

No. S 88

CONSTITUTION OF BRUNEI DARUSSALAM
(Order made under Article 83(3))

PRICE CONTROL ACT (AMENDMENT) ORDER, 2012

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PRICE CONTROL ACT (AMENDMENT) ORDER, 2012

In exercise of the power conferred by Article 83(3) of the Constitution of Brunei Darussalam, His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Order —

Citation.

1. This Order may be cited as the Price Control Act (Amendment) Order, 2012.

Amendment of section 2 of Chapter 142.

2. Section 2 of the Price Control Act, in this Order referred to as the Act, is amended —

(a) by inserting the following new definitions immediately after the definition of “maximum price” —

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

“Minister” means the Minister responsible for Price Control Act (Chapter 142) in the office of the Prime Minister;”;

(b) by deleting the definition of “price-controlled goods” and by substituting the following new definition therefor —

“ “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;”;

(c) by deleting the definition of “Price Inspector” and by substituting the following new definition therefor —

“ “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.”.

Amendment of section 3.

3. Section 3 of the Act is amended —

(a) by repealing subsection (1) and the following new subsection substituted therefor —

“(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.”;

(b) in subsection (2), by deleting “such Chief Price Inspectors, Senior Price Inspectors and” from the first and second lines; and

(c) by adding the following new subsection —

“(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.”.

Substitution of section 3A.

4. Section 3A of the Act is repealed and the following new section substituted therefor —

“Appointment of committees.

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.”.

Amendment of section 3B.

5. Section 3B of the Act is amended by inserting the following new subsection immediately after subsection (2) —

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

Insertion of new section 3C.

6. The Act is amended by inserting the following new section immediately after section 3B —

“Minimum prices and charges.

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 secondhand goods, whether for sale by persons who trade in those goods, or by the private owners of those goods; and

(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.”.

Amendment of section 4.

7. Section 4 of the Act is amended —

(a) by inserting “(1)” immediately before “The” in the first line; and

(b) by adding the following new subsection —

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

Amendment of section 7.

8. Section 7 of the Act is amended by adding the following new subsection immediately after subsection (2) —

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

Amendment of section 8.

9. Section 8 of the Act is amended —

(a) by inserting “(1)” immediately before “No” in the first line; and

(b) by adding the following new subsection —

“(2) Any person who contravenes subsection (1) is guilty of an offence.”.

Amendment of section 9A.

10. Section 9A of the Act is amended —

(a) in subsection (1) —

(i) by deleting “Assistant Price Controller” from the first line and by substituting “Price Inspector” therefor;

(ii) by deleting “any “Chief Price Inspector” from the second and third lines and by substituting “officer of Customs” therefor;

(iii) in paragraph (a), by inserting “or any controlled articles” immediately after “goods” in the first line and in the eighth line;

(iv) in paragraph (b), by inserting “or any controlled articles” immediately after “goods” in the third line;

(v) in paragraph (d), by inserting “or any controlled articles” immediately after “goods” in the last line.

(b) in subsection (2) —

(i) by inserting “, any controlled articles or any accompanying appliances” immediately after “goods” in the first line;

(ii) in paragraph (a), by deleting “goods, the goods and” from the third line and by substituting “price-controlled goods, controlled articles or accompanying appliances” therefor;

(iii) in paragraph (b), by deleting “goods and” from the second line and by substituting “price-controlled goods, controlled articles or” therefor;

(iv) in the proviso of paragraph (b), by deleting “goods” from the first line and the last line and by substituting “price-controlled goods or controlled articles” therefor;

(c) in subsection (4), by inserting “B” immediately after “9” in the last line.

Amendment of section 10A.

11. Section 10A of the Act is amended by deleting “\$500” immediately after “exceeding” in the last line and by substituting “\$1000” therefor.

Insertion of new section 10C.

12. The Act is amended by inserting the following new section immediately after section 10B —

“Delegation of powers.

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.”.

Amendment of Schedule.

13. The Schedule to the Act is amended —

(a) in item 10 —

(i) by deleting “The list of”; and

(ii) by deleting “compoundable” and by substituting “Compoundable” therefor; and

(b) by adding “11. Cheap sale.”.

Made this 28th. day of Zulhijjah, 1433 Hijriah corresponding to the 13th. day of November, 2012 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM