

**Serial Number 1946/170**

*Reprint under Section 7 of the Regulations Act, 1936, of Serial number 1939/122, as amended by Serial numbers 1939/275, 1941/36, 1942/12, 1942/336, 1944/3, and 1944/174.*



**THE PRICE STABILIZATION EMERGENCY REGULATIONS 1939  
(REPRINT)**

GALWAY, Governor-General  
ORDER IN COUNCIL

At the Government House at Wellington, this 1st day of  
September, 1939

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Public Safety Conservation Act, 1932, there being a Proclamation of Emergency now in force under that Act, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

**REGULATIONS**

1. These regulations may be cited as the Price Stabilization Emergency Regulations 1939.
2. These regulations shall come into force on the day of notification hereof in the *Gazette*.
3. In these regulations, unless the context otherwise requires,—
  - “Minister” means the Minister of Industries and Commerce :
  - “Said fixed day” means the 1st day of September, 1939 :
  - “Price”, in relation to any goods or services, includes every valuable consideration whatsoever, whether direct or indirect :
  - “Indirect consideration” includes every valuable consideration whatsoever which in effect relates to the sale of any goods although ostensibly relating to any other disposition of goods for valuable consideration :
  - “Sale” includes barter and every other disposition of goods for valuable consideration :

“ Standard price ”, in respect of any locality, means the current price at which on the said fixed day goods of a given nature and quality were saleable in that locality in given quantities and on given terms as to payment, delivery, and otherwise :

“ Standard rate ”, in respect of any locality, means the current rate or fee at or for which on the said fixed day services of any particular kind were currently performed.

4. The provisions of these regulations shall, with the necessary modifications, apply with respect to rates or fees charged for the performance of services (otherwise than pursuant to a contract of service between master and servant) in the same manner as they apply in respect of the prices charged for goods.

5. No person who on the said fixed day was engaged in the business of selling any goods shall sell goods of the same [or substantially the same] nature and quality in the same [or substantially the same] quantity and on the same [or substantially the same] terms as to payment, delivery, or otherwise at a price which is higher than the lowest price at which he sold or was willing to sell such goods on the said fixed day.

The words “ or substantially the same ” wherever they appear printed within brackets in clause 5 were inserted by clause 3 of the Price Stabilization Emergency Regulations 1939, Amendment No. 1 (Serial number 1941/36).

Clauses 3 and 4 of the Price Stabilization Emergency Regulations 1939, Amendment No. 1 (Serial number 1941/36), are as follows :—

3. (1) Clause 5 of the Price Stabilization Emergency Regulations 1939 is hereby amended by inserting, after the word “ same ” wherever it occurs in that clause, the words “ or substantially the same ”.

(2) In any proceedings for an offence against the said clause it shall be a matter of fact, determinable by the Court, whether or not any goods are or were of substantially the same nature and quality as any other goods, or were sold in substantially the same quantity as any other goods, or whether or not the terms of the sale of any goods were substantially the same as the terms of the sale of any other goods.

(3) The foregoing provisions of this clause shall apply in respect of goods sold before the making of these regulations unless in any proceedings with respect to the sale of those goods, it is proved to the satisfaction of the Court that any variation in the nature, quality, or quantity of the goods (in relation to any other goods) or any variation in the terms of the sale of any goods (in relation to the terms of the sale of any other goods) was made for a good and sufficient reason and was not made for the purpose of evading liability under the Price Stabilization Emergency Regulations 1939.

(4) In any proceedings for an offence against clause 5 of the said regulations the onus of proving, in respect of any goods, that any variation of nature, quality, or quantity (in relation to any other goods), or that any variation of the terms of sale (in relation to the terms of sale of any other goods), is or was a substantial variation within the meaning of this clause shall be on the defendant.

4. (1) For the purposes of clause 5 of the Price Stabilization Emergency Regulations 1939 a person who did not sell any goods of a particular kind or class on the fixed day shall be

deemed to have been willing on that day to sell goods of such kind or class at the same price and on the same terms and conditions in all respects as when he last sold goods of that kind or class before the fixed day.

(2) Where in any proceedings for an offence under the said clause it is proved that the defendant, on any date subsequent to the fixed day, sold goods at a certain price, that price shall, unless the defendant proves the contrary, be presumed by the Court to be not less than the price at which on the fixed day he sold or was willing to sell goods of the same nature and quality, on the same terms as to payment, delivery, or otherwise. In any proceedings to which this subclause applies it shall not be necessary to produce evidence as to the actual price at which the defendant sold or was willing to sell any such goods on the fixed day.

