

Price Control Act

Principal Act

Act. No. 1966-32	<i>Commencement</i>	30.12.1966
	<i>Assent</i>	29.12.1966

Amending enactment	Relevant current provisions	Commencement date
Act. 1967-10	ss. 5(2), 12(3)	
1967-18	ss. 2(1), 3-4, 5(1), 10	
1968-35	s. 11	
1969-26	s. 2(2)	
1974-05	s. 3A	
1976-03	ss. 3(2)-(3), 4	
1978-03	Sch.	
1979-17	ss. 2-5	
1980-02	ss. 2(1), 3(1)-(3), 11, 15	
2007-17	ss. 4(1)-(3), 5(1), (5), 15	14.6.2007
LN. 2012/197	s. 15(b)	29.11.2012

Transposing:
Directive 98/6/EC

ARRANGEMENT OF SECTIONS

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SCHEDULE

AN ACT TO MAKE PROVISION FOR THE CONTROL OF CHARGES AND PRICES FOR CERTAIN SUPPLIES AND SERVICES AND FOR MATTERS CONNECTED THEREWITH.

Short title.

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

Interpretation.

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

“Minister” means the Minister who is for the time being charged with responsibility for price control;

“perform”, in relation to a service, includes to offer to perform, to invite to treat for performance, and to agree to perform;

“price-controlled services” means any services for which a maximum charge is for the time being fixed under this Act;

“price-controlled supplies” means any supplies for which a maximum price is for the time being fixed under this Act;

“sell” includes to offer for sale, to invite to treat for sale, to expose for the purpose of sale, and to agree to sell;

“services” includes any work or labour done, whether or not in connection with any animal, article or thing, and whether or not as a result of the work or labour any chattel is produced; and includes any letting on hire or agreement to let on hire or offer to let on hire, whether or not such letting, agreement to let or offer to let includes the performance of any work or labour; and

“supplies” includes any animal article or thing.

(2) Where any supplies are displayed in or at any premises in which or at which such supplies are normally sold by retail in the ordinary course of business, those supplies shall be deemed to be exposed for the purposes of sale.

Power of Minister to fix maximum prices and charges generally.

3.(1) The Minister may by notice published in the Gazette—

- (a) fix the maximum prices at which any supplies may be sold, whether by wholesale or retail; and
 - (b) fix the maximum charges to be made or demanded for any services.
- (2) Where the maximum price at which supplies may be sold is fixed by notice the Minister may, by the same or a further notice, impose conditions as to the sale of such supplies.
- (3) In particular but without prejudice to the generality of the power to impose conditions conferred by subsection (2), the Minister may impose the following conditions—
- (a) that any person exposing supplies for sale shall at all times expose for sale at least the same amount of other specified supplies for which a lesser maximum price has been fixed; and
 - (b) that supplies exposed for sale shall be marked with a true indication (in such manner, if any, as may be prescribed) of inter alia, their price, price per unit, quantity, weight, measure, number, grade, size and place of origin.
- (4) A person who—
- (a) sells, in the course of any business, any price-controlled supplies at a price which exceeds the maximum price so fixed under this section; or
 - (b) makes or demands for any price-controlled services a charge which exceeds the maximum charge so fixed; or
 - (c) fails to comply with any condition imposed under this section—
- is guilty of an offence.

Power of Government to fix maximum prices or charges in specific cases.

4.(1) If it is represented to the Government that—

- (a) any article or thing is being sold at a price which may be unreasonable; or
- (b) any service is being performed at a charge which may be unreasonable—

he may issue a notice under section 5 to the seller or to the person who performs the services (as the case requires).

(2) Where a notice has been issued under section 5 in accordance with subsection (1) of this section, the person appointed by the Government to carry out the examination shall report to him the result of his examination.

(3) If, after having considered a report made in accordance with subsection (2), the Government is of the opinion that—

- (a) in the case of an article or thing, it is being sold at a price that is unreasonable; or
- (b) in the case of any service, it is being performed at a charge that is unreasonable—

he may by notice in writing directed to and served on the seller or person performing the service (as the case requires) fix the maximum price at which the seller may sell the article or thing and any similar article or thing, or fix the maximum charge at which the person may perform the service and any similar service.

