

CHAPTER 228.

CONTROL OF GOODS.

CONTROL OF GOODS RULES

made by the Governor in Council under section 4 and laid before the Legislative Council under section 8.

P.N.
106 of 1956.

Citation.

1. These rules may be cited as the Control of Goods rules.

Interpreta-
tion.

2. (1) In these rules, unless the context otherwise requires—
“buy” and “sell” include all offers or agreements to buy or sell, as the case may be, and cognate expressions shall be construed accordingly:

“Controller” means a Controller appointed by the Governor under section 3 of the Ordinance;

“controlled goods” means any goods or class of goods declared to be controlled goods by Order of the Governor in Council made under section 2 of the Ordinance;

“permitted price” means the price prescribed by the Controller in accordance with the provisions of rule 4 of these rules in respect of any controlled goods;

“price-regulated goods” means controlled goods that are the subject of a notice published under rule 4 thereof.

(2) The expression “retail” relates to a transaction where the goods are sold direct to the consumer, and the expression “wholesale” relates to one where the goods are sold for the purpose of re-sale.

(3) References to an offer to sell or purchase goods shall be construed as including a reference to a notification by a person of the price proposed by him for a sale or purchase of goods, made by the publication of a price list, by exposing the goods for sale in association with a mark indicating price, by the furnishing of a quotation, or otherwise howsoever, and the reference in rule 9 hereof to an offer to enter into a transaction shall be construed similarly as including a reference to a notification of the consideration proposed for the transaction.

Price
tickets.

3. (1) A Controller may by notice in the *Gazette* require that any controlled goods offered for sale by retail shall be marked in such manner as the Controller may prescribe to show the selling price thereof.

(2) Any person who offers any controlled goods for sale by retail who fails to comply with any requirement of the Controller in regard to the marking thereof as specified by the Controller by notice in the *Gazette* shall be guilty of an offence and liable on summary conviction to a penalty not exceeding the maximum that may be prescribed under section 4 of the Ordinance.

4. (1) A Controller may by notice in the *Gazette* prescribe the price at which any controlled goods may be bought or sold and such price may be referred to as the permitted price. Permitted prices for price regulated goods.

(2) The price prescribed under the preceding paragraph shall be determined by the Controller after taking into account all the matters set out in the Schedule to these rules.

(3) In any notice published under this rule—

(a) different permitted prices may be prescribed for the same kind of goods in different places;

(b) a permitted price may be prescribed for wholesale transactions or retail transactions or both; and

(c) different permitted prices may be prescribed for retail and wholesale transactions for the same kind of goods.

(4) Any controlled goods that are the subject of a notice published under this rule may be described as price-regulated goods.

5. Any merchant who is aggrieved by any price prescribed in a notice published under rule 4 affecting any goods in which he deals may appeal to the Governor against the notice and if he does so, he shall state in his petition of appeal the grounds thereof. Appeals from notices.

(2) A merchant who appeals under this rule shall send the Controller a copy of his petition.

(3) On receiving a petition under this rule the Governor shall appoint a Referee to examine the petition.

(4) The Referee after examining the petition, and any representations made by the Controller relating to the petition, and taking into account all the matters set out in the Schedule to these rules may, if the justice of the case so requires, direct the Controller to revoke, amend or replace the notice in such manner as the Referee may see fit and the Controller shall give effect to any such direction.

Sales for prices exceeding permitted price.

6. (1) Any person who sells price-regulated goods for a price in excess of the appropriate permitted price shall be guilty of an offence.

(2) When the permitted price of price-regulated goods is expressed in terms of any unit of weight or measurement and a smaller quantity than such unit is sold, the permitted price of the quantity sold shall be calculated *pro rata* to the nearest half-penny in favour of the owner or seller.

(3) Subject to the provisions of paragraph (4) of this rule, any person who contravenes any of the provisions of this rule shall be guilty of an offence and upon conviction shall be liable to a penalty not exceeding the maximum that may be prescribed under section 4 of the Ordinance:

Provided that, where it is proved that an offence or agreement made in contravention of this rule has been followed by an agreement or sale so made in pursuance of that offer or agreement, those transactions together shall be taken to constitute a single offence.

