

CHAPTER 314 SUPPLIES CONTROL ACT

• Act • Subsidiary Legislation •

ACT

Amended by

Act No. 54 of 1979

Act No. 17 of 1980

ARRANGEMENT OF SECTIONS

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2. Appointment of Controller of Supplies.
3. Power of Minister of Finance to make regulations.
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CHAPTER 314 SUPPLIES CONTROL ACT

An Act to provide for the maintenance of supplies and services essential to the life of the community and for regulating the import and export of such supplies, the prices at which such supplies may be sold, and for purposes connected therewith.

[Amended by Act No. 54 of 1979, Act No. 17 of 1980.]

[27th September, 1958.]

1. Short title

This Act may be cited as the Supplies Control Act.

2. Appointment of Controller of Supplies

There shall be appointed a fit and proper person to be Controller of Supplies for the purposes of all or any of the regulations made in accordance with the provisions of this Act.

3. Power of Minister of Finance to make regulations

The Minister of Finance may make regulations—

- (a) for regulating or prohibiting the production, treatment, keeping, storage, movement, transport, distribution, exportation, importation, sale, purchase, use or consumption of articles or goods of any description and, in particular, for controlling the prices at which such articles may be sold;
- (b) for regulating the carrying on of any undertaking engaged in essential work and, in particular, for controlling the charges which may be made by the undertakers in respect of the doing of any work by them;

- (c) for requiring persons carrying on, or employed in connection with, any trade or business specified in any Order made pursuant to any regulations, to produce to such person as may be so specified, any books, accounts or other documents relating to that trade or business, and for requiring any such persons to furnish such estimates or returns to such person as may be specified in the Order;
- (d) for any incidental and supplementary matters necessary or expedient for the purposes of the regulations including the entering and inspection of premises for the purpose of securing compliance with the regulations or Orders made thereunder;
- (e) for prohibiting the doing of anything regulated in accordance with this Act except under the authority of a licence granted by the Controller of Supplies;
- (f) for fixing penalties subject to the next succeeding section for the contravention of any regulation.

4. Penalties

Whosoever contravenes any regulation made under section 3 or any Order or rule made under such a regulation, or any direction given or requirement imposed thereunder, shall be guilty of an offence and liable, on summary conviction, to imprisonment for twelve months and to a fine of not less than three thousand dollars and not more than ten thousand dollars.

5. Power to impose charges

(1) The Minister of Finance may, by Order, provide for—

- (a) imposing and recovering in connection with any scheme of control contained in or authorised by the regulations, such charges as may be specified in the Order;
- (b) charging, in respect of the grant or issue of any licence, permit, certificate or other document provided for in the regulations, such fee as may be specified in the Order;
- (c) imposing and recovering such charges as may be so prescribed in respect of any service which, in pursuance of the regulations, is provided on behalf of Her Majesty or the Government or under arrangements made on behalf of Her Majesty or the Government other than service necessary for performance of duty imposed by law upon the Crown or the Government.

(2) All sums received by way of such fees or charges as aforesaid shall be paid into the Consolidated Fund or, if the Minister so directs, into such public fund or account as he or she may determine.

6. Proof of instruments

Every document purporting to be an instrument made or issued by any authority or person in pursuance of any provision contained in, or having effect under, regulations made by virtue of this Act, and to be signed by or on behalf of the said authority or person, shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by that authority or person; and *prima facie* evidence of any such instrument as aforesaid may, in any legal proceedings (including arbitrations), be given by production of a document purporting to be certified to be a true copy of an instrument made by, or on behalf of, the authority or person having power to make or issue the instrument.

CHAPTER 314
SUPPLIES CONTROL ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Supplies Control (Prices) Regulations
 2. Supplies Control Regulations
 3. Supplies Control (School Books) Regulations
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Supplies Control (Prices) Regulations

SRO 14 of 1959

Amended by

SRO 24 of 1965
SRO 6 of 1967
SRO 18 of 1971
SRO 3 of 1973
SRO 23 of 1978
Act No. 55 of 1979
Act No. 56 of 1979
SRO 11 of 1980
SRO 9 of 1981
SRO 21 of 1981
SRO 22 of 1981
SRO 2 of 1987
SRO 23 of 1987
SRO 7 of 1988

ARRANGEMENT OF REGULATIONS

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SUPPLIES CONTROL (PRICES) REGULATIONS

1. Citation

These Regulations may be cited as the Supplies Control (Prices) Regulations.

