



Western Samoa

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1971, No. 10

AN ACT to consolidate and amend the law relating to the control of prices.

[21 December 1971]

BE IT ENACTED by the Legislative Assembly of Western Samoa in Parliament assembled as follows:—

1. **Short title**—This Act may be cited as the Price Control Act 1971.

2. **Interpretation**—In this Act, unless the context otherwise requires, —

“Board” means the Price Control Board:

“Goods” shall include merchandise, articles, things, and commodities:

“Minister” means the Minister of Customs:

“Person” includes any company, firm, partnership, association, society, club, or body of persons whether incorporated or not:

“Price” when used in connection with the sale of any goods or the performance of any services, includes every valuable consideration whatsoever, whether direct or indirect:

“Retail price” means the price paid or payable for goods sold on retail to a consumer:

“Service” includes any service supplied for hire or reward by any person engaged in trade or business:

"Trader" means any person who in connection with business carried on by him, sells or proposes to sell any goods, or who supplies or carries on any service:

"Wholesale" means the sale or supply of goods to a person for the purpose of resale or for use by such person in his trade or business.

3. Administration—(1) There is hereby constituted a Price control section of the Customs Department, which shall be under the immediate control of an officer of the Public Service to be called the Price Control Officer.

(2) The office of the Price Control Officer may be held in conjunction with any other office which the Public Service Commission shall consider to be not incompatible therewith.

(3) This Act shall be administered by the Price Control section under the control of the Minister.

4. Price Control Board—(1) For the purposes of this Act there shall be a special Board, to be known as the Price Control Board, consisting of the Minister (who shall be the Chairman) and two other members, who shall be appointed by the Head of State acting on the advice of Cabinet and who shall hold office for a term of three years.

- (2) The general powers and duties of the Board shall be—
- (a) To make price orders for goods and services;
 - (b) To investigate any breach of the provisions of this Act which comes to its notice;
 - (c) To keep under review the prices of goods and services, to institute or cause to be instituted proceedings for offences in relation to prices and to take all such steps as may be necessary for the purposes of this Act, including the fixing of regions and districts and the boundaries thereof for the purposes of this Act;
 - (d) To direct supervise advise and assist the Price Control Officer in the execution of his duties under this Act;
 - (e) To receive and consider evidence and representations made to it by any person relating to prices for goods and services.

(3) Meetings of the Board may be summoned by the Chairman or by the Price Control Officer on behalf of the Chairman.

(4) Two members of the Board shall form a quorum.

(5) If at any meeting of the Board two members only are present, both of these members shall concur in any decision made by the Board. In every other case a decision of a majority of the members present shall be the decision of the Board.

(6) The Board may regulate its own procedure and may in its discretion conduct its meetings either in private or in public.

(7) Each member of the Board who is not a salaried employe of the Government, may in respect of his services as a member of the Board, be paid such fees and allowances as may be fixed by Cabinet, either generally or in a particular case.

(8) The Price Control Officer shall act as the Secretary of the Board.

5. Delegation of powers—(1) With the written consent of the Minister, the Board may from time to time delegate to the Price Control Officer all or any of the powers exercisable by it under this Act, including the powers to make price orders and to institute proceedings.

(2) Any person affected by any order of the Price Control Officer acting pursuant to a delegation under this section may at any time appeal therefrom to the Board by giving to the Minister a written notice of appeal.

(3) The Board may determine any appeal under this section in such manner as it thinks fit.

6. Price orders—(1) If the Board considers it expedient in the public interests to control the price of any goods or services, it may make price orders fixing the maximum or minimum or actual price of such goods or services, either generally throughout Western Samoa or in any specified part of or place in Western Samoa.

(2) Any price order may relate to the sale of goods either at wholesale or retail prices.

(3) Any price order may contain such incidental and supplementary provisions as are necessary or expedient.

(4) The Board may at any time revoke or amend any price order.

Provided that the Board shall not increase the price of any goods as fixed by any price order, more than once in any six monthly period.