(4) A person who—

- (a) sells any article or thing at a price which exceeds the price for the time being fixed in relation to him under subsection (3); or
- (b) performs any service at a charge which exceeds the charge for the time being fixed in relation to him under subsection (3)

is guilty of an offence.

(5) Section 9 shall not apply where a maximum price has been fixed under this section in respect of any article or thing.

Powers to require information and to enter and search.

5.(1) The Government may by notice in writing require any person carrying on a business which includes the sale of any supplies or the performance of any services—

- (a) to produce to and allow to be examined by a person appointed by the Government, such accounts, books, and other documents in the custody of the person so required or under his control, relating to that business, as may be specified or described in the notice, being accounts, books or other documents the examination of which may be reasonably required for the purposes of this Act; and
- (b) to furnish to the person appointed such information as that person may reasonably require for the purposes of this Act.

(2) A person who fails to comply with the requirements of a notice issued to him in accordance with subsection (1) is guilty of an offence.

(3) The Consumer Protection Officer, the Assistant Consumer Protection Officer or an inspector may, on production of evidence of his identity and authority to any person reasonably

requiring it, at any reasonable time enter any premises where any supplies or article or thing which are controlled under this Act are sold, or from which any services controlled under this Act are provided or offered to be provided, for the purposes of determining whether the provisions of this Act are being observed. A person so entering may carry out such search and make such enquiries as he may consider necessary for the purpose of such determination and, without prejudice to the generality of this subsection may require any person to produce to and allow to be examined by him such accounts, books and other documents in the custody of the person so required or under his control, relating to that business, being accounts, books or other documents the examination of which may be reasonably required for the purposes of this Act, and to furnish to him such information as he may reasonably require for the purposes of this Act.

(4) A person who hinders or obstructs any person acting under the powers conferred by subsection (3), or who fails to comply with any requirement made under subsection (3), is guilty of an offence.

(5) In this section “inspector” means an officer specified in the first column of the schedule. An inspector shall have the powers conferred by this section in relation to the supplies, services, articles and things specified in the second column of the Schedule opposite such officer. The Government may, with the prior approval of the Gibraltar Parliament, amend the Schedule by order.

(6) No information with respect to any particular business, that is obtained by any person as a result of the exercise of any powers conferred by or under this Act, shall be disclosed to any other person except—

- (a) with the consent of the person carrying on the business; or
- (b) for the purposes of the execution of this Act; or
- (c) for the purposes of any criminal proceedings which may be taken, whether pursuant to this Act or otherwise.

5A-5C. *Repealed.*

Records to be kept and preserved and invoices to be supplied.

6.(1) A person who in the course of business purchases any Records to supplies for the purpose of resale shall—

- (a) keep such books of accounts or other records as shall show the cost to him of such supplies and the date on which and the person from whom the supplies were purchased; and

- (b) preserve for such time as this Act shall remain in force all such books of accounts or other records as he is required to keep under the foregoing provisions of this subsection and all invoices, receipts or other documents received by him which have been issued in respect of such supplies and contain any particulars of their cost.
- (2) A person who in the course of business sells any supplies to any other person for the purpose of resale, shall furnish to such last-named person within seven days of the delivery of the supplies an invoice containing such particulars relating to the supplies as may be prescribed.
- (3) A person who—
- (a) fails to keep any book of account or other record which he is required to keep under the provisions of subsection (1) of this section; or
 - (b) fails to preserve any book of account, record, invoice, receipt or other document which he is required to preserve under the provisions of subsection (1), unless he shall prove that such failure was not due to any neglect or default on his part or on the part of any person employed by him; or
 - (c) fails to furnish any invoice which he is required to furnish under the provisions of subsection (2),

is guilty of an offence.

(4) In any proceedings instituted against any person for failing to preserve any invoice, receipt or other document which he is required to preserve under the provisions of subsection (1) the burden of proving that he had not received such invoice, receipt or document shall lie upon that person.

