

POLICE v. 'IOANE SIAKUMI.

(Criminal Appeal : Carew C. J. Ha'apai, 3rd December, 1949).

Prices of Goods and Services Act 1947 — Prosecution for breach of the Act — Who may prosecute — Police no power to prosecute.

The accused, the appellant, was prosecuted by the Police for selling bread at a price above the price fixed in accordance with the provisions of the Prices of Goods and Services Act 1947. In the Magistrate's Court the accused submitted that the prosecution must fail because the Police had no power to institute prosecutions under this Act.

The Magistrate convicted the accused and imposed a sentence of a fine of £20, in default of payment imprisonment for ten months.

The accused appealed.

HELD. Appeal upheld as the Police have no power to prosecute under this Act.

S. Havili for Appellant.

Inspector Fusimalohi for Respondent (The Police).

CAREW C. J. : The Police appear to have no power to institute proceedings under the Prices of Goods and Services Act No. 3 of 1947. Appeal upheld. Conviction quashed.

EDITOR'S NOTE : Section 17 of the Prices of Goods and Services Act 1947 provided a penalty for breaches of the Act but nowhere in the Act is it indicated who is the proper person to take proceedings. In 1950 a new section (Section 20A) was added which reads as follows :

"Prosecution under this Act may be conducted either by the Competent Authority or by the Police for and on behalf of the Competent Authority".

See Act No. 22 of 1950.