2. Definitions

In these Regulations, unless otherwise stated, or the context otherwise requires—

“Controller of Supplies” includes a price control officer, a police officer and any other person acting under the written, general or specific instructions of the Controller of Supplies appointed under section 2 of the principal law;

“cost of packages” the prices fixed by these Regulations shall be deemed to include the cost of the package in which any particular article is sold, unless otherwise expressly provided in these Regulations or in the Schedules hereto;

“hoard” means laying aside for the purpose of accumulating any article to which these Regulations apply;

“landed cost”, in relation to any goods, means the total of the following amounts, namely—

- (a) the C.I.F. value thereof at the port of entry;
- (b) cost of remittance to place of payment;
- (c) the customs duty payable thereon;
- (d) an additional sum not exceeding 2½ per cent of the total amounts referred to in paragraphs (a), (b) and (c) above, as may appear reasonable to the Controller of Supplies;

“principal law” means the Supplies Control Act;

“retail” refers to the sale of goods in any quantity less than the quantity specified in the definition of “wholesale”;

“retailer”, in relation to any description of goods, means a person who in the ordinary course of his or her business sells goods of that description by retail;

“trader” means every merchant, shopkeeper, storekeeper and person engaged in trade in the State, and includes any partnership, firm or incorporated company engaged in trade in the State;

“unit of control” means the unit in which the commodity is generally sold to the public;

“wholesale” means—

- (a) as regards goods in respect of which a wholesale unit is specified in the Schedules hereto, any quantity not less than such wholesale unit;
- (b) as regards other goods, any quantity not less than that contained in the smallest package in which such goods are ordinarily sold by wholesalers to retailers; or, if such goods are not ordinarily sold in packages by wholesalers to retailers, the smallest quantity of such goods which is ordinarily sold by wholesalers to retailers;

“wholesaler”, in relation to any description of goods, means a person who in the ordinary course of his or her business sells goods of that description by wholesale.

3. Importer of goods

(1) For the purposes of these Regulations a person shall be regarded as having imported goods if, either the goods were imported for his or her account, or the goods were imported by or on behalf of an officer of Government acting in the course of his or her duty as such, and have been allotted by or on behalf of such officer to such person. A person shall not be regarded as having imported goods if the goods, on importation, were consigned to him or her as an agent.

(2) In these Regulations, unless otherwise stated or the context otherwise requires, reference to a sale includes an offer to sell or an agreement to sell; and a notification by a person of the price proposed by him or her for the sale of goods, made by the publication of such price, by exposing the goods for sale in association with a mark indicating such price, by the furnishing of a quotation or otherwise shall be deemed to be an offer to sell such goods.

(3) For the purposes of these Regulations, a person shall be deemed to sell goods if he or she is the owner of, or carries on a business in the course of which such goods are sold, whether or not the sale be effected by him or her personally or through an agent or employee; and an agent or employee effecting sale on behalf of his or her principal or employer shall also be deemed to sell such goods.

4. Maximum prices of goods in schedules

Subject to the provisions of these Regulations—

- (a) the maximum percentages indicated in Parts A and AA of the First Schedule shall be followed in arriving at the Wholesale and Retail Prices at which the goods enumerated therein may be sold;
- (b) the prices set out in Part B of the First Schedule shall be the maximum selling prices for which the articles listed therein may be sold;
- (c) where an article is listed under both Part A and Part B of the First Schedule, the maximum retail price shall be either that arrived at by percentage mark-up, or the specified price – whichever is greater;
- (d) the maximum percentages indicated in Lists A, B, C and D of the Second Schedule, shall be the maximum mark-up which may be added to the landed cost of the goods enumerated therein.

4A. Articles to be sold by weights or quantities specified

The articles enumerated in Part B of the First Schedule shall be sold by the weight or the quantity specified and in no other manner.

5. Goods sold by auction

(1) All or any price-controlled goods offered for sale by auction shall be subject to the maximum prices applicable to the particular articles, and no price-controlled goods may

be sold by an auctioneer unless the person at whose request the auction is held has notified such auctioneer in writing of the maximum wholesale or retail prices at which such goods may be sold under these Regulations, and the auctioneer shall not accept any bid or knock down any such goods at a price in excess of the maximum wholesale or retail price (as the case may be) thus notified to him or her.

(2) Any person who, when making the notification referred to in the preceding subparagraph, fails in any way to state the correct maximum prices of the particular goods shall be guilty of an offence against these Regulations.

6. Averaging of prices

Notwithstanding the provisions of these Regulations, the holder of a stock of identical goods, which may have been received on different consignments and at varying prices, may, with the consent of the Controller of Supplies, fix an average price for such goods and the price approved by the Controller of Supplies shall be the maximum wholesale or retail price (as the case may be) for such goods.

