



Reprint under section 7 of the Regulations Act 1936 of the Price Freeze Regulations 1982 (S.R. 1982/142), as amended by the following enactments:

Economic Stabilisation Amendment Act 1982, s. 9

Amendment No. 1, S.R. 1982/162

Amendment No. 2, S.R. 1982/188

Amendment No. 3, S.R. 1982/195

Amendment No. 4, S.R. 1982/243

Amendment No. 5, S.R. 1983/12

Amendment No. 6, S.R. 1983/72

Amendment No. 7, S.R. 1983/95

NOTE: Regulations 2 (2) of Amendments Nos. 1-6 have in each case been amended by omitting the words "22nd day of June 1983" and substituting the words "29th day of February 1984" by regulation 17 of S.R. 1983/95.

THE PRICE FREEZE REGULATIONS 1982 (REPRINT)

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 22nd day of June 1982

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Economic Stabilisation Act 1948, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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| <ol style="list-style-type: none"> 1. Title 2. Commencement and expiry 3. Interpretation 4. Control of prices 5. Finished imported goods sold by importers, wholesalers, or retailers 6. Recovery of Government charges by manufacturers or suppliers of services 7. Recovery of imported costs by manufacturers or suppliers of services 8. Recovery of duties and taxes under Customs Acts 8A. Recovery of import tendering premiums 9. Recovery by wholesalers, retailers, or other traders of increased prices 10. New traders and new goods and services | <ol style="list-style-type: none"> 11. Hardship 11A. Increased wage costs arising from new wage instruments, etc. 11B. Alternative requirements 12. Exemptions 12A. Exemption in respect of certain residential accommodation for the aged, infirm, and needy 13. Prohibited transactions 13A. Restrictions on contracts 14. Evidence in prosecutions 14A. Excess price may be forfeited and refunded to purchaser 15. Restrictions on effective date of authorised price increases Schedules |
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REGULATIONS

1. Title—These regulations may be cited as the Price Freeze Regulations 1982.

These regulations were validated and confirmed by s. 9(1) of the Economic Stabilisation Amendment Act 1982, as were Amendments Nos. 1-4. S. 9(2) of that Act provides for future amendment or revocation. S. 9(3) relates to proceedings in respect of offences before the commencement of that Act (17 December 1982).

2. Commencement and expiry—(1) These regulations shall come into force on the 23rd day of June 1982.

(2) These regulations shall continue in force until the close of the [29th day of February 1984], and shall then expire.

In subclause (2) the words in square brackets were substituted for the words “22nd day of June 1983” by regulation 3 of S.R. 1983/95.

3. Interpretation—(1) In these regulations, unless the context otherwise requires,—

“Appropriate pricing authority”—

(a) In relation to any prices that any person or authority has power to fix, approve or determine under any of the enactments specified in the First Schedule to these regulations, means that person or authority; and

(b) In relation to the prices at which and the margins within which milk to which the Milk Act 1967 applies may be bought and sold, to the rate of allowances to be made in respect of the collection, treatment, storage, distribution, delivery, and sale of such milk, and to the conditions subject to which such milk may be sold, means the person or authority authorised by that Act to fix such prices, margins, allowances, and conditions; and

(c) In relation to the prices of goods and services not within paragraph (a) or paragraph (b) of this definition, means the Secretary:

“Government charges” means—

(a) The prices of any goods or services sold by the Crown:

(b) Any sum of money (not being a tax, fine, or penalty or any other sum of money collected as revenue) charged by the Crown by or pursuant to any Act:

["Instrument" has the meaning given to it by regulation 3 of the Wage Freeze Regulations 1982:]

["Manufacturer", in relation to any goods, includes a producer or packer of the goods:]

["Remuneration" has the meaning given to it by regulation 2 of the Wage Adjustment Regulations 1974:]

["Retailer", in relation to any goods,—

(a) Includes every person who sells the goods to any other person for any purpose other than resale or resupply; but

(b) Does not include—

(i) A manufacturer of the goods; or

(ii) A supplier of services that are accompanied by the supply of the goods:]

