

SAINT LUCIA

—
No. 35 of 2006

ARRANGEMENT OF SECTIONS

Sections

PART 1

PRELIMINARY

1. Short title and commencement
2. Interpretation

PART 2

DISTRIBUTION OF GOODS

3. Requisitioning of goods
4. Payment of compensation
5. Disposal of goods

PART 3

PRICE OF GOODS

DIVISION 1

Commission

6. Establishment of the Commission
7. Composition of the Commission
8. Functions of the Commission
9. Powers of the Commission
10. Tenure and revocation
11. Remuneration
12. Delegation
13. Meetings of the Commission
14. Quorum
15. Decisions of the Commission and voting
16. Confidentiality
17. Declaration of interest and abstention from voting
18. Alternate members
19. Resignation
20. Vacancy

21. Directions from Minister
22. Delegation of Minister's powers
23. Exemption from liability
24. Annual report

DIVISION 2

Receipt and Investigation of Complaints

25. Complaints
26. Hearing instituted by the Commission
27. Non-attendance of parties
28. Reports on completion of hearing

DIVISION 3

Prices

29. Price Order
30. Amendment of Price Order
31. Sale by weight or measure
32. Setting of proportionate prices

PART 4

ADMINISTRATION

33. Indication of prices
34. Statement of particulars of purchase
35. Delivery of invoice and price calculation sheet
36. Records

PART 5

OFFENCES

37. Sales in excess of maximum price
38. Refusal to supply at fixed price
39. Restricting circulation of goods
40. False statements
41. Obstruction
42. Liability
43. Appearance and plea by a corporation

PART 6

ENFORCEMENT

44. Authorized officers
45. Delegation of functions by the Director

No. 35] *Distribution and Price of Goods Act* [2006.

- 46. Disclosure
- 47. Entry, search and seizure
- 48. Information
- 49. Inspection and taking of information from documents

PART 7
MISCELLANEOUS

- 50. General penalty
 - 51. Regulations
 - 52. Repeal
 - 53. Savings
- SCHEDULE

I ASSENT

[L.S.]

PEARLETTE LOUISY,
Governor-General.

16th November, 2006.

SAINT LUCIA

—————
No. 35 of 2006

AN ACT to make provision for the maintenance, control, equitable distribution and regulation of goods and for related matters.

[ON ORDER]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same, as follows :

PART I
PRELIMINARY

Short title and commencement

1.— (1) This Act may be cited as the Distribution and Price of Goods Act 2006.

(2) This Act shall come into force on a date to be fixed by the Minister by Order published in the *Gazette*.

Interpretation

2. In this Act —

“attorney-at-law” has the meaning given to it pursuant to the Legal Profession Act, Cap. 2.04;

“authorizing officer” means a redress officer or a person designated in writing by the Minister to be an authorized officer pursuant to section 44;

“Commission” means the Prices Commission established pursuant to section 6;

“Comptroller of Customs” means the Comptroller of Customs referred to in the Customs (Control and Management) Act, Cap. 15.05;

“Director” means the Director of Consumer Affairs appointed by the Public Service Commission;

“goods” includes produce, wares, merchandise, moveable property and animals;

“invoice” includes a certificate of value certified by the Comptroller of Customs and presented to a customs officer on the importation of the goods;

“Minister” means the Minister responsible for Commerce;

“prescribed” means prescribed by the Regulations;

“price” includes any valuable consideration, direct or indirect;

“Price Order” means an order made pursuant to section 29;

“price calculation sheet” means the document with the computation of the wholesale and retail price of the goods supplied by a trader for the approval of the Director pursuant to section 35;

“Redress Officer” means a Public Officer appointed by the Public Service Commission;

“repealed Act” means the Act repealed pursuant to section 53;

“retail” means a sale for the purposes of consumption or use;

“sell” includes an agreement to sell, an offer for sale, the exposure of goods for sale, the publication of a price list, the furnishing of a quotation barter, or any act or notification whereby willingness to enter into any transaction or sale is expressed;

“trader” means a person who carries on the business of selling goods;

“wholesale” means sale or supply for the purposes of re-sale including the sale or supply by an importer, manufacturer or producer to a manufacturer or a wholesale or retail trader.