(4) It shall be a defence for a person charged with a contravention of this rule to prove that in relation to the matter in respect of which he is charged he acted in the course of his employment as a servant or on the instructions of his employer and without knowing that he was acting in contravention of the provisions of these rules.

Copies of notices to be exhibited in shops.

7. (1) Every person being the owner, proprietor, agent, or person in charge of any shop or premises wherein price-regulated goods are for sale, and wherein members of the public have access for the purpose of purchasing the same, whether wholesale or retail, shall exhibit copies of all current Notices, made by the Controller respecting price-regulated goods, in a manner and place clearly visible to the public.

(2) No person shall make any addition to or erasure in or otherwise alter or deface, any copy of a Notice exhibited under the provisions of this rule except in accordance with any amendment to such notice lawfully made by the Controller.

Right of buyer to avoid prohibited transaction, or to recover excess price.

8. (1) Where a prosecution has been instituted in respect of a sale of, or an agreement or offer to sell, any price-regulated goods in the course of any business at a particular price, and the person charged has been found guilty, then—

(a) if the prosecution was in respect of a sale or agreement, the buyer under that sale or agreement, and

(b) whether the prosecution was in respect of a sale or agreement, or of an offer, the buyer under any sale of similar goods, or under any agreement to sell similar goods, effected at the same or a higher price in the course of that business in contravention of rule 6 hereof before the date of the finding, shall have the following rights exercisable, subject as hereinafter provided, at his option—

(i) he shall have the right to treat the sale or agreement as avoided, and to recover from the seller, as money received by him for the use of the buyer, any amount paid by the buyer as consideration therefor:

Provided that the buyer shall not be entitled to exercise the right conferred by this paragraph if any rights acquired by a third party would be prejudiced by his so doing, or the date of the sale or agreement, or, in the case of a sale, unless he tenders the goods to the seller in substantially the same state as that in which they were when the property passed to the buyer;

(ii) he shall have the right to affirm the sale or agreement, but to recover as aforesaid to the extent of any loss sustained by him by reason of the contravention, regard being had to any consideration received or to be received by him for a re-sale of, or an agreement to re-sell, the goods.

(2) Any sum recoverable by virtue of this rule shall be recoverable with interest thereon at the rate of five per cent. per annum from the date when it was paid.

(3) The rights conferred by this rule shall not be exercisable by a person who is himself liable to punishment by reason of his having aided, abetted, counselled or procured, the contravention in question.

9. Where a person makes an offer to enter into a transaction for a consideration to be given as a whole in respect both of a sale of any price-regulated goods and of some other matter (whether or not being, or including, a sale of other price regulated goods), the person making the offer shall state in writing the price which he assigns to those goods, if he is required so to do by any person to whom the offer is made, and the offer shall be deemed for the purposes of these rules to be an offer to sell those goods at the price so stated.

Obligation to state price separately on composite offer.

10. (1) Subject to the provisions of paragraph (3) of this rule, a person carrying on a business in the course of which price-regulated goods of any description are normally sold, and

Prohibition of holding up of stocks.

having in his possession a stock of goods of that description, shall not refuse an offer to buy goods of that description at the permitted price made with a tender of immediate payment therefor:

Provided that the omission of the prosecution to prove the tender of the exact sum in payment of the permitted price shall not be a defence to a prosecution under this rule, unless the accused person shall prove that at the time of the offer of immediate payment he required the person offering to buy the goods to produce the exact sum by way of payment therefor.

(2) For the purposes of the preceding paragraph, a person shall be deemed to have refused an offer if he proposes acceptance thereof subject to a condition requiring the buying of any other goods, whether being price-regulated goods or not, or the making of any payment in respect of any services, or to any other condition contrary to law.

(3) A person shall be entitled to refuse such an offer as is mentioned in paragraph (1) of this rule if the acceptance thereof, or the acceptance thereof without the fulfilment of a condition proposed by him, would, having regard to the quantity of goods to which the offer relates or to any other consideration, be contrary to the normal practice of his business, or would involve a breach of some obligation lawfully binding on him, or would interfere with arrangements made by him for an orderly disposal of his stocks amongst his regular customers.