7. Fractions of one cent

Whenever the landed cost or the cost of production or the permitted percentage mark-up of any price-controlled goods listed under Parts A and AA of the First Schedule, or the maximum retail prices of goods listed under Part B, of the First Schedule hereto, would, but for this paragraph include a fraction of one cent, then in calculating such landed cost, cost of production, percentage mark-up or maximum retail price as the case may be—

- (a) if the fraction is less than half of one cent, it shall be omitted;
- (b) if the fraction is half of one cent or more, it shall count as one cent.

8. Conditions not to be imposed on sale

Except with the written permission of the Controller of Supplies no person shall, in connection with any sale of price controlled goods, impose or attempt to impose any conditions as to the purchase of any other goods, or as to the payment of any premium or other like sum, or as to the giving of any consideration other than the permitted purchase price.

9. Refusal to sell

(1) No wholesaler shall refuse without reasonable cause, to sell any price-controlled goods by wholesale to any retailer who carries on a business in any such goods in the State if immediate payment of the maximum permitted price is tendered:

Provided that a wholesaler may refuse to sell a quantity of price-controlled goods which is in excess of the normal quantity usually purchased by the particular retailer who has made the offer to purchase from such wholesaler.

(2) No retailer shall refuse, without reasonable cause, to sell by retail any reasonable quantity of price-controlled goods demanded by an intended purchaser who tenders immediate payment of the maximum permitted price therefor.

(3) A vendor shall be deemed to refuse without reasonable cause to sell any goods if he or she falsely denies that he or she has such goods, or uses any words, or gives any other indication calculated to lead a person who wishes to buy such goods to suppose erroneously that such vendor has not such goods.

(4) A vendor shall be deemed to have reasonable cause to refuse to sell any price-controlled goods if such sale would, having regard to the quantity required or any other consideration, be contrary to the normal practice of his or her business, or would involve a breach of some obligation lawfully binding on him or her, or would interfere with

arrangements made by him or her for an orderly disposal of his or her stocks among his or her regular customers:

Provided that the provisions of this paragraph shall not apply to vendors in public markets.

10. Maximum prices not to be exceeded

(1) No person shall, without written permission granted by or on behalf of the Controller of Supplies, or otherwise than in accordance with the conditions attached to such permission (if granted)—

- (a) sell or buy, or agree to sell or buy, or attempt or offer to sell or buy, any price-controlled goods mentioned in the First Schedule hereto;
- (b) sell, or agree or attempt or offer to sell, or buy, or knowingly agree or attempt or offer to buy, price controlled goods enumerated in the Second Schedule hereto, at a price higher than the maximum selling price permitted by these Regulations, or otherwise in contravention of these Regulations or any condition or requirement imposed thereunder; or
- (c) a person may add an additional two and one-half per cent to the percentage mark-up of the price-controlled goods referred to in paragraphs (a) and (b); but no additional mark-up shall be added to price-controlled goods where the mark up is over ten per cent. Where the mark-up is a fixed amount the two and one-half per cent may be added to the selling price.

(2) This regulation shall not apply—

- (a) to goods for exportation from the State by the buyer or prospective buyer;
- (b) to the buying of goods, or to the agreeing or offering to buy goods by a person acting as an “agent provocateur” being the Controller of Supplies, a price control officer, a police officer, or a person acting by direction of any such persons; or
- (c) to goods for importation into the State by the buyer or prospective buyer.

11. Burden of proof

(1) The burden of proving that a case comes within any exception described in these Regulations shall be on the person alleging same.

(2) A certificate signed by the Controller of Supplies certifying that goods are of a class or description controlled under some specified provision of these Regulations, and certifying the maximum permitted price thereof, shall be *prima facie* evidence in all courts of justice, and for all purposes, of the facts therein certified, without the necessity of adducing proof of the signature appearing on such certificate; and the burden of proving that the price at which goods were sold or bought, as the case may be, was not in excess of the price as regulated or sanctioned by these Regulations, shall be on the person alleging the same.

12. Vendors to furnish prices

(1) If any person shall sell, whether for cash or credit, any price-controlled goods, he or she shall, if so required by the purchaser, forthwith furnish the purchaser with a bill on which he or she shall set out a full description of such goods, the quantity sold, the date of such transaction, and the price paid by such purchaser.

(2) Any wholesaler, or any person who sells price-controlled goods at wholesale prices, whether for cash or credit, shall furnish the purchaser with a bill upon which he or she shall set out all the requirements enumerated under paragraph (1) of this regulation,

and he or she shall further state on the bill the maximum retail price or prices at which such goods may be sold.

13. Record of cost to be kept

Every trader shall keep a record of all particulars relating to the cost of goods imported or otherwise purchased by him or her, so as to enable any person authorised by the Controller of Supplies readily to trace the landed cost or the cost of acquiring such article, and failure to keep such record shall be an offence under these Regulations.

