

CHAPTER 83
DISTRIBUTION AND PRICE OF GOODS ACT

• Act • Subsidiary Legislation •

ACT

Act No. 17 of 1972

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CHAPTER 83
DISTRIBUTION AND PRICE OF GOODS ACT

An Act to make provision for the regulation of prices, and of the supply of goods.

[Act No. 17 of 1972.]

[2nd September, 1972.]

1. Short title

This Act may be cited as the Distribution and Price of Goods Act.

2. Interpretation

In this Act—

“Controller of Supplies” means the person appointed as Controller of Supplies for the purposes of this Act;

“goods” includes all kinds of movable or personal property, including animals;

“maximum price” means the maximum price of goods fixed in accordance with the provisions of section 3;

“price” includes any valuable consideration of any kind whatsoever whether direct or indirect;

“price control officer” means a person appointed to be a price control officer for the purposes of this Act;

“retail”, when used in relation to a sale, means a sale by a trader to a purchaser who buys or offers to buy goods otherwise than for the purpose of resale;

“sale” includes an agreement to sell, an offer to sell, the exposure of goods for sale, the publication of a price list, the furnishing of a quotation, or any act or notification whatsoever whereby willingness to enter into any transaction or sale is expressed;

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

3. Fixing of maximum price of goods

(1) The Minister, if it appears to him or her to be necessary for the purpose of maintaining, controlling or regulating supplies so as to secure a sufficiency of those essential to the well-being of the community, their equitable distribution and their availability at fair price, may by Order published in the *Gazette* fix and declare the maximum price for which goods may be sold by retail or wholesale either throughout Grenada or in a specified part thereof.

(2) An Order made under subsection (1) may direct that the maximum price of goods shall not exceed a specified sum, or may direct the manner in which the maximum price shall be ascertained, and may—

- (a) fix different maximum prices for the same class of goods having regard to the terms upon which, and the circumstances in which, the goods are manufactured, imported or sold; and
- (b) fix alternative methods by which the maximum price may be ascertained for the same or different classes of goods.

(3) Any Order made under this section may contain such incidental and supplementary provisions as are necessary for giving effect to the purpose mentioned in subsection (1).

4. Effect of Order and penalty for infringement

(1) Goods specified in an Order made under section 3 shall not be sold, by whatever unit of weight, measurement or quantity the sale is effected, at a price which corresponds to a price in excess of the maximum price specified in the Order.

(2) Any person who contravenes any provision of an Order made under section 3 shall be guilty of an offence.

5. Sale at more than maximum price, and upon certain conditions, and hoarding of goods, prohibited

(1) No person shall, in respect of goods the maximum price of which has been fixed under the provisions of section 3—

- (a) sell or buy or agree to buy any such goods at a price more than the maximum price;
- (b) impose, whether at the time of delivery of any such goods or at a subsequent time prior to payment therefor, any condition relating to the sale of such goods or to payment therefor other than a condition requiring immediate payment for such goods; or
- (c) with the object of speculating or profiteering hoard any such goods.

(2) A person who contravenes any of the provisions of subsection (1) shall be guilty of an offence and liable—

- (a) on summary conviction, to imprisonment for three months and to a fine of one thousand five hundred dollars;
- (b) on conviction on indictment, to imprisonment for two years and to a fine of eight thousand dollars.

6. Sales may be prohibited unless price of goods is marked

The Controller of Supplies, by notice in the *Gazette* and in a newspaper circulating in Grenada, may specify any kind of goods the price of which has been fixed and prohibit traders from selling goods of that kind by retail unless the selling price has first been conspicuously marked thereon in a legible manner, and a trader who in disobedience to such a notice sells by retail any goods of that kind unmarked or insufficiently marked with the true selling price shall be guilty of an offence.

7. Refusal to sell

(1) A person carrying on a business in the course of which goods of any description in respect of which an Order has been made under section 3 are normally sold and having in his or her possession a stock of goods of such description who—

- (a) falsely denies that he or she has such goods in his or her possession; or
- (b) without reasonable cause refuses to sell such goods in reasonable quantities upon tender of immediate payment of the maximum price fixed therefor,

shall be guilty of an offence and, on summary conviction, liable to imprisonment for three months and to a fine of one thousand five hundred dollars.

(2) Nothing in this section shall be deemed to require a person to sell any goods which he or she has in stock for the purpose of advertisement or as samples.

