

CHAPTER 329

MISCELLANEOUS CONTROLS

1970-5

This Act came into operation on 1st October, 1970.

Amended by:

1973-24

1984-43

1977-56

1985-15

Law Revision Orders

The following Law Revision Order or Orders authorized the insertion and removal of pages as the case may be under the Law Revision Act Cap.2 now repealed:

1979

1985

1987

Guide to symbols in historical notes:

- indicates an amendment made by an Act

/ indicates an amendment made by statutory instrument

CHAPTER 329

MISCELLANEOUS CONTROLS 1970-5

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SCHEDULE

CONSTITUTION AND PROCEDURE OF THE PRICES COMMISSION

**BARBADOS****MISCELLANEOUS CONTROLS
1970-5**

An Act to make provision for the prohibition or restriction of the exportation and importation of goods and for the control and regulation of the production of vegetables and the keeping of livestock and of the price of goods generally.

[Commencement: 1st October, 1970]

Short title

1. This Act may be cited as the *Miscellaneous Controls Act*.

Interpretation

2. For the purposes of this Act

“Commission” means the Prices Commission established under section 4;

“export” means to take, cause to be taken or be concerned in taking out of Barbados or the territorial waters thereof, whether by sea or air;

“goods” includes all kinds of goods, produce, wares, merchandise, substances and animals, and includes gold and silver coin;

“import” means to bring, cause to be brought or be concerned in bringing into Barbados or the territorial waters thereof, whether by sea or air;

“livestock” means all animals the carcasses or products of which are fit for human consumption, and includes cattle, sheep, goats, pigs, rabbits and poultry;

“vegetable” include all plants which may provide food fit for human consumption.

[1985-15]

Regulations

3.(1) Subject to subsection (3), the Minister may make regulations for maintaining, controlling or regulating the supply of goods or services so as to

- (a) secure a sufficiency of those essential to the well-being of the community, their equitable distribution and their availability at fair prices;
- (b) regulate exports and imports in a manner calculated to serve the interests of the community; and
- (c) ensure generally that the resources available to the community are used in a manner calculated to serve the interests of the community.

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

- (a) prohibit absolutely the importation or exportation of goods or of any class or description of goods from or to any country;
- (b) prohibit the importation or exportation of goods or of any class or description of goods from or to any country except under the authority of a licence granted by the Minister;
- (c) regulate the distribution, purchase or sale of goods or of any class or description of goods;
- (d) control and regulate the prices at which goods or any class or description of goods may be sold, whether by wholesale or retail;

- (e) annex to the contravention of any regulation made under this section a punishment by way of
 - (i) a fine of \$100 000; or
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 - (ii) imprisonment for a term of 2 years;
- (f) provide for matters incidental and supplementary to the purposes set out in this section.

(3) The Minister responsible for Agriculture may make regulations controlling and regulating the production of vegetables and the keeping of livestock and may annex to the contravention of any such regulation the punishment specified in paragraph (e) of subsection (2).

Establishment of Prices Commission

4.(1) For the purposes of this Act there shall be 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.

Functions of Commission

5. The functions of the Commission shall be to advise and assist the Minister on matters relating to the control of prices of goods in Barbados and of such services as the Minister may by order prescribe.

Minister to delegate functions

6. The Minister may by instrument in writing delegate any of his functions under this Act, during such time or for such purposes as may be directed in the instrument, to the Commission or to a public officer.

Power to investigate

7. The Minister may, on his 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 charges.

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Power of Commission on investigation

8.(1) The Minister may for the purpose of any investigation under section 7, by notice in writing—

- (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 him 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 or to such public officer as he may authorise 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.
- (2) A person upon whom a notice under subsection (1) 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 remuneration as may be prescribed for witnesses by rules made under section 46 of the *Supreme Court of Judicature Act*, Cap. 117.
- (3) Any person who—
- (a) without reasonable excuse, refuses or fails to do anything duly required of him by a notice under subsection (1);
- (b) wilfully alters, suppresses or destroys any document which he is required to produce by a notice under subsection (1); or
- (c) in furnishing any estimate, return or other information required of him by a notice under subsection (1), 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 of two thousand five hundred dollars or to imprisonment for six months or to both such fine and imprisonment.

- (4) 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 three days before the day on which he was required to attend.
- (5) No prosecution for an offence under subsection (3) shall be commenced except with the sanction of the Director of Public Prosecutions.

[1977-56]

Minister may authorise purchase, sale, etc., of goods

9. The Minister may, if he thinks it necessary or expedient for the purposes specified in section 3, by order authorise such person as he may designate in the order to purchase, sell or otherwise dispose of, on behalf of the Crown, such goods as may be specified in the order and in such order may make such provisions for supplementary or incidental matters as may be necessary for the purposes thereof.

Grant of import and export licences

10.(1) Where any regulations made under section 3 prohibit the importation or exportation of any goods or of any class or description of goods except under the authority of a licence granted by the Minister, the Minister may, subject to this section, grant or withhold licences for the importation or exportation, as the case may be, of such goods.

(2) A licence granted under this section may be—

- (a) general or limited to a person therein specified;
- (b) absolute or conditional;
- (c) limited so as to expire on a date therein specified unless renewed.

(3) Where the Minister pursuant to section 6 has delegated his power to grant licences under this section to the Commission or to a public officer—

- (a) a reference in subsection (1) to the Minister shall be construed as a reference to the Commission or to that public officer, as the case may be;
- (b) the Minister may give directions to the Commission or to that officer as to the policy to be followed in the exercise of that power and the Commission or such officer shall give effect to those directions.