14. Penalty

Any person guilty of an offence under these Regulations shall, on summary conviction, be liable to imprisonment for a term not exceeding twelve months or to a fine of not less than fifteen hundred dollars and not exceeding five thousand dollars or to both such imprisonment and fine and any goods the subject matter of the offence shall be forfeited to the Crown.

15. Marking of prices

(1) Every vendor of price-controlled goods which are exposed for sale shall clearly mark on such goods or on the wrappings or containers of such goods or on the shelves on which such goods are displayed so as to be easily seen and read by intending purchasers, the retail prices per unit of control at which such goods are offered for sale.

(2) The prices so marked on such goods or wrappings or containers or on the shelves on which such goods are displayed as aforesaid, shall be *prima facie* evidence of the retail prices at which such goods are sold.

16. Sale by order of Controller of Supplies

Whenever a trader possesses stocks of any price controlled goods of which there is otherwise a shortage in the local market, the Controller of Supplies may, without requisitioning such goods, by order in writing, require such trader to sell to such persons as shall be named in the order, the quantities therein specified of such goods; and upon tender of immediate payment of the maximum permitted price of the quantities of the goods so specified such trader shall sell such quantities in accordance with the order. Any trader who, without reasonable excuse, fails to comply promptly with the order of the Controller of Supplies upon tender of the purchase price by a purchaser named in the order, shall be guilty of an offence under these Regulations.

17. Verification of prices

Any person authorised by the Controller of Supplies shall be and is hereby empowered to demand evidence either by way of invoices, books or other documents, or by such information as may be available for the purpose of verifying the pricing of any price-controlled goods offered for sale by any person carrying on a manufacturing wholesale or retail business; and, if such evidence as may be required be not forthwith furnished although available, or on being furnished be found to be in any respect false, or if the person authorised as aforesaid be obstructed or hindered in the performance of his or her duties, the person so offending as well as the owner, manager or other person in charge of the business, shall be guilty of an offence under these Regulations.

18. Powers of search and inspection

(1) If with respect to any premises, the Controller of Supplies has reasonable ground for suspecting that an offence against these Regulations has been or is being committed,

and that evidence of the commission of the offence is to be found at such premises, and is satisfied—

- (a) that it is essential in the public interest that the premises should be searched for the purpose of obtaining such evidence; and
- (b) that the evidence is not likely to be found at the premises unless they are forthwith searched,

the Controller of Supplies may, by written order under his or her hand, authorise any person or persons named in the order, and any police officer, to enter the premises, if necessary by force, and to search the premises and to seize any article found in the premises which the person or persons or police officer as aforesaid has or have reasonable grounds for believing to be evidence of the commission of such offence.

(2) The Controller of Supplies or a person authorised by the Controller of Supplies, a price-controlled officer or a police officer, may, at any time during the business hours of any shop in which price-controlled goods are offered for sale, either by retail or wholesale, enter any part of the shop in which such goods are offered for sale and inspect such goods, and any price list, or mark indicating price, relating thereto.

19. Statutory declarations

The Controller of Supplies may order any person to make a statutory declaration, within such time as may be specified in the order, giving full and accurate particulars of all quantities of articles mentioned in the order belonging to him or her or in his or her possession, power or control, and the place of storage of such articles.

20. Submission of invoices

Invoices in respect of all imported articles received by traders, if required, shall be submitted to the Controller of Supplies within seven days after receipt of same, accompanied by a statement showing the cost and proposed selling price.

21. Intimidation

No vendor shall in any manner intimidate or victimise or attempt to intimidate or victimise any person who has given or is about to give evidence against such vendor in proceedings under these Regulations, or who has been or is being in any way concerned in the prosecution or intended prosecution of any vendor under these Regulations.

22. Rewards

The Controller of Supplies may reward any person who may have supplied such information or given such assistance as has led to the conviction of an offender for an offence against these Regulations.

23. Liability of all persons concerned

If there shall be any contravention of the provisions of these Regulations, or of any licence issued under these Regulations, every person who is a party to such contravention, also the owner of any article with respect to which the contravention takes place, unless he or she proves that the contravention took place without his or her knowledge, instigation, consent and approval, shall be guilty of an offence under these Regulations.

24. Penalty

If any person contravenes, or fails to comply with any of these Regulations, or any direction given or requirement imposed under any of these Regulations, such person shall be guilty of an offence against these Regulations, and shall, on summary conviction, be

liable to imprisonment for a term not exceeding twelve months or to a fine of not less than fifteen hundred dollars and not exceeding five thousand dollars, or to both such imprisonment and fine.