8. Invoice to be supplied if requested

(1) A trader who whether by wholesale or retail sells goods the maximum price of which has been fixed shall, on request, supply to the purchaser at the time of sale an invoice showing the date of sale, a description of the goods sufficient to identify them, the quantity of such goods and the price charged therefor.

(2) A trader who contravenes the provisions of subsection (1) shall be guilty of an offence.

9. Powers of a price control officer

- (1) A price control officer may—

- (a) require a trader to supply him or her either orally or in writing with information in his or her possession relating to goods;
- (b) at any reasonable time require a trader to produce for his or her inspection any document or account whatsoever relating wholly or in part to the sale of goods by such trader in the course of his or her business;
- (c) require a trader to furnish him or her with copies of any such document as is referred to in paragraph (b);
- (d) during business hours enter any place or premises in the occupation of a trader for the purpose of ascertaining whether or not the provisions of this Act are being complied with, and search for and inspect any document of the kind referred to in paragraph (b) and make copies or abstracts of such a document;
- (e) take possession of any document which appears to him or her to constitute *prima facie* evidence of a breach of an Order made or notice given or published under the provisions of this Act.

(2) Any person who—

- (a) obstructs a price control officer in the exercise of his or her powers under subsection (1);
- (b) wilfully fails to give any information or to produce any document lawfully required of him or her under the provisions of subsection (1); or
- (c) knowingly gives to a price control officer any false information relating to goods,

shall be guilty of an offence.

10. Records to be kept by traders

(1) Every trader dealing in goods the maximum price of which has been fixed shall maintain a record containing details of all purchases of such goods.

(2) The Controller of Supplies may by notice in writing require any trader to keep such records or accounts as are specified in the notice.

(3) A trader who contravenes the provisions of this section or any requirement of a notice given thereunder shall be guilty of an offence and liable, on summary conviction, to a fine of seven hundred and fifty dollars.

11. Power to requisition goods

(1) Where it appears to the Minister to be necessary for the purpose of ensuring a sufficient supply of foodstuffs or essential commodities for use or consumption in Grenada or their equitable distribution therein, he or she may authorise the Controller of Supplies to requisition or cause to be requisitioned goods appropriate to that purpose and to provide for their distribution and sale.

(2) The Minister shall not act in pursuance of subsection (1) until written notice of his or her intention so to act has been served upon the person having possession or control of the goods specified and, on being served with the notice, that person shall forthwith hold the goods to the order of the Controller of Supplies in accordance with the terms of such notice.

(3) Upon requisitioning the goods the Controller of Supplies shall pay as compensation to the person having possession or control of such goods a sum equal to the price which that person might reasonably have been expected to obtain upon a sale thereof, regard being had to the condition of the goods.

(4) If the person having possession or control of goods requisitioned pursuant to this section fails without reasonable cause to hold such goods in accordance with the terms of the notice any officer specially authorised in that behalf in writing by the Controller of Supplies may enter any premises whereon such goods are kept and seize them.

(5) Any person who contravenes the provisions of this section or of a notice served pursuant to subsection (2) shall be guilty of an offence and liable, on summary conviction, to imprisonment for three months and to a fine of one thousand five hundred dollars.

12. Power to order distribution and sale of essential goods

Where it appears to the Minister necessary for the purpose of ensuring an equitable distribution of foodstuffs or essential commodities in Grenada or any part thereof he or she may, by Order, authorise the Controller of Supplies to arrange exclusive or limited right of distribution and sale of such foodstuffs or commodities through a trader or traders to be approved by the Controller of Supplies.

13. Liability of officers of corporation

Where a person charged with an offence under this Act is a corporation every person who, at the time of the commission of the offence, was a director or officer of the corporation may be charged jointly in the same proceedings with such body corporate, and where such corporation is convicted of the offence every such director or officer shall be deemed to be guilty of that offence unless he or she proves that the offence was committed without his or her knowledge or that he or she exercised all due diligence to prevent the commission of the offence.

14. Appearance and plea by corporation

(1) Where a corporation is charged with an offence against this Act the corporation may appear and plead to the charge or indictment by its representative, by entering a plea in writing; and if either the corporation does not appear by representative or, though it does so appear, fails to enter any plea the court shall cause a plea of not guilty to be recorded and the trial shall proceed accordingly.

(2) Where a corporation is charged, whether alone or jointly with some other person, with an indictable offence punishable under this Act the magistrate may, if he or she is of opinion that the evidence offered on the part of the prosecution is sufficient to put the accused corporation upon trial, commit the corporation for trial.

