
CHAPTER 226

**THE INTOXICATING LIQUOR (PRICE CONTROL)
ACT**

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INTOXICATING LIQUOR (PRICE CONTROL)

(20th March, 1963.)

8/1963.
S.R.O. 21/1964.
18/1989.
S.I. 391/1989.

1. This Act may be cited as the Intoxicating Liquor (Price Control) Act. **Short title.**

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

"authorised officer" includes any person appointed by the Governor-General to be an authorised officer for the purposes of this Act and any police officer of or above the rank of sergeant;

"consumer" means any person who purchases or offers to purchase, otherwise than for the purpose of resale, any controlled liquor;

"controlled liquor" means any intoxicating liquor specified in the Schedule to this Act, or any intoxicating liquor the maximum price of which has been fixed by Order made under section 3 of this Act;

"price control officer" means the person appointed by the Public Service Commission as Liquor Price Control Officer of Antigua and Barbuda for the purposes of this Act;

"maximum price" means the maximum price at which any controlled liquor may be sold or offered for sale;

"price" includes any valuable consideration of any kind whatsoever whether direct or indirect;

"retail" with its grammatical variations and cognate expressions, when used in relation to a sale, means a sale by a trader to a consumer;

"sell" with its grammatical variations and cognate expressions includes an agreement to sell, an offer to sell, the exposure of goods for sale, the publication of a price list, the furnishing of a quotation, or any act or notification whatsoever whereby willingness to enter into any transaction or sale is expressed;

"trader" means any person who carries on the business of selling controlled liquor, and includes any person carrying on business in the course of which he sells controlled liquor, or supplies such liquor for the purpose of or in pursuance of a contract made by him for work, labour and materials, and also

includes a commission agent who deals in such liquor;

"wholesale" with its grammatical variations and cognate expressions in relation to a sale means any sale which is not a sale by retail.

3. (1) Subject to the provisions of subsection (4) of this section, the Minister may by Order fix and declare the maximum prices for which any intoxicating liquor may be sold by retail or wholesale, either throughout Antigua and Barbuda or in any specified part thereof. **Maximum price of liquor.**

(2) An Order made under the provisions of subsection (1) of this section may direct that the maximum price of any intoxicating liquor shall not exceed a specified sum, or may direct the manner in which the maximum price may be ascertained and may—

(a) fix different maximum prices for the same class or type of intoxicating liquor having regard to the terms upon which, and the circumstances in which, such liquor is manufactured, imported, or sold; and

(b) fix alternative methods by which the said maximum prices may be ascertained for the same or different classes of such liquor.

(3) Any Order made under this section may contain such incidental and supplementary provisions as may be necessary for implementing the provisions and purposes of this Act.

(4) Orders made under this section shall be laid before Parliament and if a resolution is passed by Parliament that the said Order be annulled, such Order shall henceforth be null and void but without prejudice to the validity of anything done hereunder.

4. Where the quantity of controlled liquor sold or offered for sale is greater or less than the quantity specified in any Order made under section 3 of this Act, such liquor shall, subject to any express provision to the contrary therein contained, be sold or offered for sale at a proportionately increased or decreased price, as the case may be. **Proportionate prices.**

Sale at more than maximum price or on conditions, an offence.

5. (1) No person shall—

(a) sell or buy or agree to sell or buy any controlled liquor at a price greater than the maximum price; or

(b) impose, whether at the time of delivery of any controlled liquor which has been sold, or at any subsequent time prior to payment therefor, any condition relating to the sale of such liquor or to the payment therefor, other than a condition requiring the immediate payment for such liquor; or

(c) hoard any controlled liquor with the object of speculating or profiteering thereon.

(2) Any person who contravenes any of the provisions of subsection (1) of this section shall be guilty of an offence against this Act and shall—

(a) on summary conviction be liable to imprisonment for a term not exceeding three months or to a fine not exceeding five thousand dollars; or

(b) on conviction on indictment be liable to imprisonment for a term not exceeding two years or to a fine not exceeding twenty-five thousand dollars.

Indication of selling price of intoxicating liquor.

6. (1) The price control officer may, by notice published in the *Gazette* and in a newspaper published and circulating in Antigua and Barbuda, require all or any traders offering or displaying intoxicating liquor for sale, to cause the selling price of such liquor to be marked in a clear and legible manner either on the containers of such liquor or on labels or tags securely attached to such containers so as to clearly indicate the selling price of the intoxicating liquor contained therein.

(2) Any trader who fails to mark any container of intoxicating liquor which is required to be marked in accordance with the foregoing provisions of this section shall be guilty of an offence against this Act.

Refusal to sell.

7. (1) Any person carrying on any business in the course of which any controlled liquor is normally sold, and having in his possession a stock of such liquor who—

(a) falsely denies that he has such liquor in his possession, or

(b) without reasonable cause refuses to sell such liquor in reasonable quantities upon tender of immediate payment of the maximum price therefor,

shall be guilty of an offence against this Act, and shall on summary conviction be liable to imprisonment for a term not exceeding three months or to a fine not exceeding five thousand dollars.

(2) Nothing in this section shall be deemed to make it obligatory for any person to sell any controlled liquor which he has in stock for the purpose of advertisement or as a sample.