First Schedule

**SUPPLIES CONTROL ACT
SUPPLIES CONTROL (PRICES) REGULATIONS**

PART A

Groceries

	<i>Maximum Percentage which may be added to Landed Cost</i>	<i>Maximum Percentage which may be added to Wholesale Price</i>
<i>Articles</i>	<i>Wholesale</i>	<i>Retail</i>
Aerated beverages	7.5%	15%
Apples	7.5%	15%
Bacon and Ham (non sliced)	7.5%	15%
Bacon and Ham – sliced	12.5%	20%
Biscuits	7.5%	15%
Baking Powder – bulk	10%	20%
– tins	10%	15%
Bloaters	7.5%	15%
Butter (tins) – packets	7.5%	15%
– table	10%	15%
– Cooking	10%	15%
– others	10%	15%
Cheese – processed and unrefrigerated	10%	15%
– others	10%	15%
Chicken – Imported Backs and Necks	12.5%	15%
– whole chicken and other parts	15%	20%
Cooking Oil – Deodorised	7.5%	12.5%
Corned Beef	7.5%	15%
Fish – salted	7.5%	15%
Flour	7.5%	15%
Food Beverages – Cocoa	7.5%	15%
– Coffee	7.5%	15%
– Tea	7.5%	15%
Fruit Juices	7.5%	15%
Garlic	7.5%	15%
Herrings – Canned	10%	15%
Mackerel (Canned)	5%	10%
Mackerel (pickled)	7.5%	15%
Margarine and Lard Substitutes – Packets	10%	15%
– tins	7.5%	15%
– others	7.5%	15%
Meats – Canned	10%	15%
– Frozen	15%	20%

– Pickled	7.5%	15%
Milk – Powdered in Bulk	10%	15%
– Powdered in Packets	10%	15%
– Powdered in Tins (Baby Foods)	5%	10%
– Powdered in Tins (others)	7.5%	15%
– Other Milk including pasteurised	7.5%	15%
Onions	10%	20%
Peas and Beans – Frozen	15%	20%
– Tinned	7.5%	15%
Potatoes (not sweet)	10%	20%
Rice – Bulk	7.5%	15%
– packets	7.5%	15%
Salt – Coarse	10%	15%
– Fine	10%	15%
– Table	10%	15%
Sardines – canned	5%	10%
Sausages – unsliced	10%	15%
Sugar – Refined and unrefined	7.5%	15%
Tobacco – Black Leaf	15%	18%
Toilet paper	7.5%	15%

PART AA

Other Articles

	<i>Maximum Percentage which may be added to Landed Cost</i>	<i>Maximum Percentage which may be added to Wholesale Price</i>
<i>Articles</i>	<i>Wholesale</i>	<i>Retail</i>
Pampers	7.5%	15%
Shoes (all kinds including slippers and boots)	30%	70%
Soaps (all kinds including liquid and powdered)	10%	15%
Toothpaste	10%	20%

PART B

<i>Articles</i>	<i>Wholesale</i>	<i>Retail</i>
Beef		\$4.00 per lb
Bread Loaves and others		6c. per ounce
Coconut oil deodorised		Same as that fixed by Oils and Fats Conference
Eggs – Grade A (each 2 ounces and over)	\$3.00	\$3.50 per dozen
– Grade B (each less than 2 ounces)	\$2.80	\$3.00 per dozen
Fish		
Class A:		
King Fish		
Dolphin		
Barracuda		
Grouper		
Tuna		
Toujon		

Bonita		
Snapper		
Spanish Mackerel	\$2.75 per lb	\$3.25 per lb
Class B:		
Cavally		
Moon Fish		
Skip Jacks		
Ocean Gar		
Red Hind		
Squadron		
Rainbow Runner		
Whitning		
Yellow Tail Snapper (Dulgie)	\$2.50 per lb	\$3.00 per lb
Class C:		
Jacks		
(a) large (4 or less to the pound)	\$2.00 per lb	\$2.50 per lb
(b) medium (5 to 12 to the pound)	\$1.50 per lb	\$2.00 per lb
(c) small (more than 12 to the pound)	\$1.00 per lb	\$1.25 per lb
Class D:		
Round Robin		
(a) large (4 or less to the pound)	\$2.00 per lb	\$2.50 per lb
(b) medium (between 4 and 12 to the pound)	\$1.50 per lb	\$2.00 per lb
(c) small (more than 12 to the pound)	\$1.00 per lb	\$1.25 per lb
Class E:		
Ballahoo	\$1.00 per lb	\$1.25 per lb
Flying Fish		\$1.25 per lb
Shark	\$1.25 per lb	\$1.75 per lb
Sprat } Herring	.75c per lb	\$1.00 per lb

