

LAWS OF BRUNEI

CHAPTER 142 PRICE CONTROL

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CHAPTER 142

PRICE CONTROL

ARRANGEMENT OF SECTIONS

Section

1. Citation.
2. Interpretation.
3. Appointment of Price Controller and other officers.
- 3A. Appointment of committees.
- 3B. Maximum prices and charges.
- 3C. Minimum prices and charges.
4. Control of movement, export and import dealing in specified goods.
5. Controller may order display of prices on any goods or class of goods.
6. *Repealed.*
7. Prohibition against greater quantity of controlled article than required for ordinary use.
8. Prohibition against selling greater quantities of controlled article than required for ordinary use.
9. Power of Controller to deal with hoarding.
- 9A. Powers of entry, search etc.
- 9B. General powers of Price Controller.

- 10. Power of Controller to obtain information.
- 10A. Compounding of offences.
- 10B. Offences.
- 10C. Delegation of powers.
- 11. Regulations.
- 12. Attempts and abetments.
- 13. Penalties.

SCHEDULE — MATTERS IN REGARD TO WHICH MINISTER
MAY, *INTER ALIA*, MAKE REGULATIONS IN
RESPECT OF ACT

PRICE CONTROL ACT

An Act to provide for the control of the marketing and movement of goods and foodstuffs and for matters incidental thereto

Commencement: 13th March 1974

Citation.

1. This Act may be cited as the Price Control Act.

Interpretation.

2. In this Act, unless the context otherwise requires —

“controlled article” means any goods or classes of goods declared to be controlled articles under section 4(a);

“Controller” means the person appointed as Price Controller under the provision of section 3(1);

“goods” includes any foodstuff of any kind, type, quality or brand of foodstuff, all chattels personal other than things in action and money;

“foodstuff” means any animal live or dead, and any substance or commodity, which is used as food by man or which is used for feeding any animal which serves some purpose for the use of man, whether as food or otherwise or which ordinarily enters into the composition or preparation of human food or the food of any such animal;

“maximum price” means the maximum price at which under the provisions of this Act, goods may be sold;

“minimum price” means the minimum price at which under the provisions of this Act, goods may be sold;

[S 88/2012]

“Minister” means the Minister in the Office of the Prime Minister, responsible for the Price Control Act;

[S 88/2012]

“person” includes any trader, manufacturer, producer, commission agent, clearing and forwarding agent and auctioneer;

“Price Inspector” means any person appointed under section 3(2) as a Price Inspector and may include any police officer not below the rank of Inspector, any officer of Customs or so gazetted for the purposes of this Act;

[S 88/2012]

“price-controlled goods” means goods in respect of which —

(a) maximum prices have been fixed under section 3B;

(b) minimum prices have been fixed under section 3C,

and includes services for which a maximum price or a minimum price has been fixed;

[S 88/2012]

“officer of Customs” has the same meaning as in the Customs Order, 2006 (S 39/2006);

“sell” includes an agreement to sell and an offer to sell, shall be deemed to include the exposing of goods for sale, the publishing of a price list, the furnishing of a quotation, or any other act or notification whatsoever by which willingness to enter into any transaction of sale is expressed;

“selling price” means the actual net price charged to the purchaser of the goods concerned, less all discounts or other allowances;

“trader” includes any person who carries on the business of selling goods and any person carrying on business in the course of which he supplies goods for the purpose of, or in the pursuance of a contract made by him for work, labour and materials.

Appointment of Price Controller and other officers.

3. (1) The Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, may appoint a Price Controller and a Deputy Price Controller as he may think fit.

[S 88/2012]

(2) The Minister may appoint Price Inspector for such areas as he may think fit.

[S 88/2012]

(3) The Minister shall cause the Price Controller, Deputy Price Controller and Price Inspectors to be provided with authority cards in such form as he may direct.

[S 88/2012]

Appointment of committees. [S 88/2012]

3A. The Minister may, with the approval of His Majesty the Sultan and Yang Di-Pertuan, appoint such committees as he thinks fit to assist or advise the Price Controller on such matters arising out of his functions of the Price Controller under this Act.

Maximum prices and charges.

