



CONTROL OF PRICES (AMENDMENT)

LAW, No. 43 OF 1975

OF

THE NATIONAL STATE ASSEMBLY

[Certified on 25th November, 1975]

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A LAW TO AMEND THE CONTROL OF PRICES ACT

BE it enacted by the National State Assembly of the Republic of Sri Lanka as follows:—

1. This Law may be cited as the Control of Prices (Amendment) Law, No. 43 of 1975, and shall come into operation on such date as the Minister may fix by Order published in the *Gazette*.

Short title
and date of
operation.

2. (1) Section 4 of the Control of Prices Act, hereinafter referred to as the "principal enactment", is hereby repealed.

Repeal of
section 4 of
Chapter 178.

(2) Notwithstanding the repeal of section 4 of the principal enactment, every Order made under section 4 of that enactment in respect of any article, and in force on the day immediately preceding the coming into force of this Law, shall, in so far as that Order is not inconsistent with the provisions of the National Prices Commission Law, be deemed to be an Order made under section 20 of that Law.

3. Section 6 of the principal enactment is hereby amended in subsection (2) of that section as follows:—

Amendment of
section 6 of
the principal
enactment.

(i) by the omission of paragraph (b) of that subsection;

(ii) by the substitution, for paragraph (d) of that subsection, of the following paragraph:—

“(d) the prohibition, regulation or control of the storage, removal or disposal of any articles, and the prevention of the hoarding of any articles, during the operation of any Order made or deemed to be made under the National Prices Commission Law fixing the prices of such articles;”;

(iii) by the substitution, for paragraph (e) of that subsection, of the following paragraph:—

“(e) the seizure of articles in respect of which or in relation to which contraventions of any Order made or deemed to be made under the National Prices Commission Law fixing the prices of such articles, or of any regulation made under this Act have been or are

suspected to have been committed, and the custody, sale and disposal of articles so seized or ordered by an court to be forfeited;”;

(iv) by the repeal of paragraph (f) of that subsection and

(v) by the substitution, for paragraph (g) of that subsection, of the following paragraph:—

“(g) any other matter incidental or consequential to any of the matters herein before mentioned, or which may be necessary for the purpose of securing compliance with any Order made or deemed to be made under the National Prices Commission Law fixing the prices of any article.”;

4. Section 8 of the principal enactment is hereby amended as follows:—

(1) by the substitution, for subsection (1) of that section, of the following subsection:—

“(1) Every person who acts in contravention of any Order or regulation made or deemed to be made under this Act or of any general or special direction given under section 5 of this Act, or contravenes any Order made or deemed to be made under the National Prices Commission Law fixing the price of an article, or contravenes or fails to comply with any direction given or requirement imposed under section 5A of this Act or resists or obstructs any other person in the exercise of his powers under that section shall be guilty of an offence.”;

(2) in subsection (2) of that section—

(a) by the substitution, for paragraph (a) of that subsection, of the following paragraph—

“(a) any person, carrying on business at any premises situated in any place or area in which an Order made or deemed to be made

under the National Prices Commission Law fixing the price of an article is in operation, has in his possession for purposes of trade a stock of such article; and ”; and

(b) by the substitution, for sub-paragraph (ii) of paragraph (b) of that subsection, of the following sub-paragraph:—

“ (ii) offers to sell the article subject to a condition requiring the buying of any other article (whether or not an Order made or deemed to be made under section 20 of the National Prices Commission Law is in force in respect of such other article), or the making of any payment in respect of any service, or subject to any other condition, except a condition that the buyer shall pay the price forthwith, ”;

(3) in subsection (6) of that section, by the substitution for sub-paragraph (i) of paragraph (a): of the following sub-paragraph:—

“ (i) if it is the contravention of an Order made or deemed to be made under section 20 of the National Prices Commission Law by selling an article above the maximum price fixed for that article by that Order, or of a regulation for the prevention of the hoarding of an article for which the maximum price is fixed by such an Order, be punished with rigorous imprisonment for a term not less than four weeks and not exceeding six months and, in addition, with a fine not exceeding seven thousand five hundred rupees, and ”;

(4) by the substitution, for subsection (8) of the section, of the following subsection:—

(8) Where any person who is employed by any other person (such other person being hereinafter referred to as the "employer") to sell articles in the course of any business carried on by the employer at any premises is, by reason of anything done or omitted to be done at those premises, convicted of the offence of contravening any provision of any Order made or deemed to be made under the National Prices Commission Law fixing the prices of the articles, or of a regulation made or deemed to be made under this Act, then the employer, or where the employee is out of Sri Lanka, the person for the time being acting as manager or having control of the business, shall also be guilty of the offence unless he proves to the satisfaction of the court that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence.

Replacement
of section
10 of the
principal
enactment.

5. Section 10 of the principal enactment is hereby repealed, and the following section is substituted therefor:—

Application
of Act.

10. The provisions of this Act or any Order made or deemed to be made under the National Prices Commission Law fixing the price of any article shall have no application to any article imported, purchased or stored by or on behalf of the naval, military, air force or civil authorities for the use of the Armed Services of Sri Lanka or the Government, or to the price at which any article specified by the Minister by notification published in the *Gazette* is sold to any officer authorized by the Minister to purchase such article for the use of the Government; but nothing in this section shall be deemed or construed to permit any person to sell, or authorise

any person to refuse to sell, any article to the naval, military or air force authorities, or to any other person on behalf of any of the last-mentioned authorities, in contravention of the aforesaid provisions.”

Section 11 of the principal enactment is hereby amended as follows:—

Amendment of
section 11
of the
principal
enactment

by the omission of the definition of “ Minister ”;

by the substitution, for the definition of “ price-controlled article ”, of the following definition:—

“ price-controlled article ” means any article in respect of which an Order made or deemed to be made under the National Prices Commission Law fixing the price of such article, is in operation; and

by the insertion, immediately after the definition of “ requisition ”, of the following new definition:—

“ Order made or deemed to be made under the National Prices Commission Law ” includes a variation under section 22 of the National Prices Commission Law of an Order made or deemed to be made under section 20 of that Law;.