<i>Articles</i>	<i>Wholesale</i>	<i>Retail</i>
Gasoline	Price for the time being in force by regulations published in the <i>Gazette</i>	
Kerosene Oil	- do -	
Liquid Petroleum Gas	- do -	
Mutton		\$4.00 per lb
Pork		\$3.00 per lb
Whole Chicken	\$2.95 per lb	\$3.40 per lb

<i>Articles</i>	<i>Wholesale</i>	<i>Retail</i>	<i>Retail Unit</i>
Counter Flour (local) 100 lb bags	\$ 63.84	73c	per lb
Bakers Flour (local) 100 lb bags	\$ 70.21	81c	per lb
Household Flour (local) 10 x 5 lb bale	\$ 36.95	\$4.25	per 5 lb packet
Brown Sugar (local) 224 lb bag	\$152.88	78c	per lb
Poultry Feed (local)	Maximum percentage which may be added by distributors or retailers ex factory		
100 lb bags		15%	
Bags of less than 100 lbs including		20%	

packages.

Second Schedule

Lists of Articles

SUPPLIES CONTROL (PRICES) REGULATIONS

[Section 3. SRO 14 of 1959 amended by SRO 24 of 1965, SRO 6 of 1967, SRO 18 of 1971, SRO 3 of 1973, SRO 23 of 1978, Act No. 55 of 1979, Act No. 56 of 1979, SRO 11 of 1980, SRO 9 of 1981, SRO 21 of 1981, SRO 22 of 1981, SRO 2 of 1987, SRO 23 of 1987, SRO 7 of 1988.]

[27th June, 1959.]

LIST A

Dry Goods

<i>Articles</i>	<i>Maximum Percentage which may be added to Landed Cost</i>
Art Silk piece goods	35%
Blankets	30%
Chambray	30%
Cotton piece goods (all kinds including mosquito netting but excluding other kinds elsewhere mentioned in this Schedule)	30%
Denims	30%
Drills, including Khaki	30%
Experimental cloth	30%
Hosiery – all kinds	35%
Pants – coloured, white and khaki drill	35%
Pillow cases	35%
Sheets (Cotton)	35%
Shorts and Vests – all kinds	35%
Thread	35%
Underwear – Ladies and children	35%

LIST B

Hardware

<i>Articles</i>	<i>Maximum Percentage which may be added to Landed Cost</i>
<i>Agricultural Implements:</i>	
All other agricultural implements	33⅓ %
Aluminium Castings and Ware (all kinds)	36%
Artisan Tools – all other	40%
Artisan Tools: Saws, hammers, chisels, trowels, planes, squares, files	33⅓%
Asbestos Sheets (roofing and walls)	40%
Barbed Wire	30%
Bolts and Nuts	40%
Canvas	40%
*Cement (in bags)	15%

(in barrels and drums)	15%
Chains – tethering	33⅓%
Colorcrete	20%
Cutlasses, Fork, Hoes, machets	25%
Distempers and Washers	40%
Fencing Wire – all kinds	30%
Fishing twine, tackle, lines	25%
Glass: All sheet glass including windows and doors	100%
Other glass including	
Mirrors	75%
Grindstones	40%
Galvanise	25%
Hooks	40%
Hurricane Lanterns	36%
Iron Castings: Coal Pots, Grids, Sad Irons, Iron Pots	36%
Iron and Steel (reinforcing rods etc.)	30%
Leather – all kinds other than chamois	40%
Linseed Oil – Bulk	33⅓ %
Bottled	40%
Locks and Hinges	30%
Lumber – imported, all kinds	25%
Nails	20%
Oil Lamps – all kinds	36%
Paints	25%
Pick axes	40%
Plastic Ware – all kinds	36%
Putty	40%
Resin	40%
Screws	40%
Tar	40%
Tower and Chain Bolts	40%
Wall Board – all kinds	33⅓%
Water Closets and Parts	40%
Wire netting – all kinds	33⅓%
* Cement 5% wholesale 15% retail.	

LIST C

General

<i>Articles</i>	<i>Maximum Percentage which may be added to Landed Cost</i>
Batteries – other than Motor Vehicles Batteries	33⅓ %
Cots	33⅓%
Flashlight Batteries and Bulbs	33⅓ %
Flashlights	33⅓ %
Fountain pens, propelling pencils and ball-point pens including refills	36%
Scales and Balances – all kinds	33⅓%
* School Books and Exercises	20%
Slates (school)	36%

* Stationery including pencils, erasers, ink	33⅓%
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LIST D

Drugs

<i>Articles</i>	<i>Maximum Percentage which may be added to Landed Cost</i>
Drugs patent and proprietary medicines (items with an expiry date)	40%
patent and proprietary medicines (all other)	30%

Supplies Control Regulations

SRO 12 of 1959

Amended by

SRO 18 of 1959

ARRANGEMENT OF REGULATIONS

1. Citation.
2. Import and export licences.
3. Import and export licensing.
4. Application for licence.
5. False declaration.
6. False statements.
7. Obstruction.
8. Licences, permits, etc.
9. Clearance may be refused, etc.
10. Prohibited goods.
11. Offences by company.
12. Revocation and variation of orders.
13. Powers of Controller of Supplies.
14. Penalty.

