

**LAWS OF THE REPUBLIC OF KIRIBATI
REVISED EDITION 1981**

CHAPTER 75

PRICES

ARRANGEMENT OF SECTIONS

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An Ordinance to empower the Minister to make orders regulating the price of certain commodities and for purposes connected therewith

*6 of 1976
5 of 1981*

Commencement: 10 June 1976

Short title

1. This Ordinance may be cited as the Prices Ordinance.

Interpretation

2. In this Ordinance unless the context otherwise requires -

"retailer" means a person who sells goods to a consumer in the course of his business;

"wholesaler" means a person who sells or supplies goods to another for the purpose of resale or for use by such other person in the course of his business.

Power of Minister to prescribe the price of commodities

3. (1) The Minister may by order regulate the price for the sale by retail of the commodities listed in the Schedule, either generally or in any part of Kiribati specified in the order.

(2) The Minister may from time to time by order add commodities to or delete commodities from the Schedule.

Prerequisites to the making of an order under section 3

4. In determining whether and in what manner to exercise the powers conferred by section 3, the Minister shall have regard to the circumstances of the trade in the commodity to which an Order under section 3 will apply and to the effect of an order on the profitability of that trade.

Contents of order and manner in which prices regulated

5. Without limiting the generality of section 3, an order made under that section may-

- (a) prescribe a maximum price for the sale of the commodity;
- (b) make provision whereby the price to be charged on a sale by retail is not to exceed the buying price charged to the retailer by more than a margin determined in accordance with the order ;
- (c) make different provision in relation to different circumstances and may contain such supplementary provision as the Minister thinks necessary or expedient;
- (d) require retailers selling commodities in respect of which an order has been made to keep displayed in a prominent position in the premises in which such commodities are kept or offered for sale a notice showing clearly for the information of the public such information with respect to the effect of the order as may be so specified;
- (e) require persons selling, or who have after the coming into force of this paragraph sold, such food or other goods as are mentioned in paragraph (b) to keep such records as may be specified in the order as being records which the Minister considers are needed for the efficient enforcement of an order under section 3; and
- (f) provide that, either generally or in respect of specified commodities or subject to such exceptions as may be specified retailers having commodities available shall not, except with reasonable cause the onus of proving which shall be upon the retailer, refuse to sell them to any person tendering immediate payment at the price prescribed by an order made under section 3.

Proportionate prices

6. Where the quantity of the commodity sold or offered for sale is greater or less than the quantity specified in an order made under section 3 such commodity shall, subject to any express provision to the contrary in the order, be sold or offered for sale at the proportionately increased or diminished price as the case may be.

Wholesalers

7. Where an order has been made under section 3 providing the price to be charged on a sale by retail is not to exceed the buying price by more than a prescribed margin, a wholesaler who sells any commodity specified in the order shall supply at the time of the sale to the purchaser an invoice containing the following particulars and shall retain a copy of such invoice -

- (a) the name and address of the seller and purchaser;
- (b) the date;
- (c) a description of the commodity;
- (d) the quantity of the commodity;
- (e) the price charged; and
- (f) such other particulars as regulations may require generally or with reference to certain commodities or classes of commodities.

Specified maximum prices

8. Where it appears to the Minister that there are special circumstances in consequence of which it would be just to authorise a particular person to charge, for a sale of a thing of a particular description, a price exceeding the maximum price which by virtue of an order under section 3 he is authorised to charge for a sale of a thing of that description, the Minister may, by notice in writing given in such manner as he thinks fit, authorise that person to charge for a sale of a thing of that description a price not exceeding a price specified in the notice; and a sale in accordance with the authorisation shall be deemed to be permitted by the order.

Price control officers

9. (1) Subject to section 99 of the Constitution, the Minister may appoint suitably qualified persons to act as price control officers for the purposes of this Ordinance and in particular -

- (a) to report to him any breaches of the provisions of this Ordinance or any regulations or orders made thereunder;
- (b) to institute, prosecute and conduct any legal proceedings in respect of any

alleged offence against this Ordinance or any regulations or orders made hereunder.

(2) A price control officer may on production of his credentials and for the purpose of determining whether an offence has been committed seize and detain any documents or commodities which he has reason to believe may be required as evidence in proceedings for such an offence.

(3) Any person who -

(a) wilfully obstructs a price control officer acting in pursuance of his powers under this Ordinance or any regulations or order made thereunder;

(b) without reasonable cause fails to give a price control officer any other assistance or information which he may reasonably require for the performance of his functions shall be guilty of an offence.