["Sale" includes—

(a) In relation to any goods,—

(i) A disposal of the goods under a hire purchase agreement; and

- (ii) Barter; and
- (iii) An agreement to dispose of the goods under a hire purchase agreement or to barter or to dispose of the goods in any other way for valuable consideration:

(b) In relation to any services, an agreement to supply the services for valuable consideration; and “sell” and “sold” have corresponding meanings:]

“Secretary” means the Secretary of Trade and Industry; and, in relation to any power conferred on the Secretary by these regulations, includes any person to whom the Secretary of Trade and Industry has, with the authority of the Minister, delegated that power by writing under the hand of the Secretary of Trade and Industry:

[“Trader” —

(a) Means any person who is engaged in any—

- (i) Trade; or
- (ii) Business; or
- (iii) Industry; or
- (iv) Profession; or
- (v) Occupation; or
- (vi) Activity of commerce; or
- (vii) Undertaking relating to the supply or acquisition of goods or services or to the disposition or acquisition of any land or interest in land; and

(b) Includes every manufacturer, importer, wholesaler, retailer, or other seller or supplier of goods or services:

“Wholesaler”, in relation to any goods,—

- (a) Means a person who sells the goods to any other person for the purposes of resale or resupply; but
- (b) Does not include a manufacturer of the goods.]

(2) Subject to subclause (1) of this regulation, expressions defined in or by subclause (1) or subclause (2) of regulation 2 of the Price Surveillance Regulations 1979 have in these regulations the meanings ascribed to them in or by those subclauses.

(3) For the purpose of these regulations, the price of any goods or services shall be deemed to have been increased in relation to any maximum price under these regulations if there has been any variation in the nature, quality, or quantity of the goods or services, or in the conditions of sale of the goods or services, being a variation that is disadvantageous to the purchaser of the goods or services, without a corresponding [adjustment] in price.

(4) For the purpose of these regulations, the publication or exhibition of a price list in respect of any goods or services, or the furnishing of a quotation for any goods or services, or the exposure of any goods with a specification or an indication of the price thereof attached thereto or displayed in the vicinity thereof or in connection therewith, shall be deemed, where it occurs after the commencement of these regulations, to constitute an offer to sell those goods or services, as the case may be, at the price so specified or indicated.

[(5) For the purpose of these regulations, goods or services shall be deemed to be of the same kind as any other goods or services if—

- (a) They are in fact of the same nature and quality; or
- (b) They are substantially of the same nature and quality.]

In subclause (1):

“Instrument”, “Remuneration”, and “Sale”: The definitions of these terms were inserted by regulation 3 of S.R. 1982/195.

“Manufacturer”, “Retailer”, and “Trader”: The definitions of these terms were inserted by regulation 4 (1) of S.R. 1983/95.

In subclause (3) the word “adjustment” was substituted for the word “reduction” by regulation 4 (2) of S.R. 1983/95.

Subclause (5) was added by regulation 3 (3) of S.R. 1983/95.

[4. Control of prices—(1) Except as provided in or pursuant to these regulations, the maximum price at which any goods or services may be sold or offered for sale by any trader shall be,—

- (a) In the case of goods, the normal price at which goods of the same kind were last sold by him in similar quantities and under similar conditions of sale before the commencement of these regulations or such lower price as is fixed, approved, or determined by the appropriate pricing authority;
 - (b) In the case of the performance of services of a kind for which uniform prices are customarily predetermined by the seller (whether or not accompanied by the supply of goods), the normal price at which services of the same kind were last sold by him under similar conditions of sale before the commencement of these regulations or such lower price as is fixed, approved, or determined by the appropriate pricing authority;
 - (c) In the case of the performance of other services (whether or not accompanied by the supply of goods and without limiting the provisions of paragraph (a) of this subclause in relation to any such goods), the sum of the following items:
 - (i) Labour and overhead costs; and
 - (ii) Any other items normally incorporated in the price of those services—
- each charged at a rate not exceeding the rate normally charged in respect of services of the same kind last performed under similar conditions of sale before the commencement of these regulations, or such lower charges as are fixed, approved, or determined by the appropriate pricing authority.