SUPPLIES CONTROL REGULATIONS

[Section 3. SRO 12 of 1959 amended by SRO 18 of 1959.]

[30th May, 1959.]

1. Citation

These Regulations may be cited as the Supplies Control Regulations.

2. Import and export licences

(a) Subject to paragraph (b) of this regulation, the importation into and exportation from the State of all goods (which term includes all merchandise, wares and materials of whatever nature or kind and livestock) capable of being imported or exported is prohibited except under licence from the Controller of Supplies.

(b) The Controller of Supplies may, by notice published in the *Gazette*, release from import or export control, any goods or class of goods which in his or her opinion may be freely imported, and such release from import or export control may be made generally or in respect of any particular country or place or in respect of any person or class of persons.

3. Import and export licensing

(1) Subject to any release by the Controller of Supplies in accordance with regulation 2(b) of these Regulations the shipment of any goods for use as ships stores, and the shipment of bunkering of coal, oil or any other fuel used for propelling a ship, shall be deemed to be an exportation of such goods.

(2) The taking into or out of the State of any ship may, in the discretion of the Controller of Supplies be deemed to be an importation or exportation of goods, whether or not such ship is conveying goods or passengers, and whether or not such ship is moving under its own power.

4. Application for licence

(a) Every person applying for a licence to import or export goods shall submit his or her application in the appropriate form approved by the Controller of Supplies setting out the particulars required therein, and shall subscribe to a declaration certifying the said particulars. The Controller of Supplies may call for such further particulars or evidence as he or she may consider necessary.

(b) The Controller of Supplies may in his or her discretion, refuse the grant of any licence applied for, either in respect of the importation or the exportation of any goods, or he or she may grant such a licence generally or in respect of any goods, or class of goods, or in respect of any particular country or place or in respect of any person or class of persons; and the Controller of Supplies may, when granting such a licence, impose such conditions, restrictions and limitations as he or she shall find necessary, and as may be applicable in the case of such goods, or such place or such person.

(c) When goods are entered for shipment in accordance with the conditions of the export licence issued in that behalf, and the Controller of Supplies has reason to suspect that the declaration is untrue in any material particular, the goods may be detained until the Controller of Supplies is satisfied as to the truth of the declaration, and, if the Controller of Supplies is not so satisfied, the goods shall be forfeited.

(d) Due entry and clearance before shipment of any goods intended for exportation from the State may be required together with the production to the Controller of Supplies of the relevant bills of lading.

(e) In any proceedings under this regulation an averment in the information that the Controller of Supplies is not satisfied as to any matter shall be sufficient evidence that he or she has not been so satisfied, unless the contrary is proved.

5. False declaration

Any person who for the purpose of obtaining any licence under these Regulations—

- (a) makes or presents any declaration, statement of presentation which is false in any material particular; or
- (b) produces a guarantee certificate or undertaking which is false in any material particular, or has not been given by the person by whom it purports to have been given, or which has been in any way altered or tampered with,

shall be guilty of an offence under these Regulations unless he or she proves that he or she had taken all reasonable steps to ascertain the truth of the statements made or

contained in any documents so presented or produced or to satisfy himself or herself of the genuineness of the guarantee certificate or undertaking.

6. False statements

If any person—

- (a) in answer to any request made in pursuance of any of these Regulations, or any order made under any of these Regulations, makes any statement, or furnishes any information which he or she knows or has reasonable cause to believe to be false in any material particular; or
- (b) makes such a statement as aforesaid in any account, declaration, estimate, return or other document which he or she is required by an order under any of these Regulations to make,

he or she shall be guilty of an offence against these Regulations.

7. Obstruction

Any person who obstructs any public officer, a member of the Police Force acting in the course of his or her duty as such, or any person exercising any powers, or performing any duties conferred or imposed on him or her by or under any of these Regulations or otherwise discharging any lawful functions in connection with any matter falling under these Regulations shall be guilty of an offence.

8. Licences, permits, etc.

(1) Any person claiming to be the holder of any permit, licence or written permission granted or issued for the purpose of any of these Regulations shall, on demand made in that behalf by any police officer, or any authorised person, produce the permit, licence or permission (as the case may be) to the person making the demand.