PART 2

DISTRIBUTION OF GOODS

Requisitioning of goods

3.— (1) The Minister may, where he or she is satisfied that it is necessary or expedient to ensure the fair distribution of any goods in Saint Lucia, instruct the Director to requisition such goods.

(2) In order to requisition any goods referred to in subsection (1), the Director shall, subject to subsection (3), issue a notice to the person who, whether as owner or otherwise, has in his or her possession or under his or her control such goods.

(3) A notice issued pursuant to subsection (2) shall be in the prescribed form and shall direct the person who, whether as owner or otherwise, has in his or her possession or under his or her control any goods —

(a) to hold the goods; or

(b) to set aside and hold a specified quantity of the goods;

on behalf of the Government.

(4) On the giving of the notice under subsection (3), the goods shall be deemed to be forfeited to the State.

(5) A person who, after the giving of the notice under this section —

(a) attempts to dispose of or in any way deal with, the requisitioned goods, to the prejudice of the rights and powers of the State; or

- (b) refuses to deliver, or delays or obstructs the delivery of, the goods or the quantity of the goods in accordance with this section;

commits an offence and on summary conviction is liable to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both.

Payment of compensation

4. Within fourteen days of the requisitioning of any goods, the Director shall pay as compensation to the person in possession, or having control of the goods, a sum equal to the price which that person might reasonably have been expected to obtain on sale of the goods, having regard to the condition of the goods at the time of requisition.

Disposal of goods

5. Where goods have been requisitioned under this Part, the Minister may store the goods and may sell or otherwise dispose of the goods to such persons and at such times, in such manner, and on such terms and conditions, as he or she thinks fit.

PART 3
PRICE OF GOODS
DIVISION 1
Commission

Establishment of the Commission

6. There is hereby established a Commission to be known as the Prices Commission.

Composition of the Commission

7.— (1) The Commission shall, subject to subsection (3), consist of the following members appointed by the Minister —

- (a) a Chairperson, selected from amongst persons possessing the necessary competence, experience and integrity;
- (b) two persons, not being public officers, who shall be nominated by organizations with interests in consumer affairs as determined by the Minister;
- (c) one public officer selected from among the personnel of such Ministries of Government as the Minister may determine; and

(d) an attorney-at-law with at least three years standing.

(2) A person is not qualified to be appointed a member of the Commission who —

- (a) is a member of Parliament;
- (b) was at any time during the two years preceding the appointment —
 - (i) a member of Parliament;
 - (ii) a candidate for election to membership of the House of Assembly;
- (c) is declared by a court to be a bankrupt;
- (d) is declared by a court to be physically or mentally incapacitated by reason of unsoundness of mind; or
- (e) has been convicted of a criminal offence except where the offence is a minor traffic offence or has been spent in accordance with the Criminal Records (Rehabilitation of Offenders) Act 2004, No.2.

(2) The names of the initial members and every change in membership, in the Commission shall be published in the *Gazette*.

Functions of the Commission

8. The Commission shall —

- (a) advise and assist the Minister on matters relating to the control of prices of goods in Saint Lucia;
- (b) receive complaints relating to price of goods in Saint Lucia; and
- (c) report to the Minister from time to time or at his or her request.

Powers of the Commission

9. For the purposes of the discharge of its functions the Commission has power —

- (a) to request any information, documents or things, with respect to a complaint, from —

- (i) any person making a complaint;
 - (ii) the person against whom the complaint is made; or
 - (ii) any other person who, in the opinion of the Commission, may be able to assist;
- (b) in the case of a review of a complaint to —
- (i) request all or any of the parties concerned as well as witnesses to appear before the Commission; or
 - (ii) request such information, documents or things as it deems necessary to review the complaint; and
- (c) subject to this Act, regulate its own procedure.

