

NEW HEBRIDES CONDOMINIUM

JOINT REGULATION

N° 18 of 1974

TO MAKE provision for controlling the price of goods and services.

MADE by the Resident Commissioners under the provisions of Articles 2:2 and 7 of the Anglo-French Protocol of 1914.

PART I - INTERPRETATION

Interpretation

1. In this Regulation and in any subsidiary legislation made thereunder, unless the context otherwise requires -

" Controller " means the Price Controller appointed under section 3 ;

" Inspector means a Price Inspector appointed under section 3 ;

" price " when used in connexion with the provision of services includes the rate charged for supplying or carrying on any service and the term " price " or " rate " shall be deemed to include valuable consideration of any kind whatsoever direct or indirect ;

" retail " when used in relation to any sale means a sale by a retailer to a consumer ;

" retail price " means the price paid or payable for goods sold by retail ;

" retailer " means a trader who sells goods to a consumer ;

" trader " means any person who in connexion with any business carried on by him sells, has sold, or proposes to sell any goods, or who supplies or who carries on any service ;

" wholesale " when used in relation to any sale means a sale by a wholesaler to any person ;

" wholesaler " means a trader who sells goods to any person for the purpose of resale or for use by such person in his trade or business ;

" wholesale price " means the price paid or payable for goods sold by wholesale.

PART II - PRICE CONTROL BUREAU

- Establishment of Price Control Bureau 2. A Price Control Bureau is hereby established for the New Hebrides which shall form an independent part of the Condominium Treasury.
- Composition of Bureau 3. The Bureau shall comprise a Price Controller and a sufficient number of Price Inspectors personally appointed by joint decision of the Resident Commissioners.
- Functions of Bureau 4. The functions of the Price Control Bureau shall be -
- (a) to ensure that the legislation concerning price control is observed by all traders, persons engaged in commercial activities and persons providing services ;
 - (b) to verify any infringements of the said legislation and to make a report thereon.
- Exercise of Functions of Bureau 5. The Controller and Inspectors shall exercise the functions of the Bureau with the powers conferred upon them by this Regulation.

PART III - PRICES ADVISORY COMMITTEE

- Establishment of Prices Advisory Committee 6. A Prices Advisory Committee is hereby established the composition whereof shall be fixed by joint decision of the Resident Commissioners.
- Consultation of Committee on draft legislation concerning prices 7. The Committee shall be consulted on all draft legislation concerning prices. It may call before it any person or representative of any businesses whose advice may appear to it useful.

It shall in addition give all necessary publicity to any draft legislation submitted to it for a period of two weeks and shall receive either verbally or in writing any representations which may be made.

PART IV - PROCEDURE AND METHOD FOR FIXING PRICES

- Inquiry into price structure and profit margins 8. Before any legislation concerning the control of prices charged for the supply of any goods or services is initiated, the Price Control Bureau shall undertake an inquiry into the price structure and profit margins applied by those persons who supply, whether as wholesaler or retailer, such goods or supply such services.
- Methods of fixing prices If it shall appear as a result of any inquiry undertaken as aforesaid that price control measures should be initiated, the Price Controller shall so inform the Resident Commissioners who may, after consulting the Prices Advisory Committee in accordance with section 7, make joint rules -

- (a) determining the price itself by freezing or fixing ;
- (b) determining a profit margin as a fixed sum or as a percentage ; or
- (c) controlling prices by any other means which may appear suitable .

PART V - CONTROLLER AND INSPECTORS

Powers of
Controller
and Inspectors

10. The Controller and Inspectors shall have power -

- (a) at any reasonable time to require any trader,
 - (i) to furnish either verbally or in writing, honestly and to the best of his knowledge, any information concerning the price structure applicable to such of his business activities as may be specified ;
 - (ii) as soon as is reasonably possible to produce or to supply a copy of any paper or document relating to the price structure applicable to such of his business activities as may be specified in no matter whose possession the same may be ;
- (b) during the normal working hours of any business,
 - (i) to enter and inspect any business premises and to take such steps as may be reasonably necessary to effect such purposes,
 - (ii) to take possession of any paper, document or sample of merchandise which may appear to him to be evidence constituting proof of any contravention of this Regulation or any rules made thereunder.

Secrecy

11. The Controller and Inspectors shall be bound by business secrecy but may nevertheless solely for official purposes communicate to the Prices Advisory Committee any information or documents which are necessary for its decisions, provided that such information or documents disclose neither the name nor the business name nor the address of the trader to whom they relate.

PART VI - DUTIES OF TRADERS

Traders to
keep books,
accounts etc.

12. Every trader shall keep proper and up to date books, accounts and records as are customary in his business or as may be directed in writing by the Controller with the approval of the Resident Commissioners.

Prohibition of
destruction of
documents
within two years

13. No trader shall, without the prior consent of the Controller, destroy wholly or partially or render unusable any document relating to his business activities within a period of two years from the date on which such document came into being.

Invoices etc.
to be supplied

14. Every wholesaler shall supply his customers with an invoice which must contain the following particulars -

- (a) the name and address of the seller and the purchaser ;
- (b) the date ;
- (c) a description of the merchandise ;
- (d) the individual and total prices, together with any additional information specifically relating to particular businesses, merchandise or services as may be required by the Controller. A duplicate of this invoice must be retained by the trader for a period of two years after the date on which the same was issued.

Every trader, retailer or person supplying any service shall be required if so requested by the customer to supply his customers with a voucher, docket or invoice the particulars whereof shall be prescribed by joint rules of the Resident Commissioners.

Power to make
subsidiary
legislation

15. The Resident Commissioners may jointly make such subsidiary legislation as they shall deem necessary for the implementation of this Regulation and in particular for prescribing the requirements as to the advertising of prices which are to be observed by traders.

PART VII - OFFENCES AND PENALTIES

Offences

16. Any person refusing to comply with any requirement made of him in accordance with the provisions of section 10 of this Regulation or by any Inspector, or who wilfully supplies him with false information or with documents which he knows to be erroneous, or who obstructs in any way the Controller or any Inspector in the exercise of his duty shall be guilty of an offence and liable to the penalties prescribed in section 17.

Penalties

17. (a) Any person who contravenes the provisions of this Regulation or any subsidiary legislation which shall be made for the implementation thereof shall be liable to a fine not exceeding 100,000 FNH or the equivalent thereof in Australian dollars at the official rate of exchange or imprisonment for a term not exceeding one year or to both such fine and imprisonment.
- (b) In addition, notwithstanding the provisions of the Joint Business Licences Regulation N°. 28 of 1973, the shop or premises where the offence has taken place may be closed by joint decision of the Resident Commissioners for a period not exceeding three months and the trader who has committed the offence shall at his expense display a copy of the said joint decision. The joint decision shall be displayed on the principal entrance to the premises and shall be clearly readable from outside the premises.

Offences by company

18. If any offence is committed by a legally incorporated company, the manager or any officer thereof responsible under the articles of association of the said company, shall be guilty of such 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.

Offences by employees

19. Any trader who employs any person whether paid or not within his place of business shall be responsible for the acts or omissions of such employee and may be charged therewith if such acts or omissions constitute an offence against this Regulation unless he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of any offence ; in such case only the employee or employees responsible shall be charged.

Citation and Commencement

20. This Regulation may be cited as the Joint Price Control Regulation N°. 18 of 1974 and shall come into operation on the date of its publication in the Condominium Gazette.

MADE at Vila this second day of May, 1974.

The Resident Commissioner
for the French Republic

Her Britannic Majesty's
Resident Commissioner

R. LANGLOIS

R.W.H. du BOULAY