

(Price Order No. 1005 (Electrical Goods))

PURSUANT to 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. 1005 and shall come into force on the 27th day of May, 1949.

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

- “Landed cost”, in relation to any goods, means the actual price paid or payable for the goods by the importer thereof 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 at the port of entry :
- “Commercial consumer” means a person in business on his own account who permanently employs one or more registered wiremen and who buys goods to which this Order applies for use in his business and not for resale in any form, and includes a body corporate that buys any such goods for use in any undertaking it is authorized to carry on and not for resale :
- “Electrical contractor” means a person who carries on for hire or reward the business of the installation of electrical goods to which this Order applies :
- “Industrial user” means a person in business on his own account who buys goods to which this Order applies for the purpose of manufacturing articles for resale and includes an electrical contractor :
- “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” means a person who for the purposes of his business as a retailer maintains a shop open for business throughout normal trading hours and where at least one person (either the proprietor or an employee) is in attendance throughout those hours for the purpose of serving the public, and who sells any goods to which this Order applies to a buyer who does not intend to resell the goods :
- “Wholesaler”, in relation to the sale of any goods, means a person who sells the goods to a retailer, to an industrial user, or to a commercial consumer :

(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: WHOLESAL 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, to an industrial user, or to a commercial consumer.

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 or to an industrial user 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 a commercial consumer 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 a commercial consumer 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.

PART III.—RETAIL CHARGES

6. 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.

7. (1) Subject to the provisions of this Order, the maximum prices 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 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

8. Every person, whether a wholesaler, a retailer, or an industrial user, who imports any goods to which this Order applies, shall, on receipt of the goods, forward to the Director of Price Control in such manner as he 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 Director, 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 proposes to charge more for such other goods as aforesaid.

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

10. 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 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.