Offences by corporations.

7. Where a person convicted of a contravention of any of the provisions of this Act is a body corporate, every person who, at the time of the contravention, was a director or officer of the body corporate shall be deemed to be guilty of that contravention, unless he proves that the contravention was committed without his consent or connivance and that he exercised all such diligence to prevent the contravention as he ought to have exercised having regard to the nature of his functions as a director or officer of that body and to all the circumstances.

Defence for employee.

8. It shall be a defence for a person charged with a contravention of any of the provisions of section 4 to prove that in relation to the matter in respect of which he is charged he acted in the course of his employment as a servant or agent of another person being a person for the

time being residing in Gibraltar on the instructions of his employer or of some other specified person being a person for the time being residing in Gibraltar.

For the purposes of this section a person shall be deemed to reside in Gibraltar who either resides in Gibraltar or who although not resident in Gibraltar has in his possession a valid current pass to enter Gibraltar issued to him.

Prohibition of holding up of stocks.

9.(1) Subject to the provisions of subsection (3) a person carrying on a business in the course of which price-controlled supplies of any description are normally sold, and having in his possession a stock of supplies of that description, shall not refuse an offer to buy supplies of that description at the maximum price made with a tender of immediate payment therefor.

(2) For the purposes of subsection (1), a person shall be deemed to have refused an offer if he proposes acceptance thereof subject to a condition requiring the buying of any other supplies, whether price-controlled supplies or not, or the making of any payment in respect of any services, or to any other condition.

(3) A person shall be entitled to refuse such an offer as is mentioned in subsection (1) if the acceptance thereof, or the acceptance thereof without the fulfilment of a condition proposed by him, would, having regard to the quantity of supplies to which the offer relates or to any other consideration, be contrary to the normal practice of his business, or would involve a breach of some obligation lawfully binding on him, or would interfere with arrangements made by him for an orderly disposal of his stocks amongst his regular customers.

(4) A person who contravenes the provisions of subsection (1) is guilty of an offence.

Exhibition of notice; by retailers.

10.(1) Where any supplies are sold they shall be clearly marked by the person so selling with the price at which they are to be sold save that where any such supplies are sold for consumption on the premises where they are sold and such premises are not a bona fide club, a list of the prices thereof shall be exhibited in a prominent position in the premises or given on demand to any person entering the premises for the purpose of purchasing such supplies.

(2) Where any services are normally performed in or on any premises there shall be exhibited in a prominent position therein a list of the charges for such services.

(3) A person who contravenes the provisions of subsection (1) or subsection (2) is guilty of an offence.

Display of prices of any supplies or class of supplies.

11.(1) The Minister may by order published in the Gazette from time to time require any person who sells by retail any supplies specified in such order to exhibit clearly in such manner as may be prescribed the price demanded by him for the sale of such supplies.

(2) A person who fails to comply with any such order is guilty of an offence.

Delivery of receipts.

12.(1) Where any person sells any price-controlled supplies or performs any price-controlled services he shall deliver on demand to the person purchasing or ordering such supplies or services a receipt signed by himself showing the amount paid for such supplies or services.

(2) In any proceedings under this Act any receipt delivered under subsection (1) shall be deemed to be proof that the amount set out therein was actually paid until the contrary is proved.

(3) A person who contravenes the provisions of subsection (1) is guilty of an offence.

Saving for auction sales.

13. This Act shall not apply to a sale or an agreement or offer to sell for an amount fixed by auction.

Penalties.

14. A person guilty of an offence under the provisions of this Act is liable on summary conviction to a fine of £250.

Appointments and rules.

15. The Government may—

- (a) appoint a person or persons to advise on the determination of maximum prices and charges and on such other matters as he may from time to time direct;
- (b) make rules generally for the carrying into effect of any of the provisions or purposes of this Act.

SCHEDULE

Section 5(5)

1st Column

2nd Column

Consumer Protection Inspector Trading
Standards Officer
Head Pharmacist

All supplies, services, articles and things.
Medicines.