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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1111.

25 June 1993

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25 Junie 1993

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 71 of 1993: Price Control Amendment Act, 1993.

No. 71 van 1993: Wysigingswet op Prysbeheer, 1993.

GENERAL EXPLANATORY NOTE:

- [** **]** Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Price Control Act, 1964, so as to amend or delete certain definitions; to repeal the provisions relating to the control of prices; to amend or delete certain obsolete expressions; and to replace the short title; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 17 June 1993.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 25 of 1964, as amended by section 1 of Act 80 of 1967, section 1 of Act 39 of 1976, section 17 of Act 60 of 1985 and section 2 of Act 6 of 1992

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1. Section 1 of the Price Control Act, 1964 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for the definition of “controller” of the following definition:

“ ‘controller’ means the **[Price]** Controller appointed under section 2;”;

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(b) by the deletion of the definition of “Gazette”;

(c) by the substitution for the definition of “Minister” of the following definition:

“ ‘Minister’ means the Minister of **[Economic Affairs] Trade and Industry;**”;

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(d) by the substitution for the definition of “sell” of the following definition:

“ ‘sell’ includes agree to sell, or mark with a selling price, or offer or attempt to sell, or keep, expose, display or advertise for sale, or deliver in pursuance of a sale, or deliver or dispose of for any consideration, or sell by auction or by way of **[an] a credit agreement as defined in the [Hire Purchase Act, 1942 (Act No. 36 of 1942)] Credit Agreements Act, 1980 (Act No. 75 of 1980), the date of any such credit agreement being deemed to be the date of sale, and ‘sale’ shall have a corresponding meaning;**”

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Substitution of section 2 of Act 25 of 1964

2. The following section is hereby substituted for section 2 of the principal Act:

“Appointment of Controller

2. The Minister may, subject to the laws governing the public service, appoint a [Price] Controller, who shall, subject to the control of the Minister, perform such functions and exercise such powers as may be assigned to or conferred upon him by this Act.”

Substitution of section 3 of Act 25 of 1964

3. The following section is hereby substituted for section 3 of the principal Act:

“Designation of deputy controllers, supervisors and inspectors

3. The controller may designate any officers in the public service—
(a) as deputy [price] controllers, who shall, subject to his control, perform such functions and exercise such powers as he may delegate to them;

(b) as [price control] supervisors or inspectors, who shall, subject to the control of the controller, perform such functions and exercise such powers as may be assigned to or conferred upon them by this Act.”

Repeal of section 4 of Act 25 of 1964

4. Section 4 of the principal Act is hereby repealed.

Amendment of section 7 of Act 25 of 1964

5. Section 7 of the principal Act is hereby amended—

(a) by the deletion of paragraph (a); and

(b) by the substitution for subparagraph (i) of paragraph (c) of the following subparagraph:

“(i) with the [maximum] price at which such goods [may be] are sold to any person or to any person of a specified class by any dealer or any particular dealer or any dealer of a specified class;”

Amendment of section 9 of Act 25 of 1964, as substituted by section 5 of Act 80 of 1967 and amended by section 2 of Act 39 of 1976

6. Section 9 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The controller may from time to time by notice in the *Gazette* or, with the authority of the Minister; in the case of any particular person, by notice in writing prohibit the sale of any goods or the rendering of any service subject to conditions specified in the notice, or the refusal to sell any goods or render any service except subject to conditions so specified, or impose in respect of the sale of any goods or the rendering of any service such conditions as he may think fit [whether the maximum price for the sale of such goods or the maximum charge for the rendering of such services has been fixed under this Act or not].”; and

(b) by the addition of the following subsections:

“(7) If any person has been convicted on a charge of selling any goods contrary to a prohibition imposed under this section in that he required the purchaser of any particular goods to comply with a condition that the purchaser purchase from him or from any other

person other goods in addition to such particular goods, the controller may, upon application by such purchaser, order the person who sold such other goods to pay to the purchaser the price he paid for such other goods.