(5) The decision of the Board shall be final and shall not be subject to any right of appeal.

(6) Every price order shall be published in the Samoan and English languages in one or more newspapers or given in such other manner as the Board shall consider sufficient, and no price order shall come into force before it has been so published.

(7) It shall be the duty of every trader whose business includes the sale of any goods or the performance of any services to which a current price order made under this Act applies, to keep displayed in a prominent position on the premises in which the sale of such goods or the performance of such services are offered, a list showing clearly for the information of the public the price fixed in respect of such goods or services.

(8) The Price Control Officer may cause lists of prices to be printed in the Samoan or English languages or both and may require the trader to exhibit the same in the manner aforesaid.

(9) The Price Control Officer may with regard to any specified goods require that any retailer having such goods for sale shall cause the same to be legibly and conspicuously marked with the selling price thereof for the information of the public.

(10) Nothing in this section shall be construed to affect the exercise by any person or authority having statutory powers to fix prices fares or charges under any other enactment.

7. Obtaining information—(1) For the purposes of this Act, any member of the Board, or the Price Control Officer, or any other officer lawfully delegated by the Board, may —

- (a) Require any trader to supply him either orally or in writing with any information in his possession relating to goods or services;
- (b) By notice published in a newspaper to require any traders or specified class of traders to render returns setting forth such particulars regarding the sale or performance of services as may be specified in the notice;
- (c) Require any trader to produce for inspection any records account or documents relating to the sale of

goods or supply of services, and to furnish copies thereof;

- (d) During business hours, to inspect all books of account and records of any trader, and to make copies or extracts thereof;
 - (e) Take possession of any documents or papers which appear to him to constitute prima facie evidence of breach of a price order.
- (2) No person shall —
- (a) Obstruct any officer or person in the lawful exercise of his powers under this section;
 - (b) Wilfully fail to give any information or to produce any record, account or document lawfully required of him under this section;
 - (c) Knowingly give any false information relating to goods and services to any such person.

8. Keeping of records—Every trader shall keep all such records and accounts, including stock and costing records, as are customary and proper in the type of business carried on by him, and shall retain such records and accounts for a period of five years after they came into being.

9. Penalties—(1) Any person who sells or offers for sale any goods or services in breach of any relevant price order, or fails to comply with any of the provisions of this Act or any order, notice, direction or requirement lawfully made or given thereunder shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand tālā or to imprisonment for a term not exceeding twelve months or to both such imprisonment and fine.

(2) Where a company is charged with an offence under this Act, every person who at the time of the commission of the offence was a director or officer of the company may be charged jointly in the same proceedings with such company, and where the company is convicted of the offence, every such director or officer shall be deemed to be guilty of that offence unless he satisfies the Court that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence.

(3) Proceedings against a director of a company pursuant to the preceding subsection shall not be instituted except on the directions of the Board.

10. Vicarious responsibility—Any trader who engages any employee shall be answerable for the acts or omissions of his employee in so far as they concern the business of such trader, and if such employee commits any act or makes any omission which is an offence or would be an offence if made or committed by such employer, then and in such case both the employer and the employee or either of them may be charged with such offence.

11. Regulations—The Head of State acting on the advice of Cabinet may from time to time, make all such regulations as may seem necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

12. Revocations and amendment—(1) The New Zealand regulations specified in the Schedule hereto are hereby revoked and repealed as to the law of Western Samoa.

(2) The Samoa Applied Regulations 1947 is hereby consequentially amended by omitting from the Schedule thereto the item referring to the Control of Prices Emergency Regulations 1939 and amendments.

SCHEDULE

Applied New Zealand Regulations Revoked as to Western Samoa

Serial Number:	Title of Regulations:
1939/275	The Control of Price Emergency Regulations 1939
1941/123	Amendment No. 1
1942/12	Amendment No. 2
1942/336	Amendment No. 3
1944/3	Amendment No. 4
1944/174	Amendment No. 5
1939/122	The Price Stabilization Emergency Regulations 1939
1941/36	Amendment No. 1