

TRINIDAD AND TOBAGO.

No. 33.—1919.

I ASSENT,

[L.S.]

J. R. CHANCELLOR,

*Governor.*

30th December, 1919.

*vide 11/19 40  
in amendments*

AN ORDINANCE to check Profiteering.

[30th December, 1919.]

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows:—

Short title  
and duration.

1.—(1.) This Ordinance may be cited as the Profiteering Ordinance, 1919.

(2.) This Ordinance shall continue in force until the 31st day of December, 1920, and no longer, unless the Governor and Legislative Council otherwise determine.

Powers of  
Governor.

2.—(1.) The Governor may by order published in the *Royal Gazette* declare any article or class of articles to be in common use by the public, and may prescribe—

(a.) the maximum retail price and the maximum wholesale price at which any such article or class of articles may be sold; or

(b.) the amount which, for the purpose of fixing the maximum retail price or maximum wholesale price at which any such article or class of articles may be sold, may be added to the ~~invoice price~~ or the cost of production thereof, to cover all costs and charges including a reasonable profit.

(2.) In this Ordinance, unless the context otherwise requires, the expressions "maximum retail price" or "maximum wholesale price" shall, as respects any article or class of articles for which a maximum price has been prescribed, mean that maximum price, and shall, as respects any article or class of articles for which an amount for the purpose of fixing a maximum price has been prescribed, mean the aggregate sum made up of the amount so prescribed and the invoice price or cost of production thereof.

(3.) The Governor may by order require any person to furnish such information and produce such invoices, accounts and documents as he may require for the purposes of this section.

(4.) Any person who fails to comply with any order under this section, or who in complying with any such order knowingly furnishes any information or produces any document which is false in any material particular, shall be liable on summary conviction before a magistrate to a fine not exceeding fifty pounds, or to imprisonment, with or without hard labour, for a term not exceeding three months, or to both such imprisonment and fine.

(5.) It shall be the duty of every dealer in any article or class of articles declared under the provisions of this Ordinance to be in common use by the public to post and to keep posted in a conspicuous position at every place in which he sells such articles so as to be easily legible by intending purchasers a list shewing with respect to such articles the maximum wholesale and retail prices prescribed under sub-section (1) (a) of this section and also the amounts prescribed under sub-section (1) (b) of this section for the purpose of fixing the maximum retail or wholesale prices, and any dealer who fails to do so shall on summary conviction before a magistrate be liable to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a term not exceeding three months or to both such fine and imprisonment.

*Amending  
C/15/19*  
*vide 11/19*

(6.) Where an order has been made prescribing an amount for the purpose of fixing the maximum retail price of any article or class of articles, the Governor may, if he thinks fit, by order published in the *Royal Gazette* require every dealer in such article or class of articles to mark every article to which the first mentioned order relates before it is offered or exposed for sale with its invoice price or cost of production in plain figures in the English language, and every dealer who fails to comply with any such order shall, on summary conviction before a magistrate, be liable to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a term not exceeding three months, or to both such fine and imprisonment.

Penalty for  
selling above  
maximum  
price.

3.—(1.) Any person who sells or offers for sale any article with respect to which a maximum price or an amount for fixing a maximum price has been prescribed at a price greater than the maximum retail price in the case of a retail sale or the maximum wholesale price in the case of a wholesale sale shall be guilty of an offence against this Ordinance, and shall be liable upon summary conviction thereof before a magistrate to a fine not exceeding two hundred pounds or to imprisonment, with or without hard labour, for a term not exceeding three months, or to both such imprisonment and fine.

(2.) Whenever the Governor has reason to suspect that an offence against this Ordinance has been committed with respect to any article, he may, if he thinks fit, require the person suspected of having committed the offence to furnish such information and produce such invoices, accounts and documents as may be necessary to enable the invoice price or the cost of production of the article to be ascertained.

(3.) Any person who fails to comply with any such requirement, or who in complying therewith knowingly furnishes any information or produces any document which is false in any material particular, shall be liable on summary conviction before a magistrate to a fine not exceeding fifty pounds, or to imprisonment, with or without hard labour, for a term not exceeding three months, or to both such imprisonment and fine.

4. In a prosecution for selling or offering for sale an article with respect to which an amount has been prescribed for the purpose of fixing the maximum retail or wholesale price, the burden of proving that the price at which the article was sold or offered for sale was not in excess of the maximum price shall lie on the person charged with the offence. Onus of proof.

5. Where a person convicted under this Ordinance is a company, the chairman and every managing director and every officer concerned in the management of the company shall be guilty of the like offence, unless he proves that the act which constituted the offence took place without his knowledge or without his consent. Companies.

6. The Governor in Executive Council may by order authorise any person or persons whom he may in his discretion employ for such purpose, subject to such conditions as he may impose, to purchase and sell on behalf of the Government any article or class of articles which the Governor considers to be in common use by the public, and any person so authorised shall have all necessary powers for the purpose, but such conditions shall as far as possible insure that any such person shall conduct the business of purchasing and selling on a commercial basis and not by way of subsidy. Governor may authorize person to purchase and sell.

An order under this section shall not take effect until it has been approved by resolution of the Legislative Council and published in the *Royal Gazette*.

7.—(1.) The Governor may, if he thinks fit, from time to time, by order published in the *Royal Gazette* delegate the powers of prescribing maximum retail and wholesale prices and of prescribing amounts for the purpose of fixing maximum wholesale and retail prices and also the powers conferred by this Ordinance on the Governor of requiring information and the production of invoices, accounts and documents to one or more Committees to be styled "Profiteering Committees," and to consist of such persons not being less than three in number as the Governor may from time to time appoint. Power for Governor to delegate power to Profiteering Committee.

(2.) Each such committee shall exercise the powers and perform the duties delegated to them in such area of the colony as may be specified in the order.

(3.) The chairman of every such committee shall be appointed by the Governor.

(4.) Every order under this section may by order published in the *Royal Gazette* be revoked or varied from time to time.

(5.) The chairman and one other member of every Profiteering Committee shall be a quorum, and in the case of an equality of votes the chairman shall have a second or casting vote.

(6.) Every document purporting to be an instrument issued by a Profiteering Committee and signed by the secretary of the committee shall be received in evidence, and be deemed to be such an instrument without further proof, unless the contrary is shown.

Expenses.

8. Any expense that may be incurred in connection with the administration of this Ordinance shall be defrayed out of such moneys as the Legislative Council may from time to time vote for the purpose.

Exportation  
and sale by  
auction.

9. Nothing in this Ordinance shall apply to the sale of any article for export from the Colony or to the sale of any articles by public auction or competitive tender.

Saving of  
other powers.

10. Nothing in this Ordinance shall affect any power of controlling prices conferred by any order of His Majesty in Council or by any regulation made under any such order.

Passed in Council this Twenty-fourth day of December in the year of Our Lord one thousand nine hundred and nineteen.

G. L. GUPPY,  
*Acting Clerk of the Council.*