Tenure and revocation

10.— (1) The Chairperson of the Commission shall hold office for a period of three years or such shorter period as may be specified by the Minister in the letter of appointment and is eligible for reappointment.

(2) Each member, other than the Chairperson, shall hold office for one year and is eligible for reappointment.

(3) The appointment of a member of the Commission may be revoked by the Minister for misconduct or other cause.

Remuneration

11. Members of the Commission, other than a public officer, shall be paid the prescribed remuneration.

Delegation

12.— (1) The Commission may delegate in writing, to a committee of its members or to a member, the exercise of any function vested in it by this Act, except the power to delegate under this section.

(2) A delegation under subsection (1) may be revoked or varied in like manner.

Meetings of the Commission

13.— (1) The Commission shall meet at such times as may be necessary or expedient for the transaction of business and such meetings

shall be held at such places and times as the Chairperson shall determine.

(2) The Chairperson of the Commission may at any time call a special meeting of the Commission and shall call a special meeting to be held within seven days of a written request for that purpose addressed to the Chairperson by any two members of the Commission.

(3) The Chairperson shall preside over the meetings of the Commission.

(4) Where the Chairperson is absent, incapacitated or is ineligible to perform his or her duties, the members of the Commission present shall elect one of their number to preside at that meeting.

Quorum

14. The quorum for a meeting of the Commission is three members.

Decisions of the Commission and voting

15.— (1) Decisions of the Commission shall be taken by a majority of votes.

(2) The Chairperson shall have the right to vote and in cases of equal division the Chairperson shall have the casting vote.

Confidentiality

16. A member of the Commission shall at all times preserve and aid in preserving confidentiality with regard to all matters coming to his or her knowledge in the performance of his or her duties.

Declaration of interest and abstention from voting

17.— (1) A member of the Commission who is in any way, either directly or indirectly, interested in a matter before the Commission shall declare the nature of his or her interest at the first meeting of the Commission at which it is practicable to do so and shall leave the meeting upon the matter coming up for discussion.

(2) A declaration and the departure of a member of the Commission from the meeting in accordance with subsection (1) shall be noted in the minutes of the meeting.

- (3) A member of the Commission shall not —
- (a) vote in respect of a matter before the Commission in which he or she is in any way interested, whether directly or indirectly; or
 - (b) seek to influence the vote of any other member of the Commission in relation to the matter.

(4) Where a member of the Board fails to comply with subsection (3), the failure to comply is misconduct in which case section 10 shall apply.

Alternate members

18.— (1) The Minister may appoint a person to be an alternate member for any member, other than the Chairperson.

(2) The alternate member may act as a member if that member is temporarily absent or incapacitated to perform the duties of a member.

Resignation

19. A member of the Commission shall, by letter to the Minister, resign from the membership of the Commission by giving at least three months notice in writing.

Vacancy

- 20.—** (1) The office of a member of the Commission is vacated —
- (a) upon the death of the member;
 - (b) upon a person becoming disqualified pursuant to section 7(2);
 - (c) if the member resigns from membership pursuant to section 19;
 - (d) if the Minister revokes the appointment of that member pursuant to section 10 ; or
 - (e) if the member fails to attend three consecutive meetings of the Commission without presenting a medical certificate or without being excused by the Chairperson in writing.

(2) If a vacancy occurs in the membership of the Commission, the Minister shall appoint a person to fill the vacancy in a manner that is consistent with the requirements of section 7 for the composition of the Commission.

(3) A vacancy in the membership of the Commission shall not invalidate a decision of the Commission made at a meeting with the quorum required pursuant to section 14.

Directions from Minister

21. The Minister may give to the Commission general directions with regard to its functions under this Act that the Minister considers necessary in the public interest, and the Commission shall give effect to these directions.

Delegation of Minister's powers

22.— (1) The Minister may delegate in writing, to the Commission, the exercise of any power or the performance of any duty vested in him or her by this Act, except the power to delegate under this section.

(2) A delegation under subsection (1) may be revoked or varied by the Minister in writing.