(2) Subject to regulations 5 to 10 and regulations 11, 11A, 11B, 12, and 15 of these regulations, this regulation shall apply notwithstanding anything to the contrary in any price order, special approval, decision, or any other act of authority fixing, approving, or lawfully determining the prices of any goods or services made, given, or done before, on, or after the 22nd day of June 1982.

(3) Subject to regulations 5 to 10 and regulations 11, 11A, 11B, 12, and 15 of these regulations, this regulation shall apply notwithstanding anything in any provision in any agreement of sale and purchase of any goods or services entered into before the date of the commencement of these regulations, under which an amount, in addition to the price at which goods or services were sold before that date, is to be paid to the seller or supplier upon any increase in cost to him or upon the happening of any other event or contingency.]

This regulation was substituted for the original regulation 4 (as amended by regulation 4 of S.R. 1982/195) by regulation 5 (1) of S.R. 1983/95.

5. Finished imported goods sold by importers, wholesalers, or retailers—(1) Notwithstanding anything in regulation 4 of these regulations, where any goods imported into New Zealand are resold or offered for resale without any change in form by any importer, wholesaler, or retailer, the maximum price at which those goods are so sold or resold shall be the sum of:

(a) The into-store cost of the goods, or in the case of goods sold on indent and not taken into store, the landed cost of the goods; and

(b) Either—

(i) The normal unit monetary margin which the seller was last applying before the commencement of these regulations on the into-store cost or landed cost, as the case may be, of such goods; or

(ii) Where the seller was pricing such goods on the basis of a percentage margin, a monetary amount not exceeding the amount represented by the normal percentage margin the seller was last applying before the commencement of these regulations, on the into-store cost or landed cost, as the case may be, of such goods:

Provided that where there is a reduction in the into-store cost or the landed cost, as the case may be, the monetary amount expressed as a percentage margin shall in no case exceed the percentage margin the seller was taking immediately before the commencement of these regulations, on the into-store cost or landed cost of such goods.

(2) Nothing in this regulation permits the sale or offer for sale of any goods at a price exceeding that fixed, approved, or determined for the time being by or under any price order made or special approval given under the Commerce Act 1975.

6. Recovery of Government charges by manufacturers or suppliers of services—Notwithstanding anything in regulation 4 hereof, where any increase in Government charges or a new Government charge takes effect after the commencement of these regulations, any manufacturer . . . or supplier of services who incurs such an increase or new charge in the manufacture . . . or supply of his goods or services may increase the maximum price under these regulations of those goods or services to the extent necessary to recover the amount of the increase or new charge incurred by him.

The word “packer” and the word “packing” were omitted, as indicated by the first and second set of points of omission respectively, by regulation 6 of S.R. 1983/95.

[7. Recovery of imported costs by manufacturers or suppliers of services—Notwithstanding anything in regulation 4 of these regulations, where any manufacturer or supplier of services,—

(a) At any time after the commencement of these regulations, imports goods or purchases imported goods without change in form for use in the manufacture or supply of any goods or services; and

(b) The landed cost to him of those goods or the price at which he purchases those imported goods is higher than the last landed cost incurred by him in respect of goods of that kind or the price last paid by him for goods of that kind; and

(c) Those imported goods at the higher landed cost or the higher price are used in the manufacture or supply of his goods or services,— he may increase the maximum price under these regulations of those goods or services to the extent necessary and for such period as is necessary to recover the increased landed cost or the increased price of the imported goods.]

This regulation was substituted for the original regulation 7 (as amended by regulation 5 of S.R. 1982/195) by regulation 7 (1) of S.R. 1983/95.

8. Recovery of duties and taxes under Customs Acts—Nothing in these regulations shall prevent the recovery in the prices of goods or services of the monetary amount of any duties or taxes payable under or pursuant to any of the Customs Acts.

[8A. Recovery of import tendering premiums—Nothing in these regulations prevents the recovery in the prices of any goods or services of any amount payable to the Crown, in relation to the goods sold, or supplied together with any services, under the import tendering scheme established by the Minister under regulation 9A of the Import Control Regulations 1973.]

This regulation was inserted by regulation 6 of S.R. 1982/195.