Prohibited acts

10. No person shall -

(a) sell or attempt to sell a commodity to which an order made under section 3 applies at a greater price than that prescribed by the order;

(b) in the course of business apply different methods of fixing or ascertaining the prices of a commodity to which an order under section 3 applies with intent to evade the provisions of this Ordinance or any regulations or order made thereunder.

Regulations

11. The Beretitenti, acting in accordance with the advice of the Cabinet, may make regulations generally to carry into effect the purposes of this Ordinance and, in particular -

(a) to provide for the keeping by wholesalers and retailers of records; and

(b) to secure that prices are indicated on or in relation to commodities offered or exposed for sale by retail.

Penalties

12. A person who contravenes or fails to comply with any of the provisions of this Ordinance, or of any regulations or order made hereunder, shall be guilty of an offence and liable to a fine of \$1000.

Transactions not invalid

13. A transaction shall not be invalid by reason only that it involves a price in excess of that permitted by an order under section 3; but the person paying a price in excess of that

prescribed by an order under section 3 shall be entitled to recover the excess of any price so paid by him over such price unless he himself has aided, abetted or procured the commission of the offence.

Exclusions

14. The provisions of this Ordinance -

(a) shall not affect any right or exemption of the Republic; and

(b) shall not apply to the sale of commodities for consumption on the premises where they are sold.

THE SCHEDULE

Bar Soap	Rice
Corned beef	Sugar
Flour	Twist tobacco
Kerosene	

SUBSIDIARY LEGISLATION

[Subsidiary]

Order under section 3 (1)

PRICES REGULATION ORDER

L.N. 47180

Commencement: 20 November 1979

Citation

1. This Order may be cited as the Prices Regulation Order.

Maximum retail prices

2. (1) A commodity specified in Part I of the Schedule to this Order shall not be sold by retail outside the Line and Phoenix Groups at a price in excess of the prices specified in the Schedule for the quantity there specified, or in a greater or lesser quantity in excess of a price proportionate to the price so specified.

(2) A commodity specified in Part II of the Schedule to this Order shall not be sold by retail in the Line and Phoenix Groups at a price in excess of the landed cost in the Group plus 28 per cent (rounded up in respect of each sale to the nearest cent).

(3) In subsection (2), "landed cost in the Group" includes -

(a) customs duty, import levy, wharfage and port charges at the port of entry to Kiribati; and

(b) if the port of entry is outside the Line and Phoenix Groups, delivery charges to the port at which the commodities are landed in the Line and Phoenix Groups,

but does not include delivery charges within the Line and Phoenix Groups.

Records to be kept

3. (1) A person carrying on a business which includes the sale of a commodity to which this Order applies shall keep and maintain records relating to the commodity, and those records shall include, in the case of a commodity to which section 2 (2) applies, the calculation made in the case of the price current for it from time to time.

(2) The records referred to in subsection (1), and all commodities to which this Order applies shall be open to inspection at all times during usual working hours on working days by Price Control Officers.

Repeal

4. All previous Orders under section 3 (1) of the Prices Ordinance are repealed.

SCHEDULES

(Specifically omitted)

Appointment of Price Control Officers under section 9 (1)

The following persons are appointed price control officers -

L.N. 12/80

(a) Executive Officer (Trade and Industry), Ministry of Trade, Industry and Trade

(b) the Clerk to Betio Town Council

(c) the Clerk to the Te Inainano Urban Council

(d) Clerk to Makin Island Council

G.N. 8180

(e) Clerk to Butaritari Island Council

(f) Clerk to Marakei Island Council

(g) Clerk to Abaiang Island Council

- (h)* Clerk to Tarawa Teinaiaeta Island Council
 - (i)* Clerk to Maiana Island Council
 - (j)* Clerk to Abemama Island Council
 - (k)* Clerk to Kuria Island Council
 - (l)* Clerk to Aranuka Island Council
 - (m)* Clerk to Nonouti Island Council
 - (n)* Clerk to Tabiteuea Meang Island Council
 - (o)* Clerk to Tabiteuea Maiaki Island Council
 - (p)* Clerk to Onotoa Island Council
 - (q)* Clerk to Beru Island Council
 - (r)* Clerk to Nikunau Island Council
 - (s)* Clerk to Tamana Island Council
 - (t)* Clerk to Arorae Island Council
 - (u)* All District Officers
 - (v)* Secretary to the Ministry for the Line and Phoenix Island Groups.
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