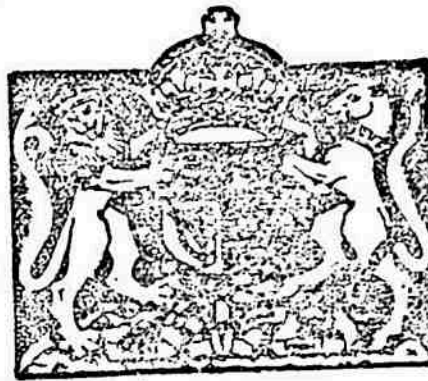


PARLIAMENT OF CEYLON

4th Session 1950



Control of Prices Act, No. 29 of 1950

Date of Assent : October 20, 1950

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L. D.—O. 20/50.

AN ACT TO PROVIDE FOR THE REGULATION AND CONTROL
OF THE PRICE OF COMMODITIES.

[Date of Assent: October 20, 1950.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Control of Prices Act, No. 29 of 1950, and shall come into operation on the ninth day of December, 1950 (such date being hereinafter referred to as the "appointed date").

Short title.
and date of
operation.

2. (1) There may be appointed, by name or by office, for the purposes of this Act—

Appointment
of officers
and servants.

(a) a Controller of Prices (Food), and such number of Deputy and Assistant Controllers of Prices (Food) as may be necessary;

(b) a Controller of Prices (Miscellaneous Articles) and such number of Deputy and Assistant Controllers of Prices (Miscellaneous Articles) as may be necessary; and

(c) such number of other officers as may be necessary to assist the aforesaid officers.

(2) The act of appointment of any Deputy or Assistant Controller shall specify whether he is appointed as such for the whole of Ceylon or for any part thereof (the area for which such Deputy or Assistant Controller is appointed being hereinafter referred to as the "area of his appointment").

(3) There may also be appointed such clerical and minor staff as may be necessary to assist the aforesaid officers in the administration of this Act.

3. (1) Every Deputy or Assistant Controller shall, in the exercise of his powers, the performance of his duties or the discharge of his functions, be subject to the general direction and control of the Controller.

Powers and
duties of
officers.

(2) Every Deputy or Assistant Controller may, subject to the general direction and control of the Controller, within the area of his appointment

exercise, perform or discharge all or any of the powers, duties or functions vested in, imposed upon, or assigned to, the Controller by or under this Act.

Orders fixing
prices and
prescribing
conditions of
sale.

4. (1) If it appears to the Controller that there is, or is likely to arise, in any part of Ceylon, any shortage of any article or any unreasonable increase in the price of any article, the Controller may by Order—

(a) fix the maximum price (both wholesale and retail) above which that article shall not be sold; and

(b) prescribe the conditions of the sale of that article including conditions as to the time and place of the sale and the quantity and quality of the article to be sold.

(2) An Order may be limited in operation to any particular place or area in Ceylon and in duration for any specified time or period:

Provided, however, that no Order made by a Deputy or an Assistant Controller shall be operative outside the area of his appointment.

(3) Every Order made under sub-section (1) shall come into operation when such Order is made and signed by the Controller.

(4) After an Order has been signed by the Controller, public notice thereof shall forthwith be given—

(a) by beat of tom-tom at such public places within the area in which the Order is to be in operation as the Controller may direct, and by causing a copy of the Order and a translation thereof in Sinhalese and Tamil to be fixed and exhibited in a conspicuous position in every Kachcheri, District Court, Magistrate's Court and police station situated in that area; or

(b) by publication of the Order in the *Gazette*;
or

(c) in such other manner as may be prescribed by regulations made under section 6.

(5) Every Order shall, as soon as may be after the date on which it comes into operation, be placed before the Minister for consideration and the Minister may thereupon approve or rescind the Order.

(6) Where an Order is rescinded by the Minister under sub-section (5), notice of such rescission shall be published in the *Gazette* and the Order shall be deemed to be rescinded with effect from the date of such publication but without prejudice to anything done or suffered thereunder or any right, obligation or liability acquired, accrued or incurred thereunder.

