

CHAPTER 173

CONTROL OF PRICES (AMENDMENT)

AN ACT TO AMEND THE CONTROL OF PRICES ACT.

[Act No. 44 of 1957—25th October, 1957.]

[Act No. 23 of 1962—16th June, 1962.]

[Act No. 9 of 1964—24th August, 1964.]

[Act No. 16 of 1966—21st June, 1966.]

Acts
Nos. 44 of 1957.
23 of 1962.
9 of 1964.
16 of 1966.

1. This Act may be cited as the Control of Prices (Amendment) Act.

Short title.

2. The long title to the Control of Prices Act (hereinafter referred to as the "principal Act") is hereby amended by the substitution, for the words "OF COMMODITIES.", of the words "OF COMMODITIES AND TO TAKE POWER TO REQUISITION FOR CERTAIN PURPOSES ARTICLES OTHER THAN ARTICLES OF FOOD OR DRINK AND TO PROVIDE FOR THE PAYMENT OF COMPENSATION IN RESPECT OF ANY ARTICLE SO REQUISITIONED."

Amendment
of long
title of
Chapter 173.
[§ 2, 9 of 1964.]

3. Section 4 of the principal Act is hereby amended in subsection (1) of that section, by the substitution, for all the words from "If it appears" to "may by Order", of the following:—

Amendment
of section 4
of the
principal
Act.
[§ 2, 23 of 1962.]

"If it appears to the Controller that there is, or is likely to arise, in any part of Ceylon, any shortage of any article or any unreasonable increase in the price of any article, or that the price at which any article is being sold in any such part is excessive, having regard, in the case of an imported article, to what the Controller considers to be the reasonable cost of the importation and distribution of such article, the Controller may by Order".

Insertion of
new sections
5A and 5B
in the
principal
Act.

[§ 3, 9 of 1964.]

4. The following new sections are hereby inserted immediately after section 5, and shall have effect as sections 5A and 5B, of the principal Act—

'Requisition
of articles
other than
articles of
food or drink.

5A. (1) The Controller may, if it appears to him to be necessary or expedient so to do for the purpose of maintaining, controlling and regulating the supply of any article, other than an article of food or drink, in order to secure its sufficiency or its equitable distribution or its availability at a fair price, by special or general Order requisition any quantity of such article and give such directions as appear to him to be necessary or expedient in connection with the requisition thereof.

(2) Where a special Order is made under subsection (1), the Controller shall—

(i) specify the name and address of the person in respect of whom such Order is made and the quantity of the article which is to be requisitioned, and

(ii) direct such person or any other person on his behalf, who is in possession or has control of that article at any place of any description specified in the Order, to deliver to such officer as may be authorized for the purpose in the Order at such place the quantity of that article requisitioned by the Order if required to do so by such officer.

(3) Where a general Order is made by the Controller under subsection (1), the Controller shall—

(i) declare the quantity of the article, which is to be requisitioned from persons of any specified class or description, to be a specified proportion of the total quantity of such article in the possession or control of each such person, and

(ii) direct that every such person, or any other person on his behalf, who is in possession or has control of that article at any place of any description specified in the Order, to deliver to such officer as may be authorized for the purpose in the Order at such place the quantity of that article requisitioned by the Order if required so to do by such officer.

(4) Where the Controller requisitions any quantity of any article referred to in subsection (1), he may use or deal with, or authorize the use or dealing with, that quantity of that article to such extent and in such manner as he thinks expedient for any of the purposes specified in subsection (1), and may hold or sell or otherwise dispose of that quantity as if he were the owner thereof and as if that quantity were free from any mortgage, pledge, lien or other charge.

(5) The Controller, if it appears to him to be necessary for the effectual exercise of the powers conferred by

subsection (1) may, by Order made applicable either to the whole of Ceylon or to any specified area thereof—

(a) direct that no person, who, at the time when the Order takes effect, has in his possession or under his control at any premises in any area to which that Order applies any quantity of any article as may be described in the Order, shall remove that quantity or cause or permit it to be removed until the removal of that quantity therefrom is permitted by such officer or person as may be specified in the Order ; or

(b) require the owner or occupier of any premises in any such area to send to such officer or person as may be specified in the Order before such date as may be specified therein, a written declaration stating whether or not, on such date as may be specified in the Order, any quantity of any such article was, is, or will be on the premises, and, if so, the quantity of such article which was, is or will be on the premises on that day, according as the Order may direct.