Exemption from liability

23. No action or other proceeding shall lie against any member of the Commission in respect of an act done or omitted to be done in good faith in the exercise or purported exercise of his or her functions under this Act.

Annual report

24.— (1) The Commission shall, as soon as possible, but not later than four months after the end of each financial year, submit to the Minister a report containing a detailed account of the activities of the Commission during the preceding year.

(2) The Minister shall cause a copy of the report referred to in subsection (1) to be laid before Parliament.

DIVISION 2
Receipt and Investigation of Complaints

Complaints

25.— (1) A person, whether or not that person is affected by the subject matter of the complaint, may make a complaint in the prescribed form to the Commission that a person who carries on a business by way of trade or for the purposes of gain has sold or offered for sale to him or her, in the course of or as part of such business, goods at an unreasonably high price.

(2) The Commission may on its own motion conduct investigation into price of goods.

(3) The Minister may, whenever he or she thinks fit, request the Commission to enquire into the prices charged for goods.

Hearing instituted by the Commission

26.— (1) The Commission shall institute a hearing by sending, subject to subsection (2), a notice of the hearing to the Minister, the complainant and the person whose conduct is the subject matter of the complaint.

(2) The notice of hearing shall —

- (a) specify the purpose of the hearing;
- (b) specify the place and time of the hearing; and
- (c) be in such form as may be prescribed.

Non-attendance of parties

27.— (1) Where the complainant does not attend the hearing, having had due notice of the time and place of hearing, the Commission may dismiss the complaint, unless having received a reasonable excuse for the non-appearance of the complainant, the Commission thinks it fit to adjourn the matter.

(2) Any other person who —

- (a) refuses or neglects without reasonable cause, to attend a hearing in compliance with the requirements of a notice issued under section 26; or

- (b) departs from a hearing without the authority of the person holding the hearing;

commits an offence and is liable upon summary conviction to a fine not exceeding five thousand dollars and to imprisonment for a term not exceeding one year.

Reports on completion of hearing

28.— (1) On completion of a hearing, the Commission shall prepare and send to the persons referred to in section 26, a report setting out its findings and recommendations with respect to the complaint.

(2) The Minister may publish, in such manner as he or she thinks fit, all or any part of any report made to him or her by the Commission under subsection (1).

DIVISION 3
Prices

Price Order

29.— (1) The Minister may, by Order published in the *Gazette*, fix the maximum price at which any goods may be sold or offered for sale.

- (2) A Price Order made under subsection (1) shall —
- (a) declare the goods as declared goods;
 - (b) prescribe the price of the goods;
 - (c) specify that the price order relates to more than one type of the goods, and in that case may contain different provisions in relation to each type of the goods;
 - (d) prescribe the mark up or maximum price of goods sold by retail or wholesale;
 - (e) specify the area to which the Price Order is to apply, if applicable; and
 - (f) specify the date on which the Price Order is to come into force.

Amendment of Price Order

30.— (1) A person carrying on the business of selling retail who finds that the wholesale price of any goods which are the subject of a Price Order has increased since the making of the Price Order pursuant to section 29 may subject to subsection (2), apply to the Minister to amend the Price Order to have the maximum price increased.

(2) An application pursuant to subsection (1) shall be in the prescribed form.

(3) Upon application being made, the Minister may —

- (a) revoke the Price Order;
- (b) amend the Price Order; or
- (c) immediately request the Commission to make an investigation into the application.

(4) Where the Minister requests that the Commission makes an investigation into the application, the Commission shall as soon as possible make such investigation and report to the Minister the result of such investigation.

Sale by weight or measure

31. The Minister may in a Price Order prohibit the sale of any goods except by such standard weights or measures and such units as may be specified in that Price Order.

Setting of proportionate prices

32. Where the quantity of goods sold or offered for sale is greater or less than the quantity specified in the Price Order pursuant to section 31, such goods shall, subject to any express provision to the contrary in the Price Order, be sold or offered for sale at a proportionately increased or decreased price as the case may be.