8. (1) Every trader who sells whether by retail or wholesale any controlled liquor shall on request, tender, at the time of sale to every purchaser of such liquor from him, an invoice showing the date of such sale, a description of such liquor sufficient to identify the same, the quantity of such liquor and the price charged therefor. **Demand of invoice of sale.**

(2) Any person who contravenes or fails to comply with the foregoing provisions of this section shall be guilty of an offence against this Act.

9. (1) An authorised officer may— **Furnishing of information.**

(a) require any trader to supply him either orally or in writing with any information in his possession relating to intoxicating liquor;

(b) at any reasonable time require any trader to produce for his inspection any document or account whatsoever relating wholly or in part to the business carried on by such trader in relation to the sale of intoxicating liquor;

(c) require any trader to furnish him with copies of any such document as is referred to in paragraph (b) hereof;

(d) enter during business hours upon any place or premises in the occupation of any trader for the purpose of ascertaining whether the provisions of this Act

are being complied with and to search for and inspect any document of the kind referred to in paragraph (b) hereof and make copies or abstracts of such documents and take such steps as may be reasonably necessary in the premises;

(e) take possession of any document which appears to him to constitute *prima facie* evidence of a breach of the provisions of this Act or any Order made thereunder.

(2) Any person who—

(a) obstructs an authorised officer in the exercise of his powers under subsection (1) of this section;

(b) wilfully fails to give any information or to produce any document lawfully required of him under the provisions of subsection (1) of this section; or

(c) knowingly gives to an authorised officer any false information relating to intoxicating liquor, shall be guilty of an offence against this Act.

Records to be kept by traders.

10. (1) Every trader dealing in controlled liquor shall keep reasonable records of all purchases of such liquor.

(2) The price control officer may by notice in writing require any trader dealing in controlled liquor to keep any records or accounts as are specified in such notice.

(3) Any trader who contravenes or fails to comply with the provisions of this section or of any notice given thereunder shall be guilty of an offence against this Act and shall be liable on summary conviction to a fine not exceeding five thousand dollars.

Liability of officers of corporate bodies.

11. Where a person charged with an offence under the provisions of this Act is a body corporate every person who, at the time of the commission of the offence, was a director or officer of the body corporate may be charged jointly in the same proceedings with such body corporate, and where such body corporate is convicted of the offence every such director or officer shall be deemed to be guilty of that offence unless he proves that the offence was comit-

ted without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

12. (1) Where a corporation is charged with an offence against this Act such corporation may appear and plead to the charge or indictment, by its representative, by entering a plea in writing; and if either, the corporation does not appear by representative, or though it does so appear, fails to enter any plea, the court shall cause a plea of not guilty to be recorded and the trial shall proceed accordingly.

**Appearance and
plea by
corporation.**

(2) Where a corporation is charged, whether alone or jointly with some other person, with an indictable offence punishable under this Act the magistrate may, if he is of opinion that the evidence offered on the part of the prosecution is sufficient to put the accused corporation upon trial, commit the corporation for trial.

(3) Any indictment filed against a corporation or other document addressed to a corporation may be served upon the corporation by leaving it at, or sending it by post to, the registered office of the corporation or, if there be no such office in Antigua and Barbuda, by leaving it at, or sending it by post to the corporation at any place in Antigua and Barbuda at which it trades or conducts business.

(4) In this section the expression "representative" in relation to a corporation means a person duly appointed by the corporation to represent it for the purpose of doing any act or thing which the representative of a corporation is by this section authorised to do, but a person so appointed shall not, by virtue only of being so appointed, be qualified to act on behalf of the corporation before any court for any other purpose.

(5) A representative for the purposes of this section need not be appointed under the seal of the corporation, and a statement in writing purporting to be signed by a managing director of the corporation, or by any person (by whatever name called) having, or being one of the persons having, the management of the affairs of the corporation, to the effect that the person named in the statement has been appointed as the representative of the corporation for the purposes of

this section shall be admissible without further proof as *prima facie* evidence that that person has been so appointed.

Liability of employers.

13. Every person shall be liable for the acts and omissions of any partner, agent, or servant in so far as they relate to the business of such person and if such partner, agent, or servant performs any act or suffers any omission which contravenes or fails to comply with the provisions of this Act such person and his partner, agent, or servant may be charged jointly in the same proceedings and shall be liable jointly and severally to the penalties imposed by this Act, unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

Compensation to purchaser of goods at price in excess of maximum price.

14. Where any person is convicted of selling controlled liquor at a price in excess of the maximum price and—

(a) the court considers that the purchaser of such liquor did not know and could not reasonably be expected to know that the price paid by him for such liquor was in excess of the maximum price; or

(b) the purchaser of such liquor reported the sale to the price control officer or to a police officer of or above the rank of Inspector within forty-eight hours of such sale,

the court may, in addition to any other penalty which it may impose, order the person convicted to pay to such purchaser the difference between the maximum price and the price at which the goods were sold together with such sum, if any, as the court may think fit to award by way of compensation for any expenses incurred by such purchaser.

Penalty.

15. Any person guilty of an offence against this Act for which no penalty is expressly provided shall on summary conviction be liable to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding three months.