3B. (1) The Price Controller may by order published in the *Gazette* —

(a) fix the maximum price, which may include charges for delivery, for the sale of any goods, either by declaring the maximum sale price or by prescribing that the sale price of the goods shall not exceed the price which they cost the seller plus a stated sum or a stated percentage of that cost price, or by prescribing the manner in which the maximum sale price of the goods shall be ascertained;

(b) fix the maximum charge that may be made by any person for any service in relation to the supply, repair, maintenance, packing, carriage or storage of goods, which shall include the provision of such materials as may be specified in the order;

(c) fix the maximum price, or prescribe the manner in which the maximum price shall be ascertained, of any second-hand goods, whether for sale by persons who trade in these goods, or by the private owners of these goods.

(2) Under this section, the Price Controller may fix a maximum price or charge for service in respect of any goods for one area which differs from the maximum price or the charge for services fix for another area in respect of like or similar goods.

(3) Any person who contravenes an order made under subsection (1) is guilty of an offence.

[S 88/2012]

Minimum prices and charges. [S 88/2012]

3C. (1) The Price Controller may by order published in the *Gazette* —

(a) fix the minimum price for the sale of any goods, either by declaring the minimum sale price or by prescribing the manner in which the minimum sale price of the goods shall be ascertained;

(b) fix the minimum charge that may be made by any person for any service in relation to the supply, repair, maintenance, packing, carriage or storage of goods, which shall include the provision of such materials as may be specified in the order;

(c) fix the minimum price, or prescribe the manner in which the minimum price shall be ascertained, of any second-hand goods, whether for sale by persons who trade in those goods, or by the private owners of those goods.

(2) Under this section, the Price Controller may fix a minimum price or charge for service in respect of any goods for one area which differs from the minimum price or the charge for services fixed for another area in respect of like or similar goods.

(3) Any person who contravenes an order made under subsection (1) is guilty of an offence.

Control of movement, export and import dealing in specified goods.

4. (1) The Controller, with the prior approval of the Minister, may by order published in the *Gazette* —

[S 88/2012]

(a) declare any goods or classes of goods to be controlled articles;

(b) prohibit, regulate or control the movement, import or export of controlled articles;

(c) prohibit, absolutely or subject to conditions, the purchase, sale or barter of any controlled article for the purpose of resale in, or export from, any area specified without his written permission;

(d) restrict the sale of any price-controlled goods either by any individual or generally by all persons dealing in the article in any manner in which he deems fit;

(e) limit the wholesale or retail dealing in any controlled article to persons holding a licence or permit issued under this Act, or rules made thereunder;

(ea) require any person to submit to him samples of any controlled articles;

(f) prescribe such forms as he may think necessary in connection with the matters referred to in paragraphs (a) to (f).

(2) Any person who contravenes an order made under subsection (1) is guilty of an offence.

[S 88/2012]

Controller may order display of prices on any goods or class of goods.

5. The Controller may by order published in the *Gazette* require any person who sells by retail any goods or class of goods specified in the order to exhibit clearly and conspicuously in such manner as may be prescribed, the price demanded by him for the sale of such goods and any person failing to comply with such order is guilty of an offence.

6. *(Repealed).*

Prohibition against greater quantity of controlled article than required for ordinary use.

7. (1) The Controller may, by order published in the *Gazette*, impose such restrictions and conditions so that no person shall after the date of publication of an order in that behalf, acquire any controlled article so that the quantity of the controlled article in his possession or under his control at any one time exceeds the quantity required for ordinary use and consumption in his household or establishment during such period as may be specified in that order.

(2) In any proceedings for breach of this section, the burden of showing what quantity of any controlled article is so required shall rest upon the person charged.

(3) Any person who contravenes an order made under subsection (1) is guilty of an offence.

[S 88/2012]

Prohibition against selling greater quantities of controlled article than required for ordinary use.

8. (1) No person shall sell any controlled article to a purchaser where he has reasonable grounds for believing (whether on account of the quantity of the controlled article sold or any other circumstances) that the quantity of that article which may lawfully be acquired under section 7 by the purchaser or some other person will by reason of the sale be exceeded.

[S 88/2012]

(2) Any person who contravenes an order made under subsection (1) is guilty of an offence.