PART 4
ADMINISTRATION

Indication of prices

33.— (1) The Director may, by notice published in the *Gazette* and in at least one newspaper published or circulating in Saint Lucia, with regard to any goods the maximum price of which has been fixed

pursuant to a Price Order, require that a trader offering any such goods for sale by retail shall where the goods are —

- (a) proprietary and prepackaged or otherwise made up or in a container for sale cause the selling price in relation to the quantity specified; or
- (b) non-proprietary and whether or not prepackaged or otherwise made up or in a container for sale cause the quantity and selling price;

be marked in a conspicuous manner on the goods offered for sale.

(2) A trader who fails to comply with a notice issued under subsection (1) commits an offence and is liable upon summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both.

Statement of particulars of purchase

34.— (1) A trader who sells goods, whether by wholesale or retail, the maximum price of which has been fixed, shall give at the time of sale to the purchaser of such goods, subject to subsection (2), a statement in writing setting out the particulars specified in subsection (2).

(2) A statement in writing pursuant to subsection (1) shall contain the following particulars —

- (a) a description of the goods;
- (b) if the sale is by weight or measure, the net weight or measure, as the case may be;
- (c) if the sale is by number, the number; and
- (d) the sum charged.

(3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both.

Delivery of invoice and price calculation sheet

35.— (1) A trader shall, before the sale of any goods, the maximum price of which has been fixed pursuant to a Price Order, deliver to the Director an invoice and a calculation sheet, in the form prescribed in the Schedule, in respect of such goods for approval of the selling price.

- (2) A trader shall not sell goods unless —
- (a) he or she complies with subsection (1); and
 - (b) the Director has approved the selling price.

(3) A trader shall not give any false quotation price on the invoice or calculation sheet.

(4) A trader who contravenes subsection (2) or (3) commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment not exceeding two years or to both.

Records

36.— (1) A trader who sells goods, the maximum price of which has been fixed under section 29, shall keep records of all purchases of such goods.

(2) A trader who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both.

PART 5 OFFENCES

Sales in excess of maximum price

37.— (1) A person shall not sell or offer for sale any good in excess of the maximum price fixed by a Price Order.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both.

Refusal to supply at fixed price

38.— (1) A person who has in his or her custody or under his or her control for sale any goods and who fails, on the demand for any quantity of the goods and the tender of payment at the price fixed for the goods, to supply the goods in the quantity demanded commits an offence and is liable on conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both.

(2) In a prosecution for an offence against this section, it is a defence to show that on the occasion in question the defendant —

- (a) supplied a reasonable quantity of the goods after making reasonable provision for private consumption or use;
- (b) did not have a sufficient quantity of the goods in his or her custody or under his or her control to supply the quantity demanded or a reasonable quantity or portion in addition to the quantity required to satisfy —
 - (i) all other contracts, then subsisting, under which he or she was obliged to supply quantities of the goods for use or consumption within the country; and
 - (ii) the ordinary requirements of his or her business; or
- (c) the defendant was a wholesale trader in the goods and the person who demanded to be supplied was not a manufacturer or a retail trader in the goods; or
- (d) the defendant required the goods for advertisement or sample.

(3) For the purposes of determining what is, for the purpose of this section, a reasonable quantity of goods regard shall be had to all the circumstances of the case including whether the person who demanded to be supplied was or was not, at the time of the demand, carrying on business as a trader in the goods, alone or with other goods.

Restricting circulation of goods

39.— (1) A person shall not, with intent to control the market or to restrain trade, hold or buy up goods or retain them in his or her possession or under his or her control.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years or to both.

(3) Where any person is convicted of an offence under subsection (1), the court may order that the goods be forfeited to the State.

(4) Before making an order under subsection (3), the court shall give every person appearing to have an interest in the goods in respect of which the order is proposed to be made, an opportunity of being heard.

(5) Goods forfeited to the State under subsection (3) shall vest in the State —

- (a) if no appeal has been made against the order at the end of the period within which an appeal may be made against the order; and
- (b) if an appeal has been made against the order, on the final determination of the appeal.