(6) For the purpose of exercising any of the powers conferred on the Controller by the preceding provisions of this section, the Controller or any officer authorized specially or generally in that behalf by the Controller, may at any time between sunrise and sunset enter and inspect any premises or place in which any article requisitioned or to be requisitioned by any special or

general Order is kept or alleged to be kept and may make such examination therein as he may deem necessary.

In this subsection "examination" includes the weighing or measuring of any stocks of such article.

(7) Any officer of police or any other officer of Government who is requested so to do by the Controller or any officer authorized specially or generally in that behalf by the Controller shall aid and assist him in the exercise of his powers under the preceding provisions of this section.

Compensation
in respect of
articles
requisitioned
under section
5A.

5B. Where any quantity of any article has been requisitioned under the provisions of section 5A, compensation assessed in accordance with regulations which shall be made in that behalf under this Act shall be paid to the owner in respect of the requisition of that quantity.'

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

(1) by the insertion, immediately after paragraph (d) of that subsection, of the following new paragraphs :—

" (dd) the removal, storage or disposal of any articles which are requisitioned by Orders made under section 5A (1), and the maintenance of records and registers, and the issue of receipts, by the Controller or persons acting under the authority of the Controller in respect of articles so requisitioned ;

Amendment
of section 6 of
the principal
Act.
[§ 4, 9 of 1964.]

(*ddd*) the inspection of records and registers maintained by the Controller or persons acting under the authority of the Controller in respect of articles requisitioned by Orders made under section 5A (1) and the audit of accounts kept by the Controller or such person in respect of articles so requisitioned ;” ;

(2) by the insertion, immediately after paragraph (*e*) of that subsection, of the following new paragraph :—

“ (*ee*) any matter in respect of which regulations are authorized or required by this Act to be made ;” ; and

(3) in paragraph (*f*) of that subsection, by the substitution, for the words “public notice”, of the word “notice”.

Amendment
of section 8
of the
principal Act.
[§ 5. 9 of 1964.]

6. Section 8 of the principal Act is hereby amended as follows :—

(1) by the substitution, in subsection (1) of that section, for the words and figure “under section 5 of the Act,”, of the words and figures “under section 5 of this Act, or contravenes or fails to comply with any direction given, or requirement imposed, or resists or obstructs any other person in the exercise of the last-mentioned person’s powers, under section 5A of this Act,” ;

- (2) by the insertion, immediately after subsection (5) of that section, of the following new subsection :—

“ (5A) The provision in section 72 of the Penal Code that nothing is an offence which is done by any person who by reason of a mistake of fact and not by reason of a mistake of law in good faith believes himself to be justified by law in doing it, shall not apply in the case of offences under this Act.”; and

[§ 2, 44 of 1957.]
Cap. 19.

- (3) in sub-section (6) of that section—

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

[§ 2, 44 of 1957.]

“ (a) for the first offence—

- (i) if it is the contravention of an Order under section 4 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

[§ 2, 16 of 1966.]

- (ii) if it is an offence other than that specified in the immediately preceding subparagraph (i), be liable to the aforesaid imprisonment or the aforesaid fine or to both such fine and such imprisonment ; and ” ; and

- (b) in paragraph (b) of that subsection, by the substitution, for the words “ with

[§ 2, 16 of 1966.]

imprisonment of either description for a term not exceeding two years and shall in addition be liable to", of the following:—

"with rigorous imprisonment for a term not less than three months and not exceeding two years and, in addition, with".

Amendment
of section 11
of the
principal Act.
[§ 6, 9 of 1964.]

7. Section 11 of the principal Act is hereby amended as follows:—

(a) in the definition of "Minister", in paragraph (b) of that definition by the omission of the word "and";

(b) in the definition of "price-controlled article", by the substitution, for the words "in operation.", of the words "in operation; and"; and

(c) by the insertion, immediately after the definition of "price-controlled article", of the following new definition:—

"requisition", in relation to any quantity of any article other than an article of food or drink, means to take possession of that quantity or to require that quantity to be placed at the disposal of the Controller.'