[S 88/2012]

Power of Controller to deal with hoarding.

9. If the Controller has reason to believe that any person is committing an offence under sections 7 and 8, he may —

(a) take possession in such manner as he deems fit of any controlled article in respect of which he has reason to believe such an offence is being committed; or

(b) give such orders and directions and take such measures in relation to supplies of that controlled article as may appear to him necessary or expedient in order that any controlled article may be placed on the market.

Powers of entry, search etc.

9A. (1) The Price Controller, the Deputy Price Controller, any Price Inspector, any person authorised in writing by any of them, any officer of Customs or any police officer not below the rank of Inspector may —

[S 88/2012]

(a) seize any price-controlled goods or any controlled articles in respect of which he has reasonable grounds for suspecting that an offence against this Act has been committed together with any receptacle, package, conveyance, vessels not exceeding 200 tons net registered tonnage, vehicle or aircraft in or on which the same may

have been found or which have been used in connection with the offence (in this section referred to as “accompanying appliances”) or which he considers necessary to establish the commission of that offence and may detain such goods or any controlled articles and accompanying appliances pending the commencement of any proceedings against any person for the offence;

[S 88/2012]

(b) enter and inspect any premises in the occupation or under the control of any person carrying on any trade or business in which price-controlled goods or any controlled articles are sold and seize any book, account, document or other thing found in the premises which may furnish evidence of the commission of an offence against this Act;

[S 88/2012]

(c) examine any book, account or other document relating to the trade or business of any such person and require a copy thereof or of the records of any transaction duly certified by that person, and may further require that any such book, account or other document be deposited at the office of the Price Controller for examination; and where the same are in a language other than Malay or English languages may, if he is satisfied that such person can provide or obtain a translation thereof in either of those languages, require such a translation; or

(d) require any person to submit to him samples of any price-controlled goods or any controlled articles in which he deals.

[S 88/2012]

(2) Where any price-controlled goods, any controlled articles or any accompanying appliances have been seized under subsection (1)(a), then —

[S 88/2012]

(a) if within 30 days of the seizure no proceedings are commenced against any person for an offence alleged to have been committed in relation to those price-controlled goods, controlled articles or accompanying appliances shall be returned to the person from whom they were seized if he can be found and, if otherwise, shall be disposed of as may be directed by a Magistrate; or

[S 88/2012]

(b) if within 30 days of the seizure any such proceedings are commenced against any person, the price-controlled goods, controlled articles or accompanying appliances shall be liable to forfeiture or otherwise disposed of in such manner as the court may direct:

[S 88/2012]

Provided that where any price-controlled goods or controlled articles which have been seized under subsection (1)(a) are of a perishable nature, they may be sold by the order of the Price Controller and this subsection shall apply to the disposal of the proceeds of the sale in the same manner as it would have applied to the disposal of those price-controlled goods or controlled articles if they had not been sold.

[S 88/2012]

(3) Any police officer may, either of his own motion or on information received from the Price Controller or any other person, arrest without warrant upon reasonable suspicion of having committed an offence against this Act, if such person refuses to furnish his name or address or there are reasonable grounds for believing that he has furnished a false name or address or that he is likely to abscond.

(4) For the purposes of this section, “price-controlled goods” shall include any goods or class of goods in respect of which the Price Controller has prescribed marks or labels to be displayed under section 9B(1).

[S 88/2012]

General powers of Price Controller.

9B. (1) The Price Controller may, with the approval of the Minister, by order published in the *Gazette*, prescribe marks or labels to be displayed by retailers, wholesalers, importers, manufactures and producers relating to any price-controlled goods or to any other goods or class of goods in such manner as may be specified in the order, indicating the quality, grade, weight, price, place of origin or date of manufacture of such goods and such other information relating to such goods as the Price Controller may require.

(2) The Price Controller may —

(a) in any particular case, determine what constitutes a wholesale or a retail transaction;

(b) require by notice in writing any person carrying on any trade or business to furnish orally or in writing and in such form as may be required, any information in relation to the trade or business; and

(c) prescribe the place in which any price-controlled goods shall be stored.

Power of Controller to obtain information.

