



ANALYSIS

Title		3. Prices and charges fixed under
1. Short Title		other Acts
2. Price restraint		4. Regulations

1979, No. 42

An Act to amend the Commerce Act 1975

[2 November 1979

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Commerce Amendment Act 1979, and shall be read together with and deemed part of the Commerce Act 1975 (hereinafter referred to as the principal Act).

2. Price restraint—The principal Act is hereby amended by repealing section 83, and substituting the following section:

“83. (1) Regulations made under this Act may impose or provide for the imposition of price restraint in respect of goods and services (including goods or services subject to price control under section 82 of this Act) which may be specified in the regulations or notified from time to time by the Minister by notice published in the *Gazette*.

“(2) Any such regulations or notice may specify circumstances in which any goods or services are or are not to be subject to price restraint.

“(3) Any such regulations may impose, or provide for the imposition of, price restraint, in respect of—

- “(a) Goods or services or classes of goods or services generally; or
- “(b) Particular goods or services or particular classes of goods or services; or
- “(c) Goods or services sold by particular classes of persons or by individual persons.

“(4) Price restraint imposed, by or pursuant to regulations made under this Act, may specify the manner in which the prices of any goods or services or any class of goods or services are to be restrained and may, in particular, but without limiting the generality of the foregoing provisions of this section,—

- “(a) Limit the margin of profit that may be applied to any goods or services:
- “(b) Prescribe the method by which the prices of any goods or services are to be calculated:
- “(c) Limit the costs that may be taken into account in calculating the prices of any goods or services:
- “(d) Limit the profit of any business:
- “(e) Control the frequency with which the prices of any goods or services may be increased:
- “(f) Freeze, for such period as is specified in the regulations, the prices of any goods or services:
- “(g) Override or supplement any criteria that are required to be taken into consideration under any Act by any body or person charged with fixing the prices of any goods or services:
- “(h) Suspend any procedure (including any procedure prescribed by any Act) for the fixing of prices of goods or services.

“(5) Regulations made under this Act shall not affect any right of appeal that has accrued in respect of any decision made before the regulations come into force.

“(6) Regulations made under this section shall have effect notwithstanding any other provisions of this Part of this Act which relate to the fixing of prices for goods or services.”

3. Prices and charges fixed under other Acts—Section 118 of the principal Act is hereby amended by adding the following proviso:

“Provided that regulations made under section 83 of this Act shall have effect notwithstanding any provisions which relate to the fixing of prices or charges and which are contained in any Act specified in the First Schedule to this Act.”

4. Regulations—Section 132 (g) is hereby amended—

- (a) By omitting the expression “\$200”, and substituting the expression “\$1,000”:
- (b) By omitting the expression “\$10”, and substituting the expression “\$20”.

This Act is administered in the Department of Trade and Industry.
