
CHAPTER 339**PRICE CONTROL**

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CHAPTER 339

PRICE CONTROL

An Act to provide for the control and regulation of the price of goods and services and for matters incidental thereto or connected therewith.

13 cf 1971
7 cf 1972
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25 cf 1995
3 cf 2000
SI 128/2001

[Assent 19th July, 1971]

[Commencement 30th July, 1971]

1. This Act may be cited as the Price Control Act. Short title.
2. For the purposes of this Act — Interpretation.
 - “Commission” means the Prices Commission established under section 4;
 - “goods” includes all kinds of goods, produce, wares, merchandise, substances and animals.
 - “Government” means the Government of The Bahamas;
 - “Minister” means the Minister responsible for Consumer Protection; *E L A O, 1974*
 - “section” means section of this Act;
 - “services” includes all professional, technical and other services made available to members of the public for fee or reward, but does not include any services rendered to an employer by an employee under a contract of service or any telecommunications services, as defined in the Telecommunications Act. *3 cf 2000, s 41 and Sch Ch. 304.*
3. (1) The Minister may make regulations for all or any of the following purposes, that is to say, for maintaining, controlling or regulating the supply of goods or services so as to — Regulations.
 - (a) secure a sufficiency of goods and services essential to the well being of the community, their equitable distribution and their availability at fair prices; and
 - (b) ensure generally that the resources available to the community are used in a manner calculated to serve the interest of the community.

(2) Without prejudice to the generality of subsection (1) of this section, any regulations made thereunder may —

7 cf 1972, s 2

- (a) regulate the distribution, purchase or sale of goods or any class or description of goods;
- (b) control the prices at which services or any class or description of services may be provided or made available and at which goods or any class or description of goods may be sold, whether by wholesale or retail;
- (c) provide that any person who contravenes or fails to comply with any such regulation shall be guilty of an offence and shall be liable on summary conviction to —
 - (i) a fine not exceeding five thousand dollars; or
 - (ii) imprisonment for a term not exceeding twelve months;
- (d) provide for matters incidental or supplementary to the purposes set out in this section.

Establishment of
Prices
Commission.
Schedule.

4. (1) For the purposes of this Act there is hereby established a Prices Commission.

(2) The provisions of the Schedule shall have effect with respect to the constitution of the Commission and otherwise in relation thereto.

Function of
Commission.

5. The function of the Commission shall be to advise and assist the Minister on matters relating to the control of prices of goods and services in The Bahamas and otherwise in relation to the exercise of his functions under the provisions of this Act.

Minister may
delegate
functions.
SI 128/2001

6. The Minister may by instrument in writing delegate to the Commission or to a public officer any of his functions under this Act other than the making of regulations, either generally or in relation to a specified district in The Bahamas, and any such delegation —

- (a) may be made subject to such terms and conditions as the Minister thinks fit;
- (b) while in force shall not prevent the discharge by the Minister of the function thereby delegated; and
- (c) may at any time be revoked by the Minister.

7. (1) The Commission may of its own motion or in consequence of a complaint made by any person in respect of the prices charged for goods or for the supply of services, make investigation into such prices or into any other matter relating to the functions delegated to it by the Minister and shall report the result of any such investigation to the Minister.

Power to
investigate

(2) The Commission may, where it thinks it expedient for the purpose of any investigation under subsection (1) of this section, by notice in writing signed by the chairman of the Commission —

- (a) require any person to attend at a time and place specified in the notice and to give evidence to the Commission;
- (b) require any person to produce at a time and place specified in the notice, to the Commission or to any public officer authorised by the Commission for the purpose, any documents specified or described in the notice, being documents which are in his custody or under his control and relate to any matter relevant to the investigation;
- (c) require any person carrying on or employed in connection with carrying on any trade or business or with the supply of services to furnish to the Commission such estimates, returns or other information as may be specified or described in the notice and specify the time, manner and form in which any such estimates, returns or information are to be furnished.

(3) A person upon whom a notice under subsection (2) of this section is served shall —

- (a) be bound to comply with the notice;
- (b) be entitled, when appearing before the Commission, to the same rights and privileges as a witness enjoys before a court of law;
- (c) in the discretion of the Commission, be paid such expenses, including travelling expenses, at such rates as may be prescribed.

(4) Any person who —

- (a) without reasonable excuse, refuses or fails to do anything duly required of him by notice under subsection (2) of this section;

- (b) being a witness at an investigation under subsection (1) of this section, leaves the investigation without the permission of the Commission;
- (c) being a witness at such an investigation, refuses, without sufficient cause, to answer any question put to him by or with the permission of the Commission or wilfully obstructs or interrupts the proceedings of the Commission;
- (d) wilfully alters, suppresses or destroys any document which he is required to produce by notice under the said subsection (2) of this section; or
- (e) in furnishing any estimate, return or other information required of him by a notice under the said subsection (2) of this section, makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding two thousand five hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(5) A person shall not be convicted for failing or refusing to attend before the Commission unless the notice requiring him so to attend was served on him at least seven days before the day on which he was required to attend.