(7) Where an Order has been approved by the Minister, notification of such approval shall be published in the *Gazette*; and upon such notification, the Order shall be deemed to be as valid and effectual as if it were herein enacted.

(8) Notwithstanding that an Order made under sub-section (1) in respect of any article may have been approved by the Minister, that Order may at any time be revoked by the Controller—

- (a) by a new Order made under that sub-section in respect of that article; or
- (b) by Order published in the *Gazette* (such Order being hereinafter referred to as a "Revocation Order").

Every Revocation Order shall take effect on the date of the publication thereof in the *Gazette* or on such other date as may be specified therein; and nothing in sub-sections (5), (6) and (7) shall apply in the case of a Revocation Order.

(9) The rescission by the Minister or the revocation by the Controller of any Order made under sub-section (1) in respect of any article shall not be deemed to prejudice or affect the power of the Controller to make a new Order under that sub-section in respect of that article.

5. (1) The Controller may, by general directions issued to any class of persons or by special directions issued to any particular person, prescribe, in relation to that class or that person, as the case may be—

Power to issue
general or
special
directions.

- (a) the maximum quantity of any price controlled article to be sold on any one day;
- (b) the times during which, and the places at which, such article may be sold; and
- (c) any other conditions as to the sale of that article,

and so long as such directions are in force, every person to whom such directions apply shall sell or dispose of that article in accordance with such directions and not otherwise.

(2) Every general direction issued by the Controller under sub-section (1) shall be published by him in the *Gazette* and in at least one newspaper circulating in Ceylon.

(3) Every special direction issued to any person by the Controller under sub-section (1) shall be in writing and shall be served on the person to whom it is issued; and any such direction shall be deemed to be served on such person if it is sent by post addressed to him at his place of business. In proving such service by post, it shall be sufficient to prove that the document containing the direction was duly addressed and posted.

Regulations.

6. (1) The Minister may make regulations for the purpose of carrying out or giving effect to the principles and provisions of this Act.

(2) In particular, and without prejudice to the generality of the powers conferred by sub-section (1), the Minister may make regulations for or in respect of all or any of the following matters:—

- (a) the returns and information to be furnished for the purposes of this Act;
- (b) the appointment, constitution and functions of a general advisory board and one or more local advisory boards for the purpose of advising the Controller as to the prices at which and the conditions subject to which any article may be sold;
- (c) the power to summon and examine witnesses or informants, to administer oaths, to require the production of, or to impound, documents, and to search and inspect premises;
- (d) the prohibition, regulation or control of the storage, removal or disposal of any articles, and the prevention of the hoarding of any articles during the operation of any Order fixing the prices of such articles;
- (e) the seizure of articles in respect of which or in relation to which contraventions of any Order or regulation have been or are suspected to have been committed and the custody, sale and disposal of articles so seized or ordered by any Court to be forfeited;

(f) the modes other than the modes prescribed in section 4 (4), in which public notice may be given of Orders made under this Act; and

(g) any other matters incidental or consequential to any of the matters hereinbefore mentioned, or which may be necessary for the purpose of securing compliance with any Order which may be made under section 4.

(3) Every regulation made by the Minister shall be published in the *Gazette* and shall come into operation upon such publication.

(4) Every regulation made by the Minister shall be brought before the Senate and the House of Representatives within a period of one month from the date of the publication of that regulation under sub-section (3), or, if no meeting is held within that period, at the first meeting after the expiry of that period, by a motion that such regulation shall be approved.

(5) Any regulation which the Senate or the House of Representatives refuses to approve shall be deemed to be rescinded but without prejudice to the validity of anything previously done thereunder or to the making of any new regulation. The date on which such regulation shall so be deemed to be rescinded shall be the date on which the Senate or the House of Representatives refuses to approve the regulation.

(6) Notification of the date on which any regulation made by the Minister is so deemed to be rescinded shall be published in the *Gazette*.