[9. Recovery by wholesalers, retailers, or other traders of increased prices—(1) Any . . . trader who purchases any goods or services which have increased in price to him, in accordance with any of the provisions of [[regulations 6 to 8A]] of these regulations [[or of this subclause]], may increase the maximum price of goods or services sold or supplied by him to the extent necessary to recover the increased price to him.

(2) Every manufacturer, . . . wholesaler, or supplier of services who increases the price of any goods or services pursuant to any of the provisions of regulations 6 to 8A of these regulations or of [[subclause (1) of]] this regulation shall give to every purchaser of those goods and services sold or supplied by him written advice of the amount by which he has increased the maximum price of those goods or services under these regulations and of the reason therefor.

(3) Where any manufacturer has implemented an increase in the price of any goods before the commencement of these regulations, any wholesaler or retailer who purchases those goods at the increased price may increase his selling price of those goods to the extent necessary to recover the increased price of those goods to him.

(4) Where any person implements, after the commencement of these regulations, an increase in the price of any goods or services (being an increase that results from an agreement of sale and purchase entered into before the commencement of these regulations), any wholesaler or retailer who purchases those goods or services at the increased price may increase his selling price of those goods or services to the extent necessary to recover the increased price of those goods or services to him.]

This regulation was substituted for the original regulation 9 by regulation 7 of S.R. 1982/195.

In subclause (1) the words “manufacturer, packer, supplier of services, wholesaler, retailer, or other” were omitted by regulation 8 (a) of S.R. 1983/95, the words in the first set of double square brackets were substituted for the words “regulations 6, 7 (2), 8, and 8A” by regulation 3 of S.R. 1983/72, and the words in the second set of double square brackets were substituted for the words “or of this regulation” by regulation 3 (1) of S.R. 1982/243.

In subclause (2) the word “packer” was omitted by regulation 8 (b) of S.R. 1983/95, and the words in double square brackets were inserted by regulation 3 (2) of S.R. 1982/243.

[10. New traders and new goods and services—(1) No wholesaler or retailer shall sell any goods if, immediately before the commencement of these regulations, he was not in business, or was not in the business of selling goods of the same kind, unless the price at which he sells or offers to sell the goods does not exceed:

- (a) The price ruling, on the date on which he commences the business of selling the goods, for goods of the same kind sold in similar quantities and under similar conditions of sale; or

(b) The price fixed, approved, or determined by the appropriate pricing authority.

(2) For the purposes of these regulations, the price of any goods or services sold by any person which is determined in accordance with subclause (1) of this regulation shall be deemed to be the maximum price of those goods or services under regulation 4 (1) of these regulations.

(3) Any manufacturer or supplier of services who sells goods or services (being goods or services that are not of the same kind as the goods or services that he was in the business of selling immediately before the commencement of these regulations) shall, not later than 7 days after first selling those goods or services, furnish a return to the appropriate pricing authority.

(4) The return shall specify—

(a) The price charged; and

(b) The terms and conditions on which the goods or services were sold.

(5) The price specified in the return, or such lower price as may be fixed, approved, or determined by the appropriate pricing authority, shall be the maximum price for the purposes of regulation 4 (1) of these regulations.]

This regulation was substituted for the original regulation 10 by regulation 9 of S.R. 1983/95.

11. Hardship—(1) Where any person establishes to the satisfaction of the appropriate pricing authority that compliance with the provisions of these regulations would result in a serious deterioration in the financial stability and economic viability of his business, the appropriate pricing authority may, in its discretion, exempt that person from compliance, in whole or in part, with any of the provisions of these regulations for such period and subject to such conditions as the appropriate pricing authority thinks fit.

[(2) Where the appropriate pricing authority has given any exemption in accordance with subclause (1) of this regulation to any trader and the exemption increases or has the effect of increasing the maximum lawful price that may be charged by that trader to one or more traders, the appropriate pricing authority may authorise, by way of exemption, that trader, or any class or description of traders to increase his or their selling prices to the extent necessary to recover the increased cost of the goods or services to him or them. An exemption under this subclause may be authorised without any application therefor and shall be for such period and subject to such conditions as the appropriate pricing authority thinks fit.]

(3) Any notice of any exemption and of any conditions attaching thereto given under subclause (2) of this regulation shall be deemed to be sufficiently given if it is delivered or posted by or on behalf of the appropriate pricing authority to the person or persons primarily concerned therewith or to any person or organisation deemed by the appropriate pricing authority to represent the person or persons primarily concerned.