Requisition-
ing of goods
unreason-
ably
withheld.

11. (1) Whenever the Controller is of opinion that any price-regulated goods are being unreasonably withheld from the public, he may give directions in writing that such price-regulated goods shall be requisitioned and delivered to a specified person or persons on payment of the wholesale permitted price thereof to the person in possession.

(2) When any goods are requisitioned under this rule, the person to whom they are delivered shall forthwith offer such goods for public sale in such manner and subject to such conditions as the Controller may direct.

(3) Any person who neglects or refuses to comply with any directions given by the Controller under this rule or obstructs any person in taking delivery of goods in accordance with any such directions shall be guilty of a contravention of this rule.

12. If any person contravenes or fails to comply with any of the provisions of rules 7, 9, 10 or 11, he shall be guilty of an offence and liable on summary conviction to a penalty not exceeding the maximum that may be prescribed under section 4 of the Ordinance.

Penalty for offences against rules 7, 9, 10 and 11.

13. (1) Except in the case of goods of a description as to which there is for the time being in force an order made by the Controller directing that this paragraph shall not have effect in relation thereto, these rules shall not apply to a sale by auction conducted, where the sale is in the Colony, by an auctioneer licensed under the Auctioneers Ordinance.

Exception for sales by auction or for export.

Cap. 224.

(2) These rules shall not apply to the sale of controlled goods intended for export, and on a prosecution of a person for a contravention of any of the preceding rules, it shall be a defence for that person to prove that he had reasonable cause to believe that the goods in question were intended for export.

14. The illegality by virtue of these rules of any transaction shall not prejudice any rights acquired by any person other than a person who is guilty of a contravention of these rules in respect of the transaction, or who is liable to punishment by reason of his having aided, abetted, counselled or procured, such a contravention.

Innocent parties.

15. (1) Any person who carries on or is employed in any trade or business in the course of which any controlled goods are moved, consumed, used, stored, kept, sold, purchased or otherwise dealt with or disposed of, shall keep such books, accounts and other documentary records as may be reasonable having regard to the size and class of the business and the standard of literacy of the employer and of his employees in the business.

Keeping and production of accounts.

(2) The Controller or a Referee appointed under rule 5 may require any such person to produce for his examination any such books, accounts or other documentary records, and thereupon such person shall forthwith produce to the Controller or Referee as the case may be such books, accounts or other documentary records.

(3) Any person who contravenes or fails to comply with this rule shall be liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and fine.

SCHEDULE.

MATTERS TO BE CONSIDERED IN FIXING A PERMITTED PRICE.

- (a) The cost of the article in the country of origin (including, but not exceeding, any permitted price lawfully prescribed there).
 (b) Freight.
 (c) Insurance (including war risks).
 (d) Costs, charges and expenses incidental to the making of the contract of sale and the delivery of the goods at the port of shipment.
 (e) Liability for Customs and Excise duties.
 (f) Interest on money borrowed.
 (g) Transport charges within Sierra Leone.
 (h) Expense of advertising, employment of salesmen and other marketing measures.
 (i) Changes in the total volume of the business over which the overhead expenses thereof fall to be spread.

P.N.
107 of 1956.

**CONTROL OF GOODS (DECLARATION OF
CONTROLLED GOODS) ORDER**

*made by the Governor in Council under section 2 and laid before
the Legislative Council under section 8.*

Citation.

1. This Order may be cited as the Control of Goods (Declaration of Controlled Goods) Order in Council.

Declaration.

2. The goods described in the Schedule to this Order are hereby declared as controlled goods within the meaning of the Control of Goods Ordinance.

SCHEDULE.

LOCALLY PRODUCED GOODS.

Foods—

Meat, fresh.

Rice:

IMPORTED GOODS.

Foods—

Biscuits, all kinds.

Butter and butter substitutes.

Cheese.

Fish, canned or preserved.

Flour.

Jams, marmalades, fruit jellies, etc.