(7) Any regulation made by the Minister shall, when approved by the Senate and the House of Representatives, be as valid and effectual as if it were herein enacted. Notification of such approval shall be published in the *Gazette*.

7. The provisions of section 7 of the Interpretation Ordinance shall apply in relation to the power to make regulations under this Act in like manner as they apply in the case of the power to make rules or issue orders under any Ordinance or Act of Parliament.

Application
of section 7
of the
Interpretation
Ordinance.
Cap. 2.

8. (1) Every person who acts in contravention of any Order or regulation made or deemed to be made under this Act, or of any general or special direction under section 5 of the Act, shall be guilty of an offence.

Offences and
penalties.

(2) If—

(a) any person, carrying on business at any premises situated in any place or area in which an Order is in operation fixing the price of any article, has in his possession for the purposes of trade a stock of such article; and

(b) that person, or any person employed by him in the course of the business, when asked at those premises by any other person (hereinafter referred to as the "buyer") to sell any quantity of such article, or when asked whether he or his employer has such article for sale—

(i) refuses to sell that quantity of the article or denies that he or his employer has the article, or uses any words, or gives any other indication, calculated to lead the buyer to suppose that he or his employer will not or cannot sell the article or has not got the article; or

(ii) offers to sell the article subject to a condition requiring the buying of any other article (whether or not an Order is in force in respect of such other article), or the making of any payment in respect of any service, or subject to any other condition, except a condition that the buyer shall pay the price forthwith,

the person carrying on the business or where such person is out of Ceylon, the person for the time being acting as manager or having control of the business shall be guilty of an offence, unless he proves that the act or default in respect of which he is charged was committed by some other person without his knowledge and that he had exercised all due diligence to prevent the commission of the act or default; and any person employed by him shall, where the act or default was committed by that person, also be guilty of such offence.

(3) In any prosecution for an offence under subsection (2), it shall be a sufficient defence for the accused to prove—

(a) that on the occasion in question he supplied a reasonable quantity of the article, or

had not a sufficient quantity in his custody or under his control to supply the quantity demanded; or

- (b) that he carried on the business in the article as a wholesale trader only, and that the sale of the quantity demanded by the buyer would have been contrary to the normal practice of a wholesale business; or
- (c) that the sale of the article on the occasion in question would have been contrary to any general or special direction issued to him under section 5.

(4) For the purposes of sub-sections (2) and (3)—

- (a) in determining what is a reasonable quantity, regard shall be had to all the circumstances of the case, including the question whether the buyer was or was not carrying on business as a trader in the article demanded, either alone or with other goods; and
- (b) if any person carries on business of any class in connection with which any article is sold or supplied, or if he has been in the habit of selling or supplying that article, he shall be deemed usually to carry on business in that article.

(5) Where an Order under the Food Control Act is in operation for the allocation and rationing of supplies of any article in any place, nothing in sub-section (2) shall be deemed to require or authorise any person carrying on business in that place to sell to any person any quantity of that article, otherwise than in accordance with any regulations for the time being in force under that Act relating to the sale and delivery of such article during the operation of that Order.

No. 25 of 1950.

(6) Every person who commits an offence under this Act shall, on conviction after summary trial before a Magistrate—

- (a) for the first offence, be liable to a fine not exceeding seven thousand five hundred rupees or to imprisonment of either description for a term not exceeding six months, or to both such fine and imprisonment; and

(b) for a subsequent offence, committed after a conviction for the first offence, be punished with imprisonment of either description for a term not exceeding two years and shall in addition be liable to a fine not exceeding ten thousand rupees.

(7) The court which convicts any person of an offence under this Act may order the forfeiture of any article in respect of which the offence was committed.

(8) Where any person who is employed by any other person (such other person being hereinafter referred to as the "employer") to sell articles in the course of any business carried on by the employer at any premises, is, by reason of anything done or omitted to be done at those premises, convicted of the offence of contravening any provision of any Order or regulation made or deemed to be made under this Act, then the employer; or where the employer is out of Ceylon, the person for the time being acting as manager or having control of the business, shall also be guilty of that offence unless he proves to the satisfaction of the court that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence.