False statements

40.— (1) A person shall not willfully make a false statement to mislead or attempt to mislead the Commission or any other person in the discharge of functions under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both.

Obstruction

41.— (1) A person shall not without lawful justification or excuse—

- (a) obstruct, hinder or resist the Commission or any other person in the discharge of functions under this Act;
- (b) fail to comply with any lawful requirement of the Commission or any other person under this Act; or
- (c) deal with documents or information in a manner inconsistent with his or her duty under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars and to imprisonment for a term not exceeding one year or to both.

Liability

42.— (1) Where an offence under this Act has been committed by a person which is —

- (a) a body corporate or unincorporated body and a director or officer of that body corporate or unincorporated body knowingly authorized, permitted or acquiesced in the

commission of the offence, the director or officer also commits the offence;

(b) a partnership or firm, every partner of the partnership or firm as well as that partnership or firm commits the offence;

and shall be liable to be proceeded against and punished accordingly.

(2) A person referred to in subsection (1) shall not be found guilty of an offence under that subsection where he or she proves, that —

(a) the act constituting the offence took place without his or her knowledge or consent; or

(b) he or she exercised all due diligence to prevent the commission of the offence.

Appearance and plea by a corporation

43.— (1) Where a corporation is charged with an offence against this Act, that corporation may appear and plead to the charge by its representative by entering a plea in writing.

(2) Where a corporation does not appear by a representative, or though it does appear, fails to enter any plea, the court shall cause a plea of not guilty to be recorded and the matter shall proceed accordingly.

(3) A case filed against a corporation or other document addressed to a corporation may be served on the corporation by leaving it at or sending it by post to the registered office of the corporation or if there is no registered office in Saint Lucia at any place in Saint Lucia at which it trades or conducts business.

(4) A representative for the purpose of this section need not be appointed under the seal of the corporation, and a statement in writing purporting to be signed by a managing director of the corporation or by any person, by whatever name called, having or being one of the persons having the management of the affairs of the corporation to the effect that the person named in the statement has been appointed as the representative of the corporation for the purposes of this section shall be admissible, without further proof, as prima facie evidence that the person has been so appointed.

(5) In this section “representative” means a person duly appointed by the corporation to represent it for the purpose of doing any act or thing which the representative of a corporation is by this section authorized to do, but a person so appointed shall not, by virtue only of being so appointed, be qualified to act on behalf of the corporation before any court for any other purpose.

PART 6
ENFORCEMENT

Authorized officers

44.— (1) The Minister may designate, in writing, a public officer to be an authorized officer for the purposes of this Act.

(2) Upon designating a person pursuant to subsection (1), the Minister shall, subject to subsection (3), issue to that person a certificate.

(3) A certificate issued pursuant to subsection (2) shall be in the prescribed form and shall be signed by the Minister and the person designated pursuant to subsection (1).

Delegation of functions by the Director

45.— (1) The Director may delegate to an authorized officer any power or duty conferred on him or her by this Act.

(2) An act or thing done by a person under a power or duty delegated under this section has the same force and effect as if it had been done by the Director.

Disclosure

46.— (1) An authorized officer shall not, without the consent in writing given by or on behalf of the Minister, publish or disclose to another person, otherwise than is necessary in the course of his or her duties, the contents of any documents, communication or information which relate to his or her duties and have come to his or her knowledge in the course of his or her duties under this Act.

(2) An authorized officer who contravenes this section is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both.

Entry, search and seizure

47. — (1) Where an authorized officer or a police officer has reasonable grounds for suspecting that there are, on land or any premises, goods liable to forfeiture or being traded in contravention of this Act, the authorized officer or the police officer may lay before a Magistrate information on oath setting out the grounds and apply for a warrant to search the land or premises for the goods.

(2) Where an application is made under subsection (1) for a search warrant, the Magistrate may, subject to subsection (3), issue a warrant authorising a police officer, whether named in the warrant or not, with such assistance from an authorized officer or otherwise and by such force as is necessary and reasonable, to enter upon the land or into the premises to —

- (a) search and seize any goods which the police officer reasonably believes are liable to forfeiture or are being sold or offered for sale in contravention of this Act; and
- (b) copy or reproduce records found on the land or premises.