(4) Where the appropriate pricing authority has given any exemption in accordance with subclause (1) or subclause (2) of this regulation, no person to whom that exemption applies shall sell any goods or services to which that exemption applies otherwise than in conformity with that exemption.

[(4A) The appropriate pricing authority may at any time amend or revoke any exemption given under subclause (1) of this regulation or amend or revoke any of the conditions subject to which any such exemption has been given.]

(5) Nothing in this regulation limits or affects the provisions of section 27 of the Commerce Act 1975.

Subclause (2) was substituted for the original subclause (2) by regulation 10 of S.R. 1983/95.

Subclause (4A) was inserted by regulation 8 of S.R. 1982/195.

[11A. Increased wage costs arising from new wage instruments, etc.]—(1) In this regulation, the term “new wage instrument” means—

- (a) An instrument to which regulation 6 (1) or regulation 6 (2) or regulation 6A (1) of the Wage Freeze Regulations 1982 applies;
- (b) An instrument or amendment to an instrument made at any time on or after the 1st day of June 1982 which lawfully—
 - (i) Increases any rate of remuneration; or
 - (ii) Provides for payment of any remuneration that is additional to remuneration lawfully payable on that date,—

whether or not the instrument or amendment, or any provision of the instrument or amendment relating to the rate of remuneration, comes into force before that date.

(2) Where the appropriate pricing authority is satisfied that—

- (a) The cost of remuneration represents a very high proportion of the costs of—
 - (i) The business or of any activity of the business of any person; or
 - (ii) The businesses or of any activities of the businesses of any persons or any class or classes of persons; and
- (b) The increased or additional cost of remuneration lawfully payable under any new wage instrument should, by reason of the effect of that cost on the financial stability and economic viability of that business or those businesses, be recovered, in whole or in part, in the prices of goods or services of that person or those persons or that class or those classes of persons,—

the appropriate pricing authority may, for the purpose of authorising the recovery of the whole or any part of that increased or additional cost of remuneration, exercise any of the powers conferred by regulation 11 (1) of these regulations in relation to that person or those persons or that class or those classes of persons.

(3) All the provisions of regulation 11 of these regulations, including subclause (2) of that regulation, shall, so far as applicable and subject to any necessary modifications, apply with respect to the exercise of the power conferred by **[[subclause (2)]]** of this regulation in the same manner as they apply to the exercise of the powers conferred by regulation 11 (1) of these regulations.

[[(4) Where—

- (a) The costs—
 - (i) Of any business or of any activity of the business of any person; or
 - (ii) Of any businesses or of any activities of the businesses of any persons or any class or classes of persons,—
 are increased by the effect of a new wage instrument which requires or allows the payment to employees engaged in that business or activity or in those businesses or activities of increased or additional remuneration; and
- (b) The appropriate pricing authority has, under regulation 11 (1) of these regulations, authorised the recovery in the prices of goods or

services of any person of the whole or any part of the cost of that increased or additional remuneration,—
 nothing in these regulations prevents payment to any person so authorised of any sum that is a payment in respect of such part of the cost of that increased or additional remuneration as becomes lawfully payable in respect of the period beginning on the date on which the new wage instrument came into force and ending with the date on which the appropriate pricing authority exercised its authority under regulation 11 (1) of these regulations.]]]

This regulation was inserted by regulation 9 of S.R. 1982/195.

In subclause (3) the expression in double square brackets was substituted for the expression "subclause (1)" by regulation 3 (1) of S.R. 1983/12.

Subclause (4) was added by regulation 3 (2) of S.R. 1983/12.

[11B. Alternative requirements—(1) Subject to subclause (2) of this regulation, where the Secretary is satisfied that compliance by any person or any class or classes of persons with any of the provisions of these regulations is or is likely to result in—

- (a) A serious anomaly in any of the selling prices of the goods or services of any person or of any class or classes of persons; or
- (b) Substantial practical difficulties for the conduct of the business, or of any activity of the business, of any person or of any class or classes of persons; or
- (c) Serious instability in or a serious impediment to the supply of any goods or services,—

the Secretary may grant a dispensation from compliance with that provision.

