

No. S 90

**PRICE CONTROL ACT
(CHAPTER 142)**

PRICE CONTROL (CHEAP SALE PRICE) REGULATIONS, 2012

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In exercise of the power conferred by section 11 of the Price Control Act, the Minister of Finance II, with the approval of His Majesty the Sultan and Yang Di-Pertuan hereby makes the following Regulations —

Citation.

1. These Regulations may be cited as the Price Control (Cheap Sale Price) Regulations, 2012.

Interpretation.

2. (1) In these Regulations, unless the context otherwise requires —

“authority” means the Price Controller or any person who has been authorised in writing by the Price Controller for the purposes of these Regulations;

“cheap sale price” means the price of goods or services which, in the course of trade or business, is indicated in any manner to be less than the price at which the goods or services, or goods or services of the same description were previously supplied or offered to be supplied.

(2) Any expression or indication whether direct or indirect, including the expression “sale”, “discount”, “reduction”, “best buy”, “best price”, “clearance sale”, “opening sale”, “closing sale”, “special sale”, “special price”, “mega sale”, “half-price sale”, “special offer” or “price crush” and by whatever means used or given in the course of trade or business indicating or likely to be understood as indicating that the price at which the goods or services, or goods or services of the same description were previously supplied or offered to be supplied, shall be treated as an indication that the person using the expression or giving such indication is supplying or offering to supply goods or services at cheap sale price:

Provided that where such expression or indication is affixed, labeled, marked or tagged in any manner on the goods, bags or containers thereof by the manufacturer, producer, importer or wholesaler of such goods, the manufacturer, producer, importer or wholesaler of such goods, as the case maybe, shall be deemed to be the person supplying or offering to supply the goods at cheap sale price.

Approval to conduct cheap sale price.

3. (1) No person shall, in the course of trade or business, supply or offer to supply goods or services of any description at cheap sale price without prior approval of the authority.

(2) An application under sub-regulation (1) shall be submitted not later than 21 days before the commencement of the cheap sale and shall be accompanied with the price list of goods or services to be offered at cheap price sale indicating the normal and the cheap sale prices.

(3) Where the applicant has more than one place of business premises, he shall submit the price list of goods or services to be offered at cheap sale price for each place of business premises.

Approval to extend duration of cheap sale.

4. (1) No person shall extend the duration of supply or offer to supply goods or services of any description at cheap sale price without prior approval of the authority.

(2) An application under sub-regulation (1) shall be submitted not later than 7 days before the commencement of the extension of the cheap sale and shall be accompanied with the price list of goods or services to be offered at further cheap sale price indicating the earlier cheap sale price and the extended cheap sale price.

(3) The price at which the goods or services are supplied or offered to be supplied at the extended duration of cheap sale shall be lesser than the price at which the goods or services were previously supplied or offered to be supplied.

Cheap sale approval notice.

5. (1) Upon receiving an application under regulation (3) or (4), the authority may approve or reject the application and the authority shall issue to the approved applicant the cheap sale approval notice.

(2) The cheap sale approval notice must be displayed at a conspicuous location of the business premises.

Number of cheap sales per year.

6. (1) The authority may determine the total number of sales at cheap sale prices in a calendar year by —

(a) fixing scheduled sales; and

(b) allowing the retailer or business owner to choose 4 times within the calendar year which the authority thinks fit.

(2) The dates and duration of the scheduled sales referred to in sub-regulation (1) shall be made known to the public at the end of every calendar year by notification in the *Gazette*.

(3) The dates and duration of sales referred to in sub-regulation (1)(b) shall not be fixed at the same dates and duration as specified under sub-regulation (2).

(4) Any person who holds any sale at cheap sale price other than the dates and duration allowed under sub-regulation (1)(b) is guilty of an offence.

Duration of sale.

7. (1) Any duration of the supply or offer to supply goods or services at cheap sale prices shall not exceed 21 days or any such duration as may be fixed or allowed by the authority.

(2) Any extended duration of the supply or offer to supply goods or services at cheap sale prices shall not exceed 10 days or any such duration as may be fixed or allowed by the authority.

Percentage of stock of goods to be offered at cheap sale price.

8. (1) Any person who, in the course of trade or business supplies or offers to supply goods of any description at cheap sale price shall supply or offer to supply at least 40 percent or any percentage as the authority may determine, of all goods displayed for sale in his business premises.

(2) The authority may fix the minimum amount or the percentage of discount for goods or services that are to be offered at cheap sale price.

Indication of price.

9. (1) Any person who, in the course of trade or business, supplies or offers to supply goods or services of any description at cheap sale price shall indicate the following —

(a) the price at which the goods or services were previously supplied or offered to be supplied by him;

(b) the cheap sale price; and

(c) the use of white price tag for normal price and yellow price tag for cheap sale price.