(8) When the controller has made an order under subsection (7) he shall forward a certified copy thereof to the clerk of a magistrate's court, and thereupon such order shall have the effect of a civil judgment of that magistrate's court."

Repeal of section 10 of Act 25 of 1964

7. Section 10 of the principal Act is hereby repealed.

Amendment of section 11 of Act 25 of 1964, as amended by section 6 of Act 80 of 1967

8. Section 11 of the principal Act is hereby amended by the substitution in paragraph (a) for the words preceding subparagraph (i) of the following words: "require any person purchasing any goods for resale or for use in the processing, manufacture or production of any class of goods for sale, to keep in one of the official languages of the Republic [or, in the case of the territory of South-West Africa, in one of such languages or the German language]—"

Substitution of section 13 of Act 25 of 1964, as amended by section 3 of Act 39 of 1976

9. The following section is hereby substituted for section 13 of the principal Act:

"Powers of supervisors and inspectors

13. (1) Any [price control] supervisor or inspector may for the purpose of enquiring whether the provisions of this Act or any notice issued thereunder has been complied with or for the purpose of gathering such information as the controller may desire—

(a) order any person who renders or has rendered any service, or who supplies, produces, manufactures, sells, handles or deals in, or has supplied, produced, manufactured, sold, handled or dealt in, any goods, or any servant or agent of such person—

(i) to produce to [such] the supervisor or inspector any goods, book, record, list, ticket or document in possession or custody or under the control of such person, servant or agent;

(ii) to furnish such supervisor or inspector at such place and in such manner as he may specify, with such information relating to such goods, service, book, record, list, ticket or document, as such supervisor or inspector may specify;

(b) examine or make extracts from or copies of any such book, record, list, ticket or document;

(c) seize and take possession of any such goods, book, record, list, ticket or document.

(2) Any [price control] supervisor or inspector shall furnish the owner of anything seized and taken possession of under subsection (1) with a receipt.

(3) No person may refuse to comply with any order under this section on the ground that in so complying he may incriminate himself.

(4) The provisions of this section shall not entitle a supervisor or inspector to demand from any person the production of a balance sheet or a manufacturing, trading or profit and loss account unless specially authorized thereto by the controller."

Repeal of section 14 of Act 25 of 1964

10. Section 14 of the principal Act is hereby repealed.

Amendment of section 16 of Act 25 of 1964, as amended by section 1 of Act 16 of 1984

11. Section 16 of the principal Act is hereby amended by the deletion of subsection (1).

Amendment of section 18 of Act 25 of 1964, as amended by section 5 of Act 39 of 1976

12. Section 18 of the principal Act is hereby amended—

(a) by the deletion of paragraphs (a), (b), (c) and (d); 10

(b) by the substitution for paragraph (e) of the following paragraph:

“(e) contravenes or fails to comply with any provision of a notice issued under section 5, 6, 7, 8, 9 [10] or 11;”;

(c) by the substitution for paragraph (j) of the following paragraph:

“(j) falsely represents himself to be a [price control] supervisor or inspector;” and 15

(d) by the substitution for the words following upon paragraph (j) of the following words:

“shall be guilty of an offence and liable on conviction to a fine, [not exceeding two thousand rand] or to imprisonment for a period not exceeding two years [or to both such fine and such imprisonment].” 20

Repeal of sections 21 and 22 of Act 25 of 1964

13. Sections 21 and 22 of the principal Act are hereby repealed.

Substitution of section 23 of Act 25 of 1964

14. The following section is hereby substituted for section 23 of the principal Act: 25

“Short title

23. This Act shall be called the [Price Control Act] Sale and Service Matters Act, 1964, [and shall come into operation on a date to be fixed by the State President by proclamation in the *Gazette*].” 30

Substitution of long title of Act 25 of 1964

15. The following long title is hereby substituted for the long title of the principal Act:

“Act

To provide for the control of [prices] the sale of goods and the rendering of services and other incidental matters.” 35

Short title

16. This Act shall be called the Price Control Amendment Act, 1993.