

No. S 48

CONSTITUTION OF BRUNEI DARUSSALAM
(Order under section 83(3))

EMERGENCY (PRICE CONTROL ACT) (AMENDMENT) ORDER, 1999

In exercise of the power conferred by subsection (3) of section 83 of the Constitution of Brunei Darussalam, His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam hereby makes the following Order —

Citation. 1. This Order may be cited as the Emergency (Price Control Act) (Amendment) Order, 1999.

Amendment of section 2 of Chapter 142. 2. The Price Control Act (in this Order referred to as the Act) is amended in section 2 by —

(a) inserting the following new definitions in appropriate alphabetical order —

“maximum price” means the maximum price at which under the provisions of this Act, goods may be sold;

“price-controlled goods” means goods in respect of which maximum prices have been fixed under section 5 and includes services for which a maximum price has been fixed;”; and

(b) inserting “Senior Price Inspector” into the definition of “Price Inspector” immediately after “Chief Price Inspector”, in the second line.

Substitution of section 3. 3. Section 3 of the Act is repealed and the following substituted therefor —

“Appointment of Price Controller and other officers.

3. (1) The Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam, may appoint a Price Controller, a Deputy Price Controller and such Assistant Price Controllers as he may think fit.

(2) The Minister may appoint such Chief Price Inspectors, Senior Price Inspectors and Price Inspectors for such areas as he may think fit.”.

Insertion of new sections 3A and 3B.

4. The Act is amended by inserting immediately following new sections —

"Establishment
of National
Advisory
Council for
Consumer
Protection.

3A. The Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam, may establish a National Advisory Council for Consumer Protection to consist of a Chairman and eight other representatives from the Government, the public sector and other organisations as deemed fit and appropriate to advise the Price Controller on questions relating to the exercise of all or any of the powers conferred upon him by sections 4, 5, 6, 7, 9 and 10.

Maximum
prices and
charges.

3B. (1) The Price Controller may by order published in the *Gazette* —

(a) fix the maximum price, which may include charges for delivery, for the sale of any goods, either by declaring the maximum sale price or by prescribing that the sale price of the goods shall not exceed the price which they cost the seller plus a stated sum or a stated percentage of that cost price, or by prescribing the manner in which the maximum sale price of the goods shall be ascertained;

(b) fix the maximum charge that may be made by any person for any service in relation to the supply, repair, maintenance, packing, carriage or storage of goods, which shall include the provision of such materials as may be specified in the order;

(c) fix the maximum price, or prescribe the manner in which the maximum price shall be ascertained, of any second-hand goods, whether for sale by persons who trade in these goods, or by the private owners of these goods; and

(2) Under this section, the Price Controller may fix a maximum price or charge for service in respect of any goods for one area which differs from the maximum price or the charge for services fixed for another area in respect of like or similar goods."

5. Section 4 of the Act is amended by inserting immediately after paragraph (e) the following new paragraph —

Amendment of
section 4.

"(ea) require any person to submit to him samples of any price controlled articles;"

Repeal of
section 6.

6. Section 6 of the Act is repealed.

Insertion of
new sections
9A and 9B.

7. The Act is amended by inserting immediately after section 9 the following new sections —

“Powers of
entry, search
etc.

9A. (1) The Price Controller, the Deputy Price Controller, any Assistant Price Controller, any person authorised in writing by any of them, any Chief Price Inspector or any police officer not below the rank of Inspector may —

(a) seize any price controlled goods in respect of which he has reasonable grounds for suspecting that an offence against this Act has been committed together with any receptacle, package, conveyance, vessels not exceeding 200 tons net registered tonnage, vehicle or aircraft in or on which the same may have been found or which have been used in connection with the offence (in this section referred to as “accompanying appliances”) or which he considers necessary to establish the commission of that offence and may detain such goods and accompanying appliances pending the commencement of any proceedings against any person for the offence;

(b) enter and inspect any premises in the occupation or under the control of any person carrying on any trade or business in which price controlled goods are sold and seize any book, account, document or other thing found in the premises which may furnish evidence of the commission of an offence against this Act;

(c) examine any book, account or other document relating to the trade or business of any such person and require a copy thereof or of the records of any transaction duly certified by that person, and may further require that any such book, account or other document be deposited at the office of the Price Controller for examination; and where the same are in a language other than Malay or English languages may, if he is satisfied that such person can provide or obtain a translation thereof in either of those languages, require such a translation; or

(d) require any person to submit to him samples of any price controlled goods in which he deals.