Minister may
authorise
purchase, sales,
etc , of goods

8. The Minister may, if he thinks it necessary or expedient for any of the purposes specified in section 3, by order authorise such person as he may designate in the order as agent for the Government to purchase on its behalf, whether within or without The Bahamas, for resale or other disposal to members of the public such categories of goods as may be specified in the order and in such order may make such provisions for supplementary or incidental matters as he may consider necessary for the purposes thereof.

Entry on
premises

9. (1) Any person authorised by the Minister in writing for the purpose or any police officer may at any reasonable time enter upon and inspect any premises at which goods are sold, offered for sale, stored or warehoused or services are provided or made available to members of the public, where such goods or services, as the

case may be, are for the time being controlled by regulations made under subsection (1) of section 3, with a view to securing compliance therewith and for controlling the prices charged for such goods and services.

(2) Any person or police officer entering upon any premises pursuant to the authority conferred by subsection (1) may seize, remove and detain for so long as may be necessary for the purposes of any examination, investigation or trial, any goods by means of or in relation to which he reasonably believes any provision of this Act or any regulations made thereunder has been contravened. *1 cf 1984, s 2*

(3) Any person who assaults, resists or disturbs any person authorised under this Act to enter and inspect any premises, while that person is acting in the execution of his duty under this Act, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding two thousand five hundred dollars.

10. Any person who obtains information by virtue of any of the provisions of this Act or any regulation made thereunder and, without the written permission of the Minister, discloses that information otherwise than in the discharge of his functions under this Act or any such regulation or for the purposes of any criminal proceedings, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment. *Restriction on disclosure of information*

11. (1) Where a person is convicted of an offence under this Act or any regulation made thereunder — *Provisions relating to offences*

- (a) if such person 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 shall be deemed to be guilty of the offence unless he proves that it was committed without his knowledge or that he exercised all due diligence to prevent it;
- (b) the court may make such order as to the forfeiture of any goods in relation to which the offence was committed as the court thinks fit.

(2) Notwithstanding any provision of law to the contrary, a prosecution for a summary offence under this Act or any regulation made thereunder may be commenced at any time within three years from the time when the matter to which the information relates arose.

(3) A prosecution for an offence under subsection (4) of section 7 or under section 10 shall not be commenced except by or with the consent of the Attorney-General.

Expenses.

12. The expenses incurred in carrying this Act into operation shall be defrayed out of moneys provided by Parliament.

SCHEDULE (Section 4(2))

CONSTITUTION AND PROCEDURE OF THE PRICES COMMISSION

Constitution of Commission.

1. The Commission shall consist of the following persons to be appointed by the Minister —

- (a) chairman, who shall hold office for a period of three years or such shorter period as may be specified in his instrument of appointment;
- (b) five persons, not being public officers, who shall be selected from a list of three names submitted by each of such organisations as the Minister may determine;
- (c) three public officers selected from among the personnel of such Ministries or Departments of Government as the Minister may determine.

Term of office of members.
25 cf 1995, s 2 and Sch

2. The members of the Commission subject to the provisions of this Schedule, shall hold office for a period not exceeding three years and shall be eligible for reappointment.

Members to elect acting chairman in absence of chairman.

3. If at any meeting of the Commission the chairman is absent, the members present shall elect one of their number to be chairman at that meeting.

Filling of vacancies.

4. If any vacancy occurs in the membership of the Commission, such vacancy shall be filled by the appointment thereto by the Minister of another person, who shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous member was appointed.

Resignation.

5. (1) Any member of the Commission other than the chairman may at any time resign his office by instrument in writing addressed to the chairman, who shall forthwith cause it to be forwarded to the Minister; and from the date of the receipt by the chairman of such instrument such member shall cease to be a member of the Commission.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister, and from the date of the receipt by the Minister of such instrument, the chairman shall cease to be chairman or a member of the Commission.

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- 6.** The Minister may, if he thinks it expedient so to do, at any time revoke the appointment of the chairman or any other member of the Commission. Revocation of appointments.
- 7.** The names of the members of the Commission as first constituted and every change in the membership thereof shall be published in the *Gazette*. Publication of membership.
- 8.** (1) The Commission shall meet at such times as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such places and times and on such days as the Commission may determine. Procedure of Commission.
- (2) A quorum of the Commission shall be five. 7 cf 1972, s 3
- (3) Subject to the provisions of this Schedule, the Commission may regulate its own proceedings.
- 9.** The Commission may appoint and employ, at such remuneration and on such terms and conditions as it thinks fit, but subject to the prior approval of the Minister in each case, an administrator, who shall be secretary to the Commission, and such other officers, servants and agents as it thinks necessary for the proper discharge of its functions: Officers, servants and agents.
- Provided that nothing in this paragraph shall prevent the assigning to the Commission, to act as such an officer, servant or agent of the Commission, of any public officer.
- 10.** There shall be paid to the chairman and each member of the Commission, not being a public officer, such remuneration (if any) whether by way of honorarium, salary or fees, and such allowances (if any) as the Minister may determine. Remuneration of members.