(2) In no case shall the Secretary grant a dispensation from any provision that controls the prices of goods or services unless an alternative requirement is established (not inconsistent with the provisions of regulation 4 of these regulations) under which the prices of the goods or services, to which the dispensation relates, are controlled.

(3) The Secretary may grant a dispensation, in whole or in part, and any dispensation may be limited in duration for such period and subject to such conditions as the Secretary in his discretion thinks fit.

(4) Where the Secretary has granted any dispensation in accordance with this regulation, no person to whom that dispensation applies shall sell any goods or services to which that dispensation relates otherwise than in conformity with that dispensation.

(5) The Secretary may at any time amend or revoke any dispensation granted under subclause (1) of this regulation or amend or revoke any of the conditions subject to which any such dispensation has been granted.

[[(6) Where the Secretary has granted any dispensation, in accordance with subclause (1) of this regulation, to any person, and the dispensation increases or has the effect of increasing the maximum lawful price that may be charged by that person to any other person, the Secretary may authorise, by way of exemption, that person, or any class or description of person to increase his or their selling prices to the extent necessary to recover the increased cost of the goods or services to him or them. An exemption under this subclause may be authorised without any application therefor and shall be for such period and subject to such conditions as the Secretary thinks fit.

(7) For the purposes of this regulation, the provisions of regulations 11 (3), 11 (4), and 11 (5) of these regulations shall, so far as applicable, and subject to any necessary modifications, apply, with respect to the power conferred

by subclause (6) of this regulation, in the same manner as they apply to the exercise of the powers conferred by regulation 11 (1) of these regulations.]]]

This regulation was inserted by regulation 10 of S.R. 1982/195.

Subclauses (6) and (7) were added by regulation 11 of S.R. 1983/95.

12. Exemptions—(1) Except as provided in this regulation, nothing in these regulations applies with respect to goods or services specified in the Second Schedule to these regulations.

(2) [No wholesaler or retailer] shall include in the price of goods sold or offered for sale by him, being goods specified in clause 2 (other than second-hand goods) or clause 3 or clause 6 of the Second Schedule to these regulations, a percentage or unit monetary margin, on the into-store cost of the goods or, in the case of goods sold on indent and not taken into store, the landed cost or the purchase price, as the case may be, which—

- (a) Exceeds the normal percentage or, as the case may be, the normal unit monetary margin applied by him on such goods last sold before the commencement of these regulations; or
- (b) In the case of a person who was not engaged on the 22nd day of June 1982 in the business of selling such goods, exceeds the normal percentage or unit monetary margin ruling immediately before the commencement of these regulations in the locality in which he carries on business in respect of sales of such goods sold in similar quantities and under similar conditions of sale; and
- (c) In any case, which exceeds the maximum margin fixed, approved, or determined by the appropriate pricing authority.

(3) Nothing in these regulations applies with respect to any professional services, the charges for which are subject to the Professional Charges (Price Freeze) Regulations 1982.

(4) Nothing in these regulations applies in respect of the rent payable in respect of any land, building, or premises if that rent is subject to the Rent Freeze Regulations 1982.

(5) Nothing in these regulations applies in respect of financial services within the meaning of the Financial Services Regulations 1982.

[(5A) Nothing in these regulations applies in respect of—

- (a) The price that may be paid by the New Zealand Dairy Board to producers for milk sold to the Board by or on behalf of producers; or
- (b) The price that may be paid by the New Zealand Apple and Pear Marketing Board to growers of apples or pears or both for apples or pears sold to the Board by any such growers.

(5B) Notwithstanding anything in these regulations, the price charged by any member of the Actors' Variety and Performing Artists' Equity of New Zealand Industrial Union of Workers or any member of the New Zealand Musicians' Industrial Union of Workers for services performed by that member for the Broadcasting Corporation of New Zealand may exceed the maximum price applicable under regulation 4 (1) of these regulations if the price charged is in accordance with the traditional relationship that has existed between the price for those services and the wages paid to actors or musicians and contained in the awards and collective agreements prescribing their conditions of employment.]