(2) Where the nature of the goods is so small as to render it impracticable to indicate the particulars specified in sub-regulation (1)(a) and (b), it shall be sufficient to display panels or price checkers bearing the relevant particulars are placed in a clear and conspicuous manner near to the goods.

(3) For the purpose of sub-regulation (1), “the price at which the goods or services were previously supplied or offered to be supplied by him” means the lowest price at which the goods or services, or goods or services of the same description were supplied or offered to be supplied by him in the course of trade or business on the same premises during the continuous period of 30 days immediately prior to the commencement of the supply or offer to supply at cheap sale price.

Waiver of responsibility.

10. No person shall, either directly or indirectly, during the period where he supplies or offers to supply goods or services of any description at cheap sale price waive his responsibility as to the following —

- (a) that the goods are of merchantable quality;
- (b) that the goods or services are reasonably fit for their purposes; and
- (c) the warranty or guarantee relating to the goods or services.

Maintenance of records.

11. Any person, who in the course of trade or business supplies or offers to supply goods or services of any description at cheap sale price shall —

- (a) maintain a true and complete record of the prices of goods or services that were being offered at the same premises for the previous 6 months; and
- (b) maintain a true and complete record of such supply or offer to supply goods or services at cheap sale price for a period of one year from the date of commencement of the cheap sale.

Maintenance of stocks.

12. Any person, who in the course of trade or business, supplies or offers to supply goods or services of any description at cheap sale price shall, during the cheap sale period, maintain a reasonable stock of goods for such purpose and maintain sufficient staff to manage the maintenance of stocks.

Advertisement.

13. (1) Any person who advertises sale at cheap sale price in whatever form shall state in the advertisement —

(a) the cheap sale reference number supplied by the authority, the dates and duration of the cheap sale;

(b) the type of goods or services being offered; and

(c) the location where the cheap sale is being carried out.

(2) Subject to regulation 9, each person shall have the option to state or not to state in the advertisement the amount of reduction in price for the goods or services that are to be offered at cheap sale price.

Presumption.

14. For the purposes of any prosecution under these Regulations, where it is required to prove the lowest price at which the goods or services, or goods or services of the same description were supplied or offered to be supplied on the same premises during the continuous period of 30 days immediately prior to the commencement of the supply or offer to supply goods or services at cheap sale price, it shall be sufficient for the prosecution to prove the price at which such goods or services, or goods or services of the same description were in fact supplied or offered to be supplied at any time during the said period:

Provided that where there are different prices in respect of goods or services supplied or offered to be supplied during that continuous period of 30 days immediately prior to the commencement of supply or offer to supply goods or services at cheap sale price, the lowest prices shall be taken to be the said price.

Exemption.

15. These Regulations shall not apply to any person who, in the course of trade or business —

(a) reduces the price of goods or services where such reduction of price does not in any way indicate any comparison with any other prices;

(b) reduces the price of goods or services where indication or expression relating to such reduction is made in compliance with any specific condition relating to the purchase of such goods or services;

(c) reduces the price of goods or services where the indication or expression relating to such reduction in price is made orally within the premises where the sale is made; or

(d) reduces the price of goods or services where the indication or expression relating to such reduction in price is —

- (i) made on perishable goods; and
- (ii) made 1 hour before the closing time for that particular business for that day.

Offences.

16. (1) Any person supplying or offering to supply goods or services of any description who gives, by whatever means, any false indication in respect of cheap sale price is guilty of an offence.

(2) An indication in respect of cheap sale price is false —

(a) if the indication of the previous price referred to in regulation 9(1)(a) is false;

(b) if the price at which the goods or services supplied or offered to be supplied is equal to or more than the price at which the goods or services were previously supplied or offered to be supplied;

(c) if the price at which the goods or services are supplied or offered to be supplied is falsely claimed to be less than the price at which the goods or services were previously supplied or offered to be supplied by a specific amount or proportion; or

(d) if the goods are not available for supply throughout the period that the goods or services were to have been supplied or offered to be supplied at cheap sale price.

(3) Any person supplying or offering to supply goods or services of any description at cheap sale price who —

(a) provides false particulars in the application under regulation 3; or

(b) maintain false records or particulars relating to the price at which the goods or services were previously supplied or offered to be supplied,

is guilty of an offence.

(4) Any person who contravenes or fails to comply with any provision of these Regulations is guilty of an offence.

BRUNEI DARUSSALAM GOVERNMENT GAZETTE

Made this 28th. day of Zulhijjah, 1433 Hijriah corresponding to the 13th. day of November, 2012.

PEHIN ORANG KAYA LAILA SETIA DATO SERI SETIA
AWANG HAJI ABDUL RAHMAN BIN HAJI IBRAHIM
Minister of Finance II,
Brunei Darussalam.