**6.** No person who on the said fixed day was engaged in the business or profession of performing any services shall perform similar services at a rate or for a fee which is higher than the rate of fee at or for which he performed or was willing to perform such services on the said fixed day.

Subclause (3) of clause 4 of the Price Stabilization Emergency Regulations 1939, Amendment No. 1 (Serial number 1941/36), is as follows :—

(3) For the purposes of clause 6 of the Price Stabilization Emergency Regulations 1939 a person who did not perform any services of a particular kind on the fixed day shall be deemed to have been willing on that day to perform such services at the same rate or for the same fee as was charged in respect of services of the same kind last performed and charged for by him before the fixed day.

**7.** No person who commences in any locality to be engaged in the business of selling any goods after the said fixed day shall sell such goods in that locality at a price exceeding the standard price thereof on the said fixed day.

**8.** No person who commences in any locality to be engaged in the business or profession of performing any services shall perform similar services in that locality at a rate or for a fee exceeding the standard rate thereof on the said fixed day.

**9.** No person shall purchase any goods for purposes of hoarding whether in contemplation of ultimate resale or disposal or ultimate personal consumption or otherwise howsoever, and no person shall sell any goods to any other person whether for resale or otherwise if he is of opinion or if circumstances exist under which he would reasonably be of opinion that such other person requires such goods for purposes of hoarding and not for normal use in the course of business or for normal consumption.

**10.** Except as may otherwise be provided under the authority of regulations made under the principal Act, no person being in possession of goods for mercantile purposes shall destroy or hoard such goods, or shall refuse to sell such goods or to make them available for sale in any case where he is offered a price not lower than the lowest price at which he sold or was willing to sell goods of the same nature and quality in the same quantity and on the same terms as to payment, delivery, or otherwise on the said fixed day, or in the case of a person referred to in Regulation 7 hereof where he is offered a price not lower than the standard price :

Provided, however, that in any case where the Minister may, in accordance with the provisions of the next succeeding regulation, authorize the sale of any goods at a price other than the price aforesaid, the price so authorized shall be the price at which sale shall not be refused as provided in this regulation.

Clause 11 was revoked by clause 2 of the Control of Prices Emergency Regulations 1939, Amendment No. 5 (Serial number 1944/174). Subclause (8) of clause 2 of Serial number 1944/174 is as follows :—

(8) The terms and conditions of any approval heretofore given by the Minister under clause 11 of the Price Stabilization Emergency Regulations 1939 or given by the Tribunal for the purposes of that clause under the authority conferred on the Tribunal by subclause (3) of clause 13 of the principal regulations shall be deemed to have had effect according to their tenor if the like terms and conditions could be inserted in or attached to an approval given in accordance with this regulation. Where in any approval heretofore given as aforesaid no locality was specified as the locality to which the approval related, the approval shall be deemed to have been given in respect of the whole of New Zealand.

Subclause (2) of clause 15 of the Control of Prices Emergency Regulations 1939, Amendment No. 3 (Serial number 1942/336), is as follows :—

(2) Any authority given by the Minister or the Tribunal under or for the purposes of clause 11 of the Price Stabilization Emergency Regulations 1939 may be given subject to such conditions as the Minister or the Tribunal, as the case may be, thinks fit, and every person shall be deemed to have committed an offence against the said regulations who commits a breach of or who fails to comply with the said conditions or any of them.

**12.** For the purpose of the effective administration of these regulations, any person appointed in that behalf by the Minister shall have the powers of holding judicial inquiries and ancillary powers conferred on the Minister of Industries and Commerce pursuant to section 13 of the Board of Trade Act, 1919, as amended by the Board of Trade Amendment Act, 1923; and for that purpose the provisions of sections 14 to 25 of the Board of Trade Act, 1919, and all other relevant provisions of that Act shall apply *mutatis mutandis*.

**13.** (1) Every person shall be guilty of an offence against these regulations who does, or attempts, or conspires to do any act declared by these regulations to be unlawful.

(2) Every person who incites, aids, abets, counsels, or procures any other person, or conspires with any other person, to commit an offence against these regulations shall be guilty of an offence against these regulations.