(2) Where any price controlled goods have been seized under subsection (1)/a/, then —

(a) if within thirty days of the seizure no proceedings are commenced against any person for an offence alleged to have been committed in relation to those goods, the goods and accompanying appliances shall be returned to the person from whom they were seized if he can be found and, if otherwise, shall be disposed of as may be directed by a Magistrate; or

(b) if within thirty days of the seizure any such proceedings are commenced against any person, the goods and accompanying appliances shall be liable to forfeiture or otherwise disposed of in such manner as the Court may direct:

Provided that where any goods which have been seized under subsection (1)/a/ are of a perishable nature they may be sold by the order of the Price Controller and this subsection shall apply to the disposal of the proceeds of the sale in the same manner as it would have applied to the disposal of those goods if they had not been sold.

(3) Any police officer may, either of his own motion or on information received from the Price Controller or any other person, arrest without warrant upon reasonable suspicion of having committed an offence against this Act, if such person refuses to furnish his name or address or there are reasonable grounds for believing that he has furnished a false name or address or that he is likely to abscond.

(4) For the purpose of this section, the expression "price controlled goods" shall include any goods or class of goods in respect of which the Price Controller has prescribed marks or labels to be displayed under section 9B (1)/d/.

General
powers of
Price
Controller.

9B. (1) The Price Controller may, with the approval of the Minister, by order published in the *Gazette*, prescribe marks or labels to be displayed by retailers,

wholesalers, importers, manufactures and producers relating to any price controlled goods or to any other goods or class of goods in such manner as may be specified in the order, indicating the quality, grade, weight, price, place of origin or date of manufacture of such goods and such other information relating to such goods as the Price Controller may require.

(2) The Price Controller may —

(a) in any particular case, determine what constitutes a wholesale or a retail transaction;

(b) require by notice in writing any person carrying on any trade or business to furnish orally or in writing and in such form as may be required, any information in relation to the trade or business; and

(c) prescribe the place in which any price controlled goods shall be stored."

Insertion of
new sections
10A and 10B.

8. The Act is amended by inserting immediately after section 10 the following new sections —

"Compounding
of offences.

10A. (1) The Chief Price Controller and any Senior Price Controller may compound any offence against this Act, which is prescribed to be a compoundable offence, by accepting from the person reasonably suspected of having committed such offence a sum of money to be fixed by him not exceeding \$500.

(2) Upon payment made, the person reasonably suspected of having committed such offence, if in custody, shall be discharged, any properties seized shall be released and no further proceedings shall be taken against such person or property in respect of such offence.

Offences.

10B. Any person who —

(a) sells price controlled goods at the price or performs or offers to perform any service in relation to any price controlled goods or hires or offers to hire any price controlled goods at a charge which exceeds the maximum price or charge fixed therefor by the Price Controller

under section 3B shall be guilty of an offence against this Act;

(b) knowingly purchases or offers to purchase any price controlled goods or who knowingly pays or offers to pay for a service a charge which exceeds the maximum charge therefor shall be guilty of an offence against this Act;

(c) carries on a business in the course of which price controlled goods are normally sold and who has in his possession a stock of such goods who —

(i) falsely denies that he has such goods in his possession; or

(ii) refuses, except with the permission of the Price Controller, to sell such goods in reasonable quantities,

shall be guilty of an offence against this Act:

Provided that it shall be a defence to a charge under paragraph (ii) that the purchaser was unable or unwilling to make immediate payment of the price of the goods in cash."

9. The Schedule to the Act is amended by adding —

Amendment to
the Schedule.

"10. The list of compoundable offences".

10. The Act is amended by deleting the words "controlled articles" wherever they appear and by substituting therefor the words "price controlled goods".

Amendment of
Act.

Made this 23rd. day of Jamadilawal, 1420 Hijriah corresponding to the 4th. day of September, 1999 at Our Istana Nurul Iman, Bandar Seri Begawan, Brunei Darussalam.

HIS MAJESTY
THE SULTAN AND YANG DI-PERTUAN
BRUNEI DARUSSALAM