

Price Order No. 932 (*Hardware, Crockery, and Glassware*)

PURSUANT to the powers conferred on it by the Control of Prices Act, 1947, the Price Tribunal, acting with the authority of the Minister of Industries and Commerce, doth hereby make the following Price Order:—

PART I

Preliminary

1. This Order may be cited as Price Order No. 932, and shall come into force on the 20th day of September, 1948.

2. (1) In this Order, unless the context otherwise requires,—

“Landed cost”, in relation to any goods, means the actual price paid or payable by the importer of the goods increased by the amount of any landing costs incurred by the importer in respect of the goods:

“Landing costs”, in relation to any goods, means the costs incurred by the importer incidental to the importing of the goods from the country of origin into store at the port of entry in New Zealand, and includes any sales tax payable by the importer in respect of the goods:

“Industrial user” means a person in business on his own account who buys goods to which this Order applies for use in that business and not for resale in the form in which they were bought, and includes a body corporate that buys any such goods for use in any undertaking that it is authorized to carry on and not for resale in the form in which they were bought:

“Prevailing wholesale price”, in relation to any goods, means the maximum price for the time being authorized, pursuant to this Order, to be charged for the goods by the wholesaler to the retailer buying the goods:

“Retailer”, in relation to the sale of any goods, means a person who sells any such goods to a buyer who does not intend to resell the goods in the form in which they were bought:

“Wholesaler”, in relation to the sale of any goods, means a person who sells the goods to a retailer or to an industrial user.

(2) No costs shall be deemed to be landing costs within the meaning of this Order unless the method of assessment of the costs has been previously approved in that behalf by the Director of Price Control.

(3) The landed cost and the prevailing wholesale price of any goods shall be computed in relation to such quantity of the goods as is sold in each instance by the wholesaler.

PART II

Wholesale Charges

3. Subject to the provisions of this Order, this part of this Order applies with respect to the goods specified in the First Schedule hereto that are imported into New Zealand and that are not for the time being the subject of a Price Order (other than this Order) fixing the wholesale price of the goods, or in respect of which an authorized wholesale selling-price is not for the time being fixed by the Tribunal, and which are sold by a wholesaler to a retailer or to an industrial user.

4. Subject to the provisions of this Order, the maximum price that may be charged by a wholesaler for any goods to which this Order applies when sold to a retailer shall not exceed the sum of the following amounts:—

(a) The landed cost of the goods:

(b) The maximum percentage of the landed cost specified in the second column of the First Schedule hereto in relation to the goods:

(c) Where the wholesaler's premises are situate at a place other than the port of entry, the appropriate proportion of transport costs payable by the wholesaler in respect of the transport of the goods from the port of entry to his premises:

Provided that transport costs calculated under this paragraph shall not exceed the amount that would have been incurred had the goods been transported by a common carrier at current freight rates.

5. The maximum price that may be charged by any wholesaler for any goods to which this part of this Order applies that are sold by the wholesaler to an industrial user shall be the amount computed in accordance with the appropriate provisions specified in the third column of the First Schedule hereto in respect of the goods:

Provided that if, in the opinion of the wholesaler, any person or body corporate is not an industrial user in respect of any goods that the person or body corporate wishes to buy from the wholesaler, the wholesaler shall not be bound by the provisions of this clause in respect of the sale of those goods to that person or body corporate.

6. Where any glassware or crockery to which this Order applies is sold by a wholesaler to an industrial user or to a retailer the maximum price that may be charged by the wholesaler shall be reduced by 5 per cent. of the amount computed in accordance with the foregoing provisions of this part of this Order if the goods are sold in the packages in which they were packed by the manufacturer.

7. The price that may be charged by a wholesaler to a retailer or to an industrial user computed in accordance with the foregoing provisions of this Order shall be reduced by a discount of 2½ per cent. thereof where payment is made on or before the 20th day of the calendar month next following the calendar month in which the goods were sold to the retailer or industrial user.

PART III

Retail Charges

8. Subject to the provisions of this Order, this part of this Order applies to the goods specified in the First Schedule hereto that are imported into New Zealand and that are not for the time being the subject of a Price Order (other than this Order) fixing the retail price of the goods, or in respect of which an authorized retail selling-price is not for the time being fixed by the Tribunal, and which are sold by a retailer.

9. (1) Subject to the provisions of this Order, the maximum price that may be charged by a retailer for any goods to which this Order applies shall not exceed the sum of the following amounts:—

(a) The prevailing wholesale price of the goods:

(b) Any sales tax payable by the retailer in respect of the goods:

(c) The appropriate maximum percentage of the sum of the amounts specified in paragraphs (a) and (b) hereof, set out in the fourth column of the First Schedule hereto in relation to the goods:

(d) The appropriate proportion of transport costs incurred by the retailer in respect of the goods:

Provided that transport costs calculated under this paragraph shall not exceed the amount that would have been incurred had the goods been transported by a common carrier at current freight rates.

(2) If in respect of any lot of goods sold by a retailer the maximum price calculated in accordance with this clause is not an exact number of pence, the maximum price of the lot shall be computed to the next upward penny.

(3) In computing the price at which a retailer may sell any goods to which this Order applies no account shall be taken of any discount authorized by clause 7 hereof or of the reduction in price authorized by clause 6 hereof.

(4) If any goods to which this Order applies are imported by a retailer and sold by him as a retailer, the prevailing wholesale price in any such case shall be computed as if the goods had been imported by a wholesaler and sold by him to the retailer.

PART IV

General

10. Every person, whether a wholesaler or a retailer, who imports any goods to which this Order applies, shall, on receipt of the goods, forward to the Tribunal in such manner as the Director requires a return in respect of the goods in the form in the Second Schedule hereto:

Provided that where an importer has furnished a return under this clause in respect of any goods he shall not be obliged, unless specially requested to do so by the Tribunal, to furnish a return in respect of other goods of the same kind unless—

(a) The landed cost of the other goods is less than the landed cost of the goods to which the return already made relates; or

(b) The landed cost of the other goods is more than the landed cost of the goods to which the return already made relates and the importer proposed to charge more for such other goods as aforesaid.

11. Notwithstanding anything in the foregoing provisions of this Order and subject to such conditions, if any, as it thinks fit, the Tribunal, on application by any wholesaler or retailer, may authorize special maximum wholesale or retail prices in respect of any goods to which this Order applies where for any reason extraordinary charges (freight or otherwise) are incurred by the wholesaler or retailer. Any authority given by the Tribunal under this clause may apply with respect to a specified lot or consignment of goods or may relate generally to all goods to which this Order applies sold by the wholesaler or retailer while the approval remains in force.