

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) This Order shall come into force on the 21st day of April, 1950.
2. (1) Price Orders Nos. 952,* 986,† and 1071‡ are hereby revoked.
- (2) The revocation of the said Orders shall not affect the liability of any person for any offence in relation thereto committed before the coming into force of this Order.
3. (1) In this Order—

“The company” means The Colonial Sugar Refining Company, Limited:

The expressions “the Auckland Sugar District”, “the Southern Sugar District”, and “the Sugar Free Delivery Area” mean respectively the districts and area recognized by the sugar trade at the time of the coming into force of this Order as the Auckland Sugar District, the Southern Sugar District, or the Sugar Free Delivery Area, as the case may be:

“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:

“Distributor” means a duly recognized agent of the company who acquires sugar for resale to retail storekeepers or to bakers, sugar boilers, or other persons using sugar in manufacturing processes, and, with respect to sales 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:

“Direct customer” means any person other than a manufacturer or distributor who purchases sugar direct from the company:

- (2) References in this Order to metropolitan areas shall be deemed to be references 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.
- (2) The maximum prices fixed by this Order are fixed with respect to sugar 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 any containers other than drums or kegs used in respect of invert sugar.

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 in the Third Schedule hereto.
- (2) Subject to the provisions of the next succeeding subclause, the maximum prices fixed by the last preceding subclause are fixed subject to delivery terms as follows:—
 - (a) Where the sugar is for delivery within the Sugar Free Delivery Area: Free of all transport charges:
 - (b) Where the sugar is for delivery within the Auckland Sugar District but beyond the Sugar Free Delivery Area: F.o.r. Auckland or f.o.b. Auckland, as the case may require:
 - (c) Where the sugar is for delivery in the Southern Sugar District: F.o.b. Auckland.
- (3) The 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 the consignment 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 price that may be charged by a distributor for any sugar to which this Order applies shall be the appropriate price fixed in the Second Schedule hereto.
- (2) The maximum prices fixed by the last preceding subclause are fixed with respect to sugar sold in lots of a half-ton or more, and to sugar, irrespective of its weight, sold together with golden syrup or treacle where the total weight of the consignment of sugar and golden syrup or treacle is a half-ton or more.
- (3) (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 otherwise than within the Sugar Free Delivery Area the maximum prices fixed by this clause are fixed on the basis of f.o.r. or f.o.b. Auckland, as the case

may require, and may be increased by the appropriate proportion of such of the following charges as have been actually incurred by the distributor in respect of the sugar concerned:—

- (i) Sea-freight charges:
- (ii) Marine and war-risk insurance charges computed as if the value of the sugar was the price charged by the distributor in accordance with this Order:
- (iii) Wharfage charges:
- (iv) Harbour Board improvement rate charges:
- (v) Rail charges:
- (vi) Cartage charges:

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.

(4) Notwithstanding the provisions of subclause (2) hereof where, with respect to any lot of sugar or any lot of sugar delivered together with golden syrup or treacle, the inclusive weight of the lot is less than a half-ton, the maximum price of the sugar in the lot shall be calculated 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

(5) 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 subclause (3) of 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 or boroughs of Gisborne, Greymouth, 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.

(2) Subject to the provisions of this clause, the maximum price that may be charged or received by any retail storekeeper carrying on business elsewhere than in one of the places specified in the last preceding subclause shall be the appropriate price fixed by that subclause increased by the appropriate proportion of any transport-costs incurred by the retail storekeeper in respect of the transport of the sugar from the premises of the distributor to the premises of storekeeper: Provided that nothing in this subclause shall be construed to authorize the addition of any amount in excess of the appropriate proportion of the transport-costs that would have been incurred if the sugar had been purchased from a distributor in such one of the places specified in the last preceding subclause that is nearest or most convenient of access to the premises of the retail storekeeper, and been conveyed to the storekeeper by the most economical route normally available at a cost not exceeding the cost that would have been incurred if delivery had been effected by a common carrier at current rates.

(3) Where delivery of any sugar is effected otherwise than over the counter or where the sale is not for cash, the maximum price of that sugar shall be the appropriate maximum price fixed by the foregoing provisions of this clause increased by $\frac{1}{4}$ d. per pound, provided that where both such conditions apply the appropriate maximum price shall not be increased by more than $\frac{1}{4}$ d. per pound.

(4) If in respect of any lot of sugar sold by a retail storekeeper the maximum price calculated in accordance with the foregoing provisions of this clause is not an exact number of pence or halfpence, the maximum price of the lot shall be calculated to the next upward halfpenny.

PROVISION FOR SPECIAL PRICES

8. Notwithstanding anything to the contrary in the foregoing provisions of this Order, and subject to such conditions, if any, as it thinks fit, 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 extraordinary charges (transport or otherwise) are incurred by the company or by the distributor or by the retail storekeeper. Any authority given by the Tribunal under this clause 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 be deemed to forbid the making 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.

* Gazette, 25th November, 1948, Vol. III, page 1440.

† Gazette, 31st March, 1949, Vol. I, page 865.

‡ Gazette, 8th September, 1949, Vol. III, page 1844.