(6) For the avoidance of doubt it is hereby declared that nothing in these regulations binds the Crown.

In subclause (2) the words in square brackets were substituted for the former words by regulation 12 (1) of S.R. 1983/95.

Subclauses (5A) and (5B) were inserted by regulation 12 (2) of S.R. 1983/95.

[12A. Exemption in respect of certain residential accommodation for the aged, infirm, and needy]—The Minister may, by notice in the *Gazette*, exempt services or a class of services specified in the notice from these regulations if he is satisfied that the services or class of services—

(a) Are provided—

(i) By a religious or charitable organisation; or

(ii) By a body corporate (not being a company within the meaning of the Companies Act 1955); and

(b) Consist of the provision of residential accommodation for the aged, infirm, or needy.]

This regulation was inserted by regulation 3 of S.R. 1982/188.

13. Prohibited transactions—No person shall—

(a) Enter into any transaction, or make any contract or arrangement, purporting to do, whether presently or at some future time or upon the happening of any event or contingency, anything that contravenes or will contravene the provisions of these regulations; or

(b) Enter into any transaction or make any contract or arrangement, whether orally or in writing, or do anything, for the purpose of or having the effect of, in any way, whether directly or indirectly, defeating, evading, or preventing the operation of these regulations in any respect.

[13A. Restrictions on contracts]—(1) These regulations shall have effect notwithstanding anything in any contract entered into before or after the commencement of these regulations.

(2) Where the price paid by a buyer for any goods or services exceeds the maximum price lawfully chargeable under these regulations in respect of those goods or services, the amount of the excess may, except to the extent of any order made under regulation 14A (3) of these regulations, be recovered by or on behalf of the buyer as a debt due to the buyer from the seller.]

This regulation was inserted by regulation 13 of S.R. 1983/95.

14. Evidence in prosecutions—In any proceedings for an offence that consists of a contravention of or a failure to comply with any provision of these regulations, the production by or on behalf of the informant of a verified copy of any entry in any accounts or records kept by or on behalf of the defendant, or of any invoice, receipt, statement of account, or other document issued by or on behalf of the defendant, and purporting to disclose the prices charged by the defendant for any goods or services, shall, in the absence of proof to the contrary, be sufficient evidence of the prices charged for those goods or services.

[14A. Excess price may be forfeited and refunded to purchaser]—(1) On the conviction of any person of an offence against these regulations, being an offence involving the sale of any goods or services at a price that exceeds the maximum price lawfully chargeable under these regulations in respect of those goods or services, the convicting Court, on application by or on behalf of the Secretary, may make an order for payment by the defendant of an amount not exceeding the difference (to be ascertained and specified by the Court), between the price actually charged by the defendant and the maximum price lawfully chargeable under these regulations.

(2) All money payable pursuant to an order made under this regulation shall be recoverable, in accordance with the Summary Proceedings Act 1957, in the same manner as fines and costs are recoverable.

(3) Where in any such case the convicting Court is satisfied that the whole or any part of the price has been paid to the defendant by any other person, the Court, if having regard to all the circumstances of the case it deems it just and equitable so to do, may make an order authorising the payment to that other person of such amount as the Court thinks fit, not exceeding the amount by which the price paid exceeded the maximum price lawfully chargeable under these regulations.

(4) An order made under subclause (3) of this regulation shall be sufficient authority to the Registrar of the Court to pay the amount so authorised: Provided that in no case shall the total amounts so paid exceed the amount recovered from the defendant under this regulation.]

This regulation was inserted by regulation 14 of S.R. 1983/95.

15. Restrictions on effective date of authorised price increases—

(1) Except as provided in this regulation, nothing in these regulations restricts or affects any power or duty of any appropriate pricing authority or the Commerce Commission under any of the enactments specified in the First Schedule hereto or any proceeding or appeal before the Commerce Commission or any person under those enactments.

(2) No order made or special approval given under the Commerce Act 1975 and no amendment to or revocation of any such order or special approval and no order made under section 101 of that Act, being an order, special approval, amendment, or revocation which increases, or would have the effect of increasing, the prices of any goods or services, shall have effect in relation to those goods or services until and from a date fixed by the Secretary or the Commission, as the case may be, being a date later than the [29th day of February 1984].