(2) If, with intent to deceive, any person alters or uses, or lends to, or allows to be used by any other person, a permit, licence or written permission granted or issued for the purposes of any of these Regulations, or makes or has in his or her possession any document so closely resembling such a permit, licence or permission as to be calculated to deceive, he or she shall be guilty of an offence against these Regulations.

(3) Any licence, permit or permission granted for the purpose of any of these Regulations may be revoked at any time by the authority or person empowered to grant it.

9. Clearance may be refused, etc.

(1) For the purpose of securing compliance with the provisions of these Regulations or any licence issued thereunder or with any other enactment relating to the importation or exportation of goods—

- (a) an officer of Customs and Excise may at any time refuse clearance to any ship; and
- (b) where clearance has been granted to a ship, an officer of Customs and Excise, an officer of Her Majesty's Navy, the Controller of Supplies or any person authorised in that behalf by him or her may, at any time whilst the ship is within the limits of a port in the State, demand that the clearance shall be returned to the person making the demand.

(2) Any such demand may be made orally on the master of the ship or by serving a written demand in any manner authorised by section six hundred and ninety-six of the Merchant Shipping Act, 1894, (U.K.), for the service of documents which are, under the Act, to be served on the master of a ship.

(3) Where a demand is so made for the return of a clearance—

- (a) the clearance shall forthwith become void; and
- (b) if the demand is not complied with, the master of the ship shall be guilty of an offence under these Regulations.

(4) This regulation shall apply to aircraft, as if references in this regulation and in section six hundred and ninety-six of the Merchant Shipping Act, 1894, (U.K.), to a ship, the master of a ship, and a port, included respectively references to an aircraft, the pilot of an aircraft and an aerodrome.

10. Prohibited goods

(1) If any goods—

- (a) are imported or exported in contravention either of these Regulations or of a licence issued thereunder; or
- (b) are brought to any quay or other place, or waterborne, for the purpose of being exported in contravention either of these Regulations or of a licence issued thereunder,

those goods shall be deemed to be prohibited goods and shall be forfeited; and the exporter of the goods or his or her agent, or the shipper of the goods shall, without prejudice to any other penalty incurred under the customs laws, be guilty of an offence under these Regulations.

(2) If any such licence as aforesaid prohibits the exportation of goods, unless consigned to a particular place or person, and such goods so consigned are delivered otherwise than to that place or person, as the case may be, the vessel in which the goods were exported shall be deemed to have been used in the conveyance of prohibited goods.

(3) If any goods are imported or exported or are brought to any quay or other place or waterborne, for the purpose of being exported, an officer of Customs and Excise or the Controller of Supplies or a person authorised in that behalf by him or her may require any person possessing or having control of the goods to furnish, proof that the importation or exportation, as the case may be, is not unlawful by virtue either of these Regulations or of a licence issued under these Regulations; and if such proof is not furnished to the satisfaction of the Controller of Supplies, the goods shall be deemed to be prohibited goods unless the contrary is proved.

In any proceedings taken by virtue of this paragraph, an averment in the information that such proof as aforesaid has not been furnished to the satisfaction of the Controller of Supplies shall, unless the contrary is proved, be sufficient evidence that no such proof has been furnished to his or her satisfaction.

11. Offences by company

Where any offence under these Regulations is committed by a company or firm or other association of individuals, every director and officer of the company, every partner and officer of the firm or every member and every person concerned in the management of the affairs of such association, as the case may be, shall severally be liable to be prosecuted and punished for the offence in like manner as if he or she had himself or herself committed the offence, unless the act or omission constituting the offence took place without his or her knowledge, consent or connivance.

12. Revocation and variation of orders

Any power conferred by any of these Regulations to make any order shall be construed as including a power, exercisable in the like manner and subject to the like conditions, if any, to revoke or vary the order.

13. Powers of Controller of Supplies

All powers vested in the Controller of Supplies in all or any of these Regulations shall nevertheless be subject to such instructions as may be given to him or her by the Minister responsible for Trade.

14. Penalty

Any person guilty of an offence under these Regulations shall be liable on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding five thousand dollars or to both such imprisonment and such fine, and any goods the subject matter of the offence shall be forfeited to the Crown.

Supplies Control (School Books) Regulations

SRO 11 of 1974

ARRANGEMENT OF REGULATIONS

1. Citation.
2. Maximum mark up on all school books.

SUPPLIES CONTROL (SCHOOL BOOKS) REGULATIONS

[Section 3. SRO 11 of 1974.]

[6th December, 1974.]

1. Citation

These Regulations may be cited as the Supplies Control (School Books) Regulations.

2. Maximum mark up on all school books

On all school books sold in Grenada there may be added to the cost price of those school books a mark up not exceeding two and one-half per cent for handling charges and twenty-five per cent of the cost price plus the handling charges.