Quaker Oats, prepared barley, breakfast foods and other farinaceous preparations.

Lard and lard substitutes.

Meat, all kinds.
Milk, all kinds.
Milk-based infants' and invalids' foods.
Rice.
Salt.
Sugar.
Tea.
Vegetables, canned.
Vegetables, fresh—onions, potatoes, etc.
Cocoa powder.
Coffee extracts, etc.

Drinks—

Ale, beer, stout and porter.
Non-alcoholic beverages.
Cider and perry.
Spirit—brandy, gin, rum, whisky.
Wines—still and sparkling.

Tobacco—

Manufactured and unmanufactured tobacco.
Cigarettes.

Textile, Yarn and Thread—

Cotton sewing thread.
Cotton fabrics of standard types—
Grey, Unbleached.
White, Bleached.
Printed.
Piece-dyed.
Colour-woven.

Special Textile Fabrics—

Cordage, cables, ropes and twines.
Blankets.
Footwear—all kinds.
Stockings and hose.
Shirts and singlets.
Waterproof clothing.

Miscellaneous—

Buckets, pails and basins.
Clocks and watches complete.
Candles.
China, earthenware and pottery.
Fish hooks.
Lamps and lanterns.
Linoleum.
Matchets, axes and hatchets.
Matches.
Soap—toilet and common.
Travel goods, handbags, etc.
Umbrellas.

P.N.
108 of 1956.

CONTROL OF GOODS (PRICE TICKETS) ORDER

made by the Controller under rule 3 of the Control of Goods Rules and laid before the Legislative Council under section 8.

Citation.

1. This Order may be cited as the Control of Goods (Price Tickets) Order.

Price tickets.

2. (1) Any person who deals in any kind of goods specified in the Schedule hereto shall cause to be attached to any such goods, displayed for sale by retail, a price ticket showing the retail price of such goods in English. Such price tickets shall be clearly legible and shall be visible to the public.

(2) When any kind of goods specified in the Schedule is displayed in different qualities or sizes, the price of each quality or size shall be indicated by means of a price ticket.

SCHEDULE.

LOCALLY PRODUCED GOODS.

Foods—

Meat, fresh.
Rice.

IMPORTED GOODS.

Foods—

Biscuits, all kinds.
Butter and butter substitutes.
Cheese.
Fish, canned or preserved.
Flour.
Jams, marmalades, fruit jellies, etc.
Quaker Oats, prepared barley, breakfast foods and other farinaceous preparations.
Lard and lard substitutes.
Meat, all kinds.
Milk, all kinds.
Milk-based infants' and invalids' foods.
Rice.
Salt.
Sugar.
Tea.
Vegetables, canned.
Vegetables, fresh—onions, potatoes, etc.
Cocoa powder.
Coffee extracts, etc.

Drinks—

Ale, beer, stout and porter.
 Non-alcoholic beverages.
 Cider and perry.
 Spirits—brandy, gin, rum, whisky.
 Wines—still and sparkling.

Tobacco—

Manufactured and unmanufactured tobacco.
 Cigarettes.

Textile, Yarn and Thread—

Cotton sewing thread.
 Cotton fabrics of standard types—
 Grey, unbleached.
 White, bleached.
 Printed.
 Piece-dyed.
 Colour-woven.

Special Textile Fabrics—

Cordage, cables, ropes and twines.
 Blankets.
 Footwear, all kinds.
 Stockings and hose.
 Shirts and singlets.
 Waterproof clothing.

Miscellaneous—

Buckets, pails and basins.
 Clocks and watches complete.
 Candles.
 China, earthenware and pottery.
 Fish hooks.
 Lamps and lanterns.
 Linoleum.
 Matchets, axes and hatchets.
 Matches.
 Soap—toilet and common.
 Travel goods, handbags, etc.
 Umbrellas.

CONTROL OF GOODS (PRICES OF RICE) ORDER

P.N.
 82 of 1957.

*made by the Controller under rule 4 of the Control of Goods Rules
 and laid before the Legislative Council under section 8.*

1. This Order may be cited as the Control of Goods (Prices of Rice) Order. Citation.

Imported
rice:
Maximum
prices in
specified
towns.