Clause 16 of the Control of Prices Emergency Regulations 1939 (Serial number 1939/275), as amended by the substitution therein of the words printed within brackets by clause 10 of the Price Stabilization Emergency Regulations 1939, Amendment No. 1 (Serial number 1941/36), is as follows :—

**16.** No information that is laid after the commencement of these regulations for an offence against section 32 of the Board of Trade Act, 1919, or against the Prevention of Profiteering Act, 1936, or against the Board of Trade (Price-investigation) Regulations 1939,\* or the Price Stabilization Emergency

\* Statutory Regulations 1939, Serial number 1939/62, page 269.

Regulations 1939, or against these regulations shall be heard or determined in any Court unless the subject-matter of the information has been investigated by the Tribunal either before or after the laying of the information and a certificate [under the seal of the Tribunal has been produced to the Court that the matter has been so investigated].

Clause 10 of the Price Stabilization Emergency Regulations 1939, Amendment No. 1 (Serial number 1941/36), is as follows :—

**10.** (1) Clause 16 of the Control of Prices Emergency Regulations 1939 is hereby amended by omitting all words after the word “certificate”, and substituting the words “under the seal of the Tribunal has been produced to the Court that the matter has been so investigated”.

(2) In any certificate given by the Tribunal for the purposes of the said clause the Tribunal may, if it thinks fit, include particulars as to its findings and any recommendations that it thinks fit to make with respect to the subject-matter.

Clause 6 of the Price Stabilization Emergency Regulations 1939, Amendment No. 1 (Serial number 1941/36), is as follows :—

**6.** (1) The Price Stabilization Emergency Regulations 1939 and the Control of Prices Emergency Regulations 1939 shall apply, and be deemed at all times heretofore to have applied, with respect to transactions that involve the sale or other disposition of goods and also the performance of services.

(2) The regulations referred to in the last preceding subclause shall apply, and be deemed at all times heretofore to have applied, to sales of goods and the performance of services by any local authority or public body, and to transactions involving the sale or other disposition of goods and also the performance of services by any such local authority or public body, notwithstanding the fact that the local authority or public body may, by virtue of any Act of general or special application, be authorized to provide such goods or services and to fix prices or charges therefor.

Clause 3 of the Control of Prices Emergency Regulations 1939, Amendment No. 2 (Serial number 1942/12), is as follows :—

**3.** (1) Every person commits an offence against the principal regulations who makes default in complying with any obligations imposed on him by or pursuant to those regulations or any amendment thereof (including obligations imposed by or pursuant to the Price Stabilization Emergency Regulations 1939, Amendment No. 1).\*

(2) The last preceding subclause shall be read in addition to and not in derogation of any of the provisions of the principal regulations with respect to offences.

Clause 2 (and the heading thereto) of the Control of Prices Emergency Regulations 1939, Amendment No. 3 (Serial number 1942/336), are as follows :—

#### APPLICATION OF PRINCIPAL REGULATIONS TO LOCAL AUTHORITIES

**2.** (1) In this clause the term “local authority” includes every local authority and public body created by or pursuant to any public Act or local Act.

\* Statutory Regulations 1941, Serial number 1941/36, page 87.

(2) For the purposes of the principal regulations and also of the Price Stabilization Emergency Regulations 1939 the term " person ", unless the context otherwise requires, includes, and shall be deemed at all times heretofore to have included, any local authority that is authorized by or by virtue of any Act to sell any goods or classes of goods or to render any services or classes of services and to fix prices or charges in respect thereof.

(3) No proceedings shall be taken against any local authority for any offence against the principal regulations or the Price Stabilization Emergency Regulations 1939, committed before the commencement of these regulations, and no proceedings shall be taken in respect of prices or charges fixed by any local authority before the commencement of these regulations unless the local authority, on being required so to do by the Tribunal, fails, within a time to be specified by the Tribunal, to reduce the rates of its prices or charges in accordance with the directions of the Tribunal.

C. A. JEFFERY,  
Clerk of the Executive Council.

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*Certified for the purposes of section 7 of the Regulations Act, 1936,  
this 16th day of April, 1946.*

H. G. R. MASON,  
*Attorney-General.*

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Issued under the authority of the Regulations Act, 1936.

Date of notification of the principal regulations in the *Gazette*: 1st day of September, 1939.

These regulations are administered in the office of the Price Tribunal, Department of Industries and Commerce.