(3) No order or decision made or determination given under any of the enactments specified in the First Schedule hereto (not being the Commerce Act 1975) and no amendment to or revocation of any such order, decision, or determination which increases or has the effect of increasing the prices of any goods or services shall have effect in relation to those goods or services until and from a date fixed by the appropriate pricing authority being a date later than the [29th day of February 1984].

(4) Nothing in subclauses (2) and (3) of this regulation prevents effect being given, in accordance with any enactment specified in the First Schedule hereto, to any exemption under [regulations 11, 11A, and 11B] hereof or to any of the provisions of regulations 5 to 10 of these regulations.

In subclauses (2) and (3) the words in square brackets were substituted for the words "22nd day of June 1983" by regulation 15 (1) of S.R. 1983/95.

In subclause (4) the expression in square brackets was substituted for the expression "regulation 11" by regulation 15 (2) of S.R. 1983/95.

SCHEDULES

Reg. 3 (1)

FIRST SCHEDULE

ENACTMENTS AFFECTED

The Air Services Licensing Act 1951.
 The Commerce Act 1975.
 The Economic Stabilisation (Prices of Automotive Diesel Oil and Fuel Oil) Regulations 1975.

The Marketing Act 1936.
 The Milk Act 1967.
 The Ministry of Energy Act 1977.
 The Motor Spirits (Regulation of Prices) Act 1933.
 The Natural Gas (Price Restraint) Regulations 1981.
 The Transport Act 1962.

The words "The International Air Services Licensing Act 1947" were omitted by regulation 3 (1) of S.R. 1982/162.

Reg. 12 (1)

SECOND SCHEDULE

EXEMPTED GOODS AND SERVICES

1. Secondhand goods.
2. Goods which have been sold by auction either to the owner for the time being of the goods or to any person through whom he derives title to the goods and goods sold by private treaty in circumstances where the prices charged are normally influenced to a substantial extent by the prices realised for similar goods sold by auction.
3. Fresh meat, and frozen fresh meat, except poultry.
4. Livestock.
5. Goods sold or services performed on the basis of prices submitted by competitive tender.
6. Women's fashion clothing other than standard lines.
7. Goods and services for which the Minister has, by notice published in the *Gazette*, granted an exemption from these regulations for the purpose of preserving essential supplies or services.
8. Goods directly sold for export from New Zealand.
9. Services performed outside New Zealand or within New Zealand for or on behalf of any person (other than a New Zealand citizen) who has no fixed and permanent place of business or abode in New Zealand.
- [10. Carriage by air of passengers or goods or both—
 - (a) Between New Zealand and any place outside New Zealand; or
 - (b) Between places outside New Zealand.]
- [11. Wheat which is harvested before the 23rd day of June 1982 and which is milling standard wheat; and services involved in the storage and handling by or on behalf of the New Zealand Wheat Board of any such wheat.]
- [12. Carriage by sea—
 - (a) Of goods between New Zealand and any place outside New Zealand except Australia; or
 - (b) Of passengers between New Zealand and any place outside New Zealand; or

SECOND SCHEDULE—*continued*

- (c) Of goods or passengers or both between places outside New Zealand.]
- [13. Gold—
(a) In the form of bullion; or
(b) In the form of coinage.
14. Silver—
(a) In the form of bullion; or
(b) In the form of coinage.]
- [15. Services, the entitlement to which has been sold by auction.]
- Clause 10 was added by regulation 3 (2) of S.R. 1982/162.
Clause 11 was added by regulation 4 of S.R. 1982/188.
Clause 12 was added by regulation 4 of S.R. 1982/243.
Clauses 13 and 14 were added by regulation 4 of S.R. 1983/72.
Clause 15 was added by regulation 16 of S.R. 1983/95.

P. G. MILLEN,
Clerk of the Executive Council.

Certified for the purposes of section 7 of the Regulations Act 1936, this 20th day of June 1983.

J. K. McLAY, *Attorney-General.*

Issued under the authority of the Regulations Act 1936.
Date of notification of principal regulations in *Gazette*: 23 June 1982.
These regulations are administered in the Department of Trade and Industry.