2. Imported rice shall be price-regulated goods and the retail maximum prices specified in the Schedules to this Order shall be the permitted maximum prices in respect of the retail sale of imported rice, in the towns stated in the Schedules.

Maximum
prices
elsewhere.

3. The permitted maximum retail selling prices of imported rice in all other places not prescribed in the Schedules to this Order shall be the Freetown selling prices *plus* the cost of freight from Freetown.

SCHEDULE I.

IMPORTED RICE RETAIL—PRICES FOR ONE BAG AND OVER.

Places.	Per Bag of 112 lb. gross.		
	£	s.	d.
Freetown	3	0	0
Moyamba	3	2	9
Mano	3	3	3
Bo	3	4	0
Kenema	3	5	0
Segbwema	3	5	3
Pendembu	3	6	3
Magburaka	3	3	9
Makeni	3	4	0
Bonthe/York Island	3	3	0
Waterloo	3	1	3
York	3	1	6
Pujehun	3	6	9
Sefadu/Koidu	3	8	9
Kailahun	3	6	9
Port Loko	3	4	3
Kabala	3	8	0

Note.—The price for bags exceeding 112 lb. net weight will be at the pro rata rate for bags of 112 lb.

SCHEDULE II.

IMPORTED RICE—RETAIL PRICES FOR UNDER ONE BAG.

Places.	(a) Per Bushel of 84 lb. net			(b) Per Kettle of 21 lb. net			(c) Per Lb.			(d) Per measure of 1 pt.			(e) Per measure of ½ pt.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Freetown	2	5	0	0	11	6	0	0	7	0	0	9	0	0	4½
Moyamba	2	7	6	0	12	0	0	0	7½	0	0	9	0	0	4½
Mano	2	7	6	0	12	0	0	0	7½	0	0	9	0	0	4½
Bo	2	8	0	0	12	3	0	0	7½	0	0	9	0	0	4½
Kenema	2	8	9	0	12	6	0	0	7½	0	0	10	0	0	5
Segbwema	2	9	0	0	12	6	0	0	7½	0	0	10	0	0	5
Pendembu	2	9	6	0	12	9	0	0	7½	0	0	10	0	0	5

SCHEDULE II—continued.

Places.	(a)			(b)			(c)			(d)			(e)		
	Per Bushel of 84 lb. net			Per Kettle of 21 lb. net			Per Lb.			Per measure of 1 pt.			Per measure of $\frac{1}{2}$ pt.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
Magburaka ...	2	7	9	0	12	3	0	0	7 $\frac{1}{2}$	0	0	9	0	0	4 $\frac{1}{2}$
Makeni ...	2	8	0	0	12	3	0	0	7 $\frac{1}{2}$	0	0	9	0	0	4 $\frac{1}{2}$
Bonthe/York Island	2	7	6	0	12	0	0	0	7 $\frac{1}{2}$	0	0	9	0	0	4 $\frac{1}{2}$
Waterloo ...	2	6	0	0	11	9	0	0	7	0	0	9	0	0	4 $\frac{1}{2}$
York ...	2	6	0	0	11	9	0	0	7	0	0	9	0	0	4 $\frac{1}{2}$
Pujehun ...	2	10	0	0	12	9	0	0	7 $\frac{1}{2}$	0	0	10	0	0	5
Sefadu/Koidu ...	2	11	6	0	13	3	0	0	7 $\frac{1}{2}$	0	0	10	0	0	5
Kailahun ...	2	10	3	0	12	9	0	0	7 $\frac{1}{2}$	0	0	10	0	0	5
Port Loko ...	2	8	3	0	12	3	0	0	7 $\frac{1}{2}$	0	0	9	0	0	4 $\frac{1}{2}$
Kabala ...	2	11	0	0	13	0	0	0	7 $\frac{1}{2}$	0	0	10	0	0	5

Note.—Measures of 1 pint and $\frac{1}{2}$ pint capacity mean measures of capacity as prescribed in the Weights and Measures Ordinance (Cap. 226). They may be used only for sale of rice direct to consumers.