(4) The questions whether or not the Commission or a public officer has given effect to any directions given by the Minister under paragraph (b) of subsection (3) shall not be enquired into in any court.

(5) A licence granted under this section may be revoked at any time by the person granting it.

Entry on premises

11.(1) Any person authorised by the Minister in writing for the purpose or any member of the Police Force may at any reasonable time enter upon and inspect any premises to which regulations made under section 3 (1) relate with a

view to securing compliance therewith and for controlling the prices charged for such goods and services as may be prescribed by those regulations.

(2) Any person authorised by the Minister responsible for Agriculture in writing for the purpose may at any reasonable time enter upon and inspect any land or premises to which regulations made under subsection (3) of section 3 relate with a view to securing compliance therewith.

Offences

12.(1) Any person who—

- (a) contravenes or fails to comply with any term, condition or restriction of or subject to which a licence is granted under section 10; or
- (b) 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,

shall be guilty of an offence and shall be liable on summary conviction to a fine of two thousand five hundred dollars.

(2) Where a person is convicted of an offence under subsection (1) or any regulation—

- (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 the commission thereof;
- (b) the court before which such person is convicted may make such order as to the forfeiture of any goods in relation to which the offence was committed as the court thinks fit.

(3) 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.

Restriction on disclosure of information

13.(1) Any person who obtains information by virtue of any of the provisions of this Act and, without the written permission of the Minister, discloses that information otherwise than in the discharge of his functions under this Act or for the purposes of any criminal proceedings shall be guilty of an offence and shall be liable on summary conviction to a fine of \$1 000 or to imprisonment for 6 months or to both such fine and imprisonment.

(2) A prosecution for an offence under subsection (1) shall not be commenced without the sanction of the Director of Public Prosecutions.

Customs Act to apply to goods prohibited to be imported or exported under this Act

14. Where the importation or exportation of goods or of any class or description of goods from or to any country is prohibited by any regulations made under section 3 except under the authority of a licence granted by the Minister, any goods imported or exported in breach of such prohibition shall be deemed to be prohibited goods within the meaning of the *Customs Act*, Cap. 66 which have been imported or exported, as the case may be, contrary to the prohibition against importation or exportation contained in subsection (1) or (2) or section 89 of that Act.

Power to inspect and to seize

14A. Notwithstanding section 14, the Minister may, in respect of goods to which that section refers, authorise in writing the Commission or a public officer

- (a) to enter at any reasonable time and inspect any premises on which, in the opinion of the Minister, the goods are sold, offered for sale, or displayed; and

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- (b) to seize any or all of the goods.

Saving

15. Nothing in this Act shall make it lawful to import or export goods when such importation or exportation is unlawful by any other enactment.

Expenses

16. The expenses incurred in carrying this Act into operation shall be defrayed out of moneys voted for the purpose by Parliament.

Substitution of references to Competent Authority

17. Any reference to the Competent Authority in any enactment made or issued under the *Miscellaneous Controls Act, 1958*,* shall as from the 1st October, 1970 be construed

**[Act 1958-42, repealed by this Act.]*

- (a) in the case of enactments or documents relating to matters other than the control and regulation of the production of vegetables and the keeping of livestock, as a reference to the Minister;
- (b) in the case of enactments or documents relating to the control and regulation of the production of vegetables and the keeping of livestock, as a reference to the Minister responsible for Agriculture.

Continuation of orders, etc., made under repealed enactments

18. Any orders or licences in force immediately before the 1st October, 1970 under the *Exports and Imports (Restriction) Act, 1939*,* and any orders in force immediately before that date under the *Miscellaneous Controls Act, 1958*,* shall continue to have effect until amended or revoked by or under the authority of regulations made under this Act.

**[Act 1939-14, repealed by this Act.]*

**[Act 1958-42, repealed by this Act.]*

SCHEDULE*(s. 4 (2))**CONSTITUTION AND PROCEDURE OF THE PRICES COMMISSION*

1.(1) The Commission shall consist of the following members appointed by the Minister

- (a)* a chairman selected from among persons possessing the necessary competence, experience and integrity who shall hold office for a period of 3 years or such shorter period as may be specified in his instrument of appointment;
- (b)* 7 persons, not being public officers, selected as mentioned in *(a)* above;
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- (c)* 3 public officers selected from among the personnel of such Ministries or Departments of Government as the Minister may determine.

(2) The members other than the chairman shall hold office for 1 year but shall be eligible for re-appointment.

(3) Where at any meeting of the Commission the chairman is absent, the members present shall elect 1 of their number to be chairman at that meeting.

(4) In the event of a vacancy occurring in the office of a member of the Commission whether through death, resignation or other cause, such vacancy shall be filled in the same manner as that in which appointment to the said office is required by this Act to be made.

2. The Commission may regulate its own procedure.

3. There shall be paid to a member of the Commission, other than a public officer, in respect of his office such remuneration as the Minister may determine.

4.(1) The Minister may assign for service with the Commission any public officer of his Ministry or may obtain for such service, with the approval of the

appropriate Service Commission, the services of other public officers as may be necessary, one of whom shall be secretary to the Commission.

(2) The Minister may employ on contract at such remuneration and on such terms and conditions as he may determine, such temporary staff as may be necessary for the effective carrying out of the functions of the Commission.

(3) Any staff employed by the Minister pursuant to sub-paragraph (2) shall not be deemed by virtue of such employment to be members of the public service.