliament before the order comes into effect.
- (4) In the case of an order under section 4, if, within the period of twenty days beginning with the day on which the copy is laid, Parliament resolves that the order be annulled, the order shall cease to have effect as from the date of the resolution, but without prejudice to the validity of anything previously done under it or to the making of a new order.
- (5) In reckoning any period of twenty days for the purposes of subsection (4), no account shall be taken of any time during which Parliament is prorogued or dissolved or is adjourned for more than four days.
- (6) An order under any provision of this Act shall be published in the *Gazette* and shall not come into effect until the date of publication.
- (7) Sections 61(1), 62 and 65(2) of the *Interpretation and General Provisions Act* do not apply to any subsidiary legislation under this Act.

11 Non-compliance or inadequate compliance of certain directory provisions not to affect validity or operation of certain orders

The validity or operation of an order made under section 4 or section 6 shall not be affected by non-compliance or inadequate compliance of the provisions contained in section 3(2), or section 4(5) or section 10(3), nor the validity or operation of any such order shall be called in question by or before any court or public officer merely on the ground of the non-compliance or inadequate compliance of any such provision.

ENDNOTES

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KEY

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| amd = amended | Pt = Part |
| Ch = Chapter | rem = remainder |
| Div = Division | renum = renumbered |
| exp = expires/expired | rep = repealed |
| GN = Gazette Notice | Sch = Schedule |
| hdg = heading | Sdiv = Subdivision |
| ins = inserted | SIG = Solomon Islands Gazette |
| lt = long title | st = short title |
| LN = Legal Notice | sub = substituted |
| nc = not commenced | |

NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 64 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act since that date.

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LIST OF LEGISLATION

Price Control Act (Cap. 64)

Constituent legislation: 6 of 1982 (Commenced 26 March 1982)
9 of 1983

Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)

| | |
|-------------|----------------|
| Assent date | 29 July 2009 |
| Gazetted | 1 October 2009 |
| Commenced | 1 October 2009 |

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LIST OF AMENDMENTS

| | |
|-----|---------------------------|
| s 5 | amd by Act No. 14 of 2009 |
| s 6 | amd by Act No. 14 of 2009 |
| s 7 | amd by Act No. 14 of 2009 |
| s 8 | amd by Act No. 14 of 2009 |