10. The Controller or any person authorised by him in writing in that behalf may, by writing under his hand or by notification published in the *Gazette*, require any person or all persons, to furnish him or such official as may be specified in that requirement with any information called upon to be produced in a full and accurate manner and shall produce any records or any documents as may be required in that behalf relating to any goods in his or their possession or under his or their control.

Compounding of offences.

10A. (1) The Price Controller and the Deputy Price Controller may compound any offence against this Act, which is prescribed to be a compoundable offence, by accepting from the person reasonably suspected of having committed such offence a sum of money to be fixed by him not exceeding \$1000.

[S 88/2012]

(2) Upon payment made, the person reasonably suspected of having committed such offence, if in custody, shall be discharged, any property seized shall be released and no further proceedings shall be taken against such person or property in respect of such offence.

Offences.

10B. Any person who —

(a) sells price-controlled goods at the price, or performs or offers to perform any service in relation to any price-controlled goods, or hires or offers to hire any price-controlled goods, at a charge, which exceeds the maximum price or charge fixed by the Price Controller under section 3B;

(b) knowingly purchases or offers to purchase any price-controlled goods or who knowingly pays or offers to pay for a service a charge which exceeds the maximum charge;

(c) carries on a business in the course of which price-controlled goods are normally sold and who has in his possession a stock of such goods who —

- (i) falsely denies that he has such goods in his possession; or
- (ii) refuses, except with the permission of the Price Controller, to sell such goods in reasonable quantities,

is guilty of an offence against this Act:

Provided that it shall be a defence to a charge under paragraph (c)(ii) that the purchaser was unable or unwilling to make immediate payment of the price of the goods in cash.

Delegation of powers. [S 88/2012]

10C. The Price Controller may, in writing, delegate all or any of his powers, duties or functions under the provisions of this Act to any Deputy Price Controller or any other person approved by the Minister, and may at any time revoke or vary such a delegation:

Provided that no such delegation shall be deemed to divest the Price Controller of all or any of his powers, duties or functions and he may if he thinks fit exercise such powers, duties or functions, notwithstanding the fact that he has so delegated them.

Regulations.

11. (1) The Minister may, by notification published in the *Gazette*, make regulations for the purposes of carrying out this Act either generally or for any particular part or provision.

(2) In particular and without prejudice to the generality of subsection (1), the regulations may provide for any of the matters mentioned in the Schedule.

Attempts and abetments.

12. (1) Any person attempting to commit or abetting in any way the commission of an offence against this Act is guilty of an offence.

(2) The expression “attempting to commit” and “abetting the commission of” an offence used in subsection (1) shall have the same meaning as that used in the Penal Code (Chapter 22).

Penalties.

13. (1) Any person, who commits an offence against this Act is guilty of an offence and liable on conviction to a fine of \$5,000 and imprisonment for 2 years, and in the case of a second or subsequent offence to a fine of \$20,000 and imprisonment for 5 years.

(2) Where any person or persons is convicted of an offence, the court by which he is so convicted may, in addition to any other penalty, make an order debaring him or any firm of which he is a partner or any corporation of which he is an officer, from carrying on business for such period as the court may determine. Any person who fails to comply with any such order is guilty of an offence and liable on conviction to a fine of \$20,000 and imprisonment for 5 years.

(3) A conviction for any offence under this Act may be had before the Court of a Magistrate which shall, notwithstanding anything contained in any other written law, have jurisdiction to pass any sentence provided in this Act or any rules made thereunder for such offence.

SCHEDULE

(section 11(2))

MATTERS IN REGARD TO WHICH MINISTER MAY, *INTER ALIA*, MAKE REGULATIONS IN RESPECT OF ACT

1. The maintenance of such books, registers, returns or forms.
2. Right of entry upon premises.
3. Right to examine records.
4. Obligation to give information to the Price Controller or delegated authority.
5. Right to seize any article in relation to evidence necessary to establish the commission of an offence.
6. The right to dispose of any perishable article seized as evidence.
7. The issue of licences or permits.
8. The delegation of authority.
9. Declare the penalties for any offence against the rules.
10. Compoundable offences. *[S 88/2012]*
11. Cheap sale. *[S 88/2012]*