(3) A Magistrate shall not issue a warrant pursuant to section 47 unless —

- (a) the authorized officer, police officer or other person gives to the Magistrate, either on oath or by affidavit, any further information that the Magistrate may require concerning the grounds on which the issue of the warrant is sought; and
- (b) the Magistrate is satisfied that there are reasonable grounds for issuing the warrant.

(4) A warrant issued pursuant to this section shall include —

- (a) a statement of the purpose for which the warrant was issued;
- (b) a description of the kind of goods to be seized;
- (c) a time, not being later than twenty-eight days, upon which the warrant ceases to have effect; and
- (d) a statement as to whether entry is authorized to be made at any time of the day or night or during specified hours of the day or night.

(5) A police officer who seizes any goods pursuant to a warrant issued pursuant to this section shall —

- (a) take reasonable care to ensure that the goods are preserved so that it may be dealt with in accordance with the law in force in Saint Lucia.
- (b) where goods have been seized pursuant to this section, return the goods to the person from whose possession the goods were seized within seventy-two hours unless the person from whose possession the goods were taken has been charged with an offence within seventy-two hours of the seizure.

(6) Where a person from whose possession goods were seized is convicted on an offence pursuant to this Act, the goods seized shall be forfeited to the State unless the Court orders otherwise.

Information

48. An authorized officer may, at any time request a person to furnish to him or her, in such form and manner as he or she may require, information relating to the sale of goods.

Inspection and taking of information from documents

49. An authorized officer may, with the consent of a trader, at any time inspect the premises of a trader and may take extracts from, make copies of, or remove for a reasonable period, any documents relating to the sale of goods.

PART 7 **MISCELLANEOUS**

General penalty

50. A person convicted of an offence under this Act for which no penalty is prescribed shall be liable to a fine of not exceeding ten thousand dollars or to imprisonment for a term not exceeding two years or both.

Regulations

51.— (1) The Minister may make Regulations for the effective implementation of this Act.

No. 35] *Distribution and Price of Goods Act* [2006.

(2) Without prejudice to the generality of subsection (1), Regulations made pursuant to subsection (1) may prescribe penalties for offences committed against such Regulations.

Repeal

52. The Distribution and Price of Goods Act, Cap. 13.09 is repealed.

Savings

53. All subordinate legislation made under the repealed Act in force immediately before the coming into force of this Act, so far as it is not inconsistent with the provisions of this Act, continues in force as if made under this Act until revoked under this Act.

SCHEDULE

(Section 35)

FORM OF PRICE CALCULATION SHEET

(To be submitted in duplicate to the Consumer Affairs Department along with invoices certified by the Comptroller of Customs and other relevant documents.)

Importer _____ Commodity _____
 Supplier _____
 Origin _____ Brand _____
 Invoice No. & Date _____ Quantity _____
 Ship & Date of Importation _____ Entry No. _____
 Exchange Rate _____ Entry Paid on _____

SIZE

PRICES TO BE STATED PER IMPORT PACKAGE

C.I.F VALUE (Invoice Currency)	
C.I.F. VALUE (Invoice E.C.)	
F.F.A. Charges	
Remittance Invoice Value	
C.I.F. St. Lucia	
Customs Duty	
Environmental Levy	
Consumption Tax	
Landed Cost	
Distributors Mark-up	
Max. Distributors price	
Wholesale Mark-up	
Max. Wholesale Price	
Retail Mark-up	
Max. Retail Price	
Retail price per unit	

FOR OFFICIAL USE ONLY

Certified Correct	Approved
Per:	Per:
Designation:	Designation:
Date:	Date:

No. 35] *Distribution and Price of Goods Act* [2006.

Passed in the House of Assembly this 24th day of October, 2006.

J. BADEN ALLAIN,
Speaker of the House of Assembly.

Passed in the Senate this 9th day of November, 2006.

HILFORD DETERVILLE,
President of the Senate.