(3) Any indictment filed against a corporation or other document addressed to a corporation may be served upon the corporation by leaving it at, or sending it by post to, the corporation at any place in Grenada at which it trades or conducts business.

(4) In this section, the word “representative” means a person duly appointed by the corporation to represent it for the purpose of appearing and pleading to a charge or indictment, and a representative so appointed shall not, by virtue only of being so appointed, be qualified to act on behalf of the corporation before any court for any other purpose.

(5) A representative for the purpose of this section need not be appointed under the seal of the corporation, and a statement in writing purporting to be signed by a managing director of the corporation, or by any person (by whatever name called) having, or being one of the persons having, the management of the affairs of the corporation, to the effect that the person named in the statement has been appointed as the representative of the corporation for the purposes of appearance or plea shall be *prima facie* evidence that that person has been so appointed.

15. Liability of employers and others

A person shall be liable under this Act for the acts and omissions of a partner, agent, or employee in so far as they relate to the business of such person and if such partner, agent, or employee performs any act or suffers any omission which contravenes this Act such person and his or her partner, agent or employee may be charged jointly and severally and shall be liable to the penalties provided by this Act, unless it is proved that the contravention occurred without his or her knowledge or that he or she exercised all due diligence to prevent its occurrence.

16. Compensation to purchaser of goods at more than the maximum price

Where a trader is convicted of selling goods at more than the maximum price and—

- (a) the court considers that the purchaser of the goods did not know and could not reasonably be expected to know that the price paid by him or her for such goods was more than the maximum price; or
- (b) the purchaser of the goods reported the sale to the Controller of Supplies or to a police officer of or above the rank of Police Inspector within forty-eight hours of such sale,

the court may, in addition to any other penalty which it may impose, order the trader to pay to the purchaser the difference between the maximum price and the price at which the goods were sold together with such sum, if any, as the court may deem adequate to compensate the purchaser for any expense incurred by him or her.

17. General penalty

A person guilty of an offence against this Act for which no penalty is expressly provided shall, on summary conviction, be liable to a fine of seven hundred and fifty dollars and to imprisonment for three months.

CHAPTER 83 DISTRIBUTION AND PRICE OF GOODS ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

1. Distribution and Price of Goods (Fuel and Cooking Gas) Order

Distribution and Price of Goods (Fuel and Cooking Gas) Order

SRO 17 of 2001

ARRANGEMENT OF ORDERS

1. Citation.
 2. Maximum price of goods.
 3. Commencement.
- Schedule Price List
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DISTRIBUTION AND PRICE OF GOODS (FUEL AND COOKING GAS) ORDER

In exercise of the power conferred by section 3 of the Distribution and Price of Goods Act, Chapter 83, the Minister makes the following Order.

[SRO 17 of 2001.]

[22nd December, 2000.]

1. Citation

This Order may be cited as the Distribution and Price of Goods (Fuel and Cooking Gas) Order, 2001.

2. Maximum price of goods

(1) The maximum retail price in Grenada of the goods listed in column 1 of Part 1 of the Schedule shall not exceed the sums respectively specified in column 2 of that Part.

(2) The maximum retail price in Carriacou and Petite Martinique of the goods listed in column 1 of Part 2 of the Schedule shall not exceed the sums respectively specified in column 2 of that Part.

3. Commencement

This Order is deemed to have come into operation on 22nd December, 2000.

Schedule

DISTRIBUTION AND PRICE OF GOODS ACT

Price List

[Regulation 2(2).]

PART 1

Grenada

Distribution and Price of Goods Act – Subsidiary Legislation

Gasolene (unleaded)	\$7.50 per imperial gallon
Gasolene (leaded)	\$7.50 per imperial gallon
Diesel	\$7.00 per imperial gallon
Kerosene	\$5.48 per imperial gallon
LPG (cooking gas)	\$30.79 per 20 lb cylinder
LPG (cooking gas)	\$151.44 per 100 lb cylinder
LPG (cooking gas)	\$1.50 per lb in bulk

PART 2

Carriacou and Petite Martinique

Gasolene (unleaded)	\$7.75 per imperial gallon
Diesel	\$7.22 per imperial gallon
Kerosene	\$5.65 per imperial gallon
LPG (cooking gas)	\$35.29 per 20 lb cylinder
LPG (cooking gas)	\$165.94 per 100 lb cylinder
LPG (cooking gas)	\$1.50 per lb in bulk
