Price Order No. 1139 (Sugar)

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:

Preliminary

1. (1) This Order may be cited as Price Order No. 1139.

2. (2) This Order shall come into force on the 21st day of April, 1950.

3. (1) In this Order—

(a) "the company" means The Colonial Sugar Refining Company, Limited;

(b) "the Southern Sugar District", "the Sugar Free Delivery Area", "the Auckland Sugar District", and "the Southern Sugar District, the Sugar Free Delivery Area, as the case may be:

(i) Manufacturer" means any person who purchases sugar for use in manufacturing processes from the company under contract, from a distributor or from a retail storekeeper;

(ii) "Distributor" means a duly recognized agent of the company who acquires sugar for resale to retail agents or to bakers, sugar boilers, or other persons using sugar in manufacturing processes, and, with respect to sale of sugar made direct by the company to retail storekeepers or to bakers, sugar boilers, and other persons using sugar in manufacturing processes, includes the company;

(iii) "Direct customer" means any person other than a manufacturer or distributor who purchases sugar direct from the company;

(d) "References" in this Order to metropolitan areas shall be deemed to refer to the metropolitan areas described in the Fifth Schedule hereto.

Application of this Order

4. (1) This Order applies only with respect to sugar manufactured by the company and sold for consumption in New Zealand.

5. (1) This Order shall apply with respect to sugar to which this Order applies:

(a) That is sold to a manufacturer or a distributor shall be the appropriate price fixed in the First Schedule hereto;

(b) That is sold to a direct customer shall be the appropriate price fixed by the company in the Third Schedule hereto.

Subject to the provisions of the next preceding subclause, the maximum prices fixed by the last preceding subclause are fixed subject to delivery terms as follows:

(c) Where the sale is for delivery within the Sugar Free Delivery Area: Free of all transport charges;

(d) Where the sale is at the company's warehouse or at the premises of storekeeper: Provided that, in the cases of stores specified in the last preceding subclause, the maximum prices fixed by the company in the Third Schedule hereto shall be deemed to refer to the metropolitan areas described in the Fifth Schedule hereto.

Subject to the provisions of the next preceding subclause, the maximum prices fixed by the last preceding subclause are fixed subject to delivery terms as follows:

(f) Where the sale is for delivery in the Auckland Sugar District but beyond the Sugar Free Delivery Area:

(i) F.o.r. Auckland or f.o.b. Auckland, as the case may require;

(g) Where the sale is for delivery in the Southern Sugar District:

(i) F.o.a. Auckland.

Delivery terms set out in the last preceding subclause apply only with respect to sugar delivered in a lot of a half-ton or more, and to sugar, irrespective of the weight thereof, that is delivered together with golden syrup or treacle and the total weight of sugar, in the form of a full container of sugar and golden syrup or treacle is a half-ton or more.

Distributors' Prices

6. (1) Subject to the provisions of this clause, the maximum net prices that may be charged by a distributor for any sugar to which this Order applies shall be the maximum prices fixed by this clause and free of all transport charges.

(a) Where the sugar is for delivery within the Sugar Free Delivery Area the maximum prices fixed by this clause are fixed free of all transport charges.

(b) Where the sugar is for delivery outside the Sugar Free Delivery Area, the maximum prices fixed by this clause are fixed free of all transport charges.

Fixing maximum prices of sugar to which this order applies

Company's Prices

5. (1) Subject to the provisions of this clause, the maximum net price that may be charged or received by the company for any sugar to which this Order applies:

(a) That is sold to a manufacturer or a distributor shall be the appropriate price fixed in the First Schedule hereto;

(b) That is sold to a direct customer shall be the appropriate price fixed by the company in the Third Schedule hereto.

Where with respect to sugar is sold in packages in accordance with the customary usage in the sugar trade, and no charge shall be made by the company or any distributor for keeping the containers other than drums or kegs used in respect of invert sugar.

Provided that no such increase shall exceed the amount of the charges that would have been incurred had the sugar been transported by the most economical route normally available and that nothing in this clause shall authorize the addition of cartage charges greater than would have been incurred had cartage been effected by a common carrier at current rates.

Provided that this Order shall apply only with respect to sugar sold by a distributor at a price fixed in accordance with the foregoing provisions of this clause, and may be increased by the amount customarily imposed with respect to such sales in accordance with trade practice in operation on the 14th April, 1947.

Duty Imposed on Distributors

7. (1) Subject to the provisions of this clause, the maximum price that may be charged or received by any retail storekeeper carrying on business in any of the Metropolitan Areas of Auckland, Christchurch, Dunedin, or Wellington, or in any of the cities, boroughs of Gisborne, Greytown, Hastings, Invercargill, Napier, Nelson, New Plymouth, Oamaru, Timaru, Wanganui, or Westport, for any sugar to which this Order applies shall be the appropriate price fixed in the Fourth Schedule hereto.

Where with respect to any sugar sold by a distributor the price fixed in accordance with the Second Schedule is increased by any of the charges specified in this clause, the total amount of such charges, calculated at a rate per ton, shall be shown separately on the invoice relating to such sale, and full details of each such charge shall be made available to the purchaser and to the Tribunal if and when required.

Retail Storekeepers' Prices

7. (1) Subject to the provisions of this clause, the maximum price that may be charged or received by any retail storekeeper carrying on business in any of the Metropolitan Areas of Auckland, Christchurch, Dunedin, or Wellington, or in any of the cities, boroughs of Gisborne, Greytown, Hastings, Invercargill, Napier, Nelson, New Plymouth, Oamaru, Timaru, Wanganui, or Westport, for any sugar to which this Order applies shall be the appropriate price fixed in the Fourth Schedule hereto.

Where with respect to any sugar sold by a distributor the price fixed in accordance with the Second Schedule is increased by any of the charges specified in this clause, the total amount of such charges, calculated at a rate per ton, shall be shown separately on the invoice relating to such sale, and full details of each such charge shall be made available to the purchaser and to the Tribunal if and when required.

Providing for Special Prices

8. Notwithstanding anything to the contrary in the foregoing provisions of this Order, and subject to such conditions, as may be specified by the Tribunal, on application by the company or by any distributor or by any retail storekeeper, may authorize special maximum prices in respect of any sugar to which this Order applies where for any reason exceptional charges (transportation or otherwise) are incurred by the company or by the distributor or by the retail storekeeper. Any such order may be given by the Tribunal on such terms and conditions as the Tribunal may think fit, and any such order may apply with respect to a specified lot or consignment of sugar, or may relate generally to all sugar to which this Order applies sold by the company or by the distributor or by the retail storekeeper while the approval remains in force.

Provision Whereby Contracts May be Made for Sale of Sugar at Prices Exceeding the Maximum Prices Fixed by this Order

9. Except with respect to sugar sold by a retail storekeeper, nothing contained in this Order shall prevent any manufacturer, or any person engaged in the business of buying or carrying out of a contract for the sale of any sugar to which this Order applies at a price exceeding the appropriate price fixed by this Order, provided such sale is made subject to the condition that if payment is made by prompt cash in accordance with the customary usage of the trade in the place of delivery the price shall be reduced to the appropriate price fixed by this Order.