(9) In the case of an offence under this Act committed by a body of persons—

(a) where the body of persons is a body corporate, every director and officer of that body corporate shall be deemed to be guilty of that offence; and

(b) where the body of persons is a firm, every partner of the firm shall be deemed to be guilty of that offence:

Provided that no such person shall be deemed to be guilty of an offence under this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

(10) Notwithstanding anything in the first Schedule to the Criminal Procedure Code, every offence under this Act shall be a cognizable offence within the meaning of that Code.

(11) The Controller and every Deputy and Assistant Controller shall be deemed to be peace officers within the meaning of the Criminal Procedure Code for the purpose of exercising any power conferred on peace officers by that Code.

9. No civil action or criminal prosecution shall be instituted or maintained against the Controller or any Deputy or Assistant Controller or any other officer appointed for the purposes of this Act in respect of any act bona fide done or omitted to be done in pursuance of any power or authority conferred or granted by or under this Act or by or under any Order or regulation made thereunder.

Protection of
officers.

10. The provisions of this Act or of any Order or regulation made thereunder shall have no application to any article imported, purchased or stored by or on behalf of the Naval, Military, Air Force or Civil Authorities for the use of His Majesty's Forces or the Civil Administration, or to the price at which any article specified by the Minister by notification published in the *Gazette* is sold to any officer authorised by the Minister to purchase such article for the use of the Civil Administration; but nothing in the section shall be deemed or construed to permit any person to sell, or authorise any person to refuse to sell, any article to the Naval, Military or Air Force Authorities, or to any other person on behalf of any of the last-mentioned Authorities, in contravention of the aforesaid provisions.

Application of
Act.

11. In this Act, unless the context otherwise requires—

Interpretation.

“ Article ” means any article of food, drink or merchandise;

“ Controller ”—

(a) in relation to articles of food or drink, means the Controller of Prices (Food) appointed under section 2 (1) (a); and

(b) in relation to any other articles, means the Controller of Prices (Miscellaneous Articles) appointed under section 2 (1) (b), and the expressions “ Deputy Controller ” and “ Assistant Controller ” shall be construed accordingly; and

“ Minister ”—

(a) in relation to articles of food or drink, means the Minister to whom the Prime Minister has assigned the function of controlling the prices of such articles of food or drink; and

(b) in relation to any other articles, means the Minister to whom the Prime Minister has assigned the function of controlling the prices of such other articles; and

“ price-controlled article ” means any article in respect of which an Order under section 4 is in operation.

Repeal and
savings.
No. 39 of
1939.

12. (1) The Control of Prices Ordinance, as amended by any defence regulation, shall, with effect from the appointed date, be repealed:

Provided, however, that notwithstanding such repeal, on and after the appointed date—

(a) every person who has been appointed under that Ordinance and holding an office or a post on the day immediately preceding that date shall be deemed to have been appointed to hold such office or post under this Act, but without prejudice to the provisions of section 60 of the Ceylon (Constitution) Order in Council, 1946;

(b) every Order made under section 3 of that Ordinance and in force on the day immediately preceding that date shall, in so far as that Order is not inconsistent with the provisions of this Act, be deemed to be an Order made under section 4 of this Act, and the provisions of this Act shall apply accordingly; and

(c) every regulation made or deemed to be made under section 4 of that Ordinance and in force on the day immediately preceding the appointed date shall, in so far as that regulation is not inconsistent with the provisions of this Act be deemed to be a regulation made under section 6 of this Act, and the provisions of this Act shall apply accordingly.

Cap. 2.

(2) The provisions of section 6 (3) of the Interpretation Ordinance shall upon the expiration—

(a) of the Defence (Control of Prices) (Supplementary Provisions No. 3) Regulations; and

(b) of regulations 52 to 55 of the Defence (Miscellaneous) Regulations, in so far as they apply in relation to or for the purposes of the Regulations specified in paragraph (a) hereof,

have effect in all respects as though they had been repealed by Act of Parliament.