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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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DEPARTMENT OF THE PRIME MINISTER

No. 584. 7 April 1976.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 39 of 1976: Price Control Amendment Act, 1976.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 584. 7 April 1976.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 39 van 1976: Wysigingswet op Prysbeheer, 1976.

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WET

Tot wysiging van die bepalings van die Wet op Prysbeheer, 1964, betreffende woordomskrywings; die verbod op die verkoop van goedere en die lewering van dienste op sekere voorwaardes; die bevoegdhede van prysbeheeropsieners en -inspekteurs; die bevoegdheid van die Pryskontroleur om vrystellings te verleen; en die strawwe wat weens misdrywe ingevolge genoemde Wet opgelê kan word; en om vir bykomstige aangeleenthede voorsiening te maak.

(*Engelse teks deur die Staatspresident geteken.*)
(*Goedgekeur op* 19 *Maart* 1976.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 25 van 1964, soos gewysig deur artikel 1 van Wet 80 van 1967.

1. Artikel 1 van die Wet op Prysbeheer, 1964 (hieronder die Hoofwet genoem), word hierby gewysig—

(*a*) deur die volgende omskrywing voor die omskrywing van „diens" in te voeg:

„,adverteer' om enige skriftelike, geïllustreerde, visuele of ander beskrywende stof of mondelinge verklaring, mededeling, voorstelling of verwysing onder lede van die publiek te versprei of op enige ander wyse onder hulle aandag te bring ten einde—

(*a*) die verkoop van goedere te bevorder of die gebruik daarvan aan te moedig of die aandag te vestig op die aard, eienskappe, voordele of gebruike van goedere of op die wyse of voorwaardes waarop of die pryse waarteen goedere gekoop of andersins verkry kan word; of

(*b*) die gebruikmaking van 'n diens te bevorder of aan te moedig of die aandag te vestig op die aard, eienskappe, voordele of gebruike van 'n diens of op die wyse of voorwaardes waarop of die pryse waarteen 'n diens verrig word;";

(*b*) deur die omskrywing van „verkoop" deur die volgende omskrywing te vervang:

„,verkoop' ook ooreenkom om te verkoop, of merk met 'n verkoopprys, of aanbied of poog om te verkoop, of vir verkoop hou, vertoon, uitstal of adverteer, of ingevolge 'n koopkontrak lewer, of teen vergoeding lewer of van die hand sit, of verkoop per veiling of by wyse van 'n kontrak soos in die Wet op Huurkoop, 1942 (Wet No. 36 van 1942), omskryf, terwyl die datum van so 'n kontrak die datum van verkoop geag word.".

Wysiging van artikel 9 van Wet 25 van 1964, soos vervang deur artikel 5 van Wet 80 van 1967.

2. Artikel 9 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die kontroleur kan van tyd tot tyd by kennisgewing in die *Staatskoerant* of, met die magtiging van die Minister,

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ACT

To amend the provisions of the Price Control Act, 1964, relating to definitions; the prohibition on the sale of goods and the rendering of services on certain conditions; the powers of price control supervisors and inspectors; the power of the Price Controller to grant exemptions; and the penalties which may be imposed for offences under the said Act; and to provide for incidental matters.

(*English text signed by the State President.*)
(*Assented to* 19 *March* 1976.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 25 of 1964, as amended by section 1 of Act 80 of 1967.

1. Section 1 of the Price Control Act, 1964 (hereinafter referred to as the principal Act), is hereby amended—

(*a*) by the insertion before the definition of "controller" of the following definition:

"'advertise' means to distribute to members of the public or bring to their notice in any other manner any written, illustrated, visual or other descriptive material or oral statement, communication, representation or reference in order to—

(*a*) promote the sale of goods or encourage the use thereof or draw attention to the nature, properties, advantages or uses of goods or to the manner in, conditions on or prices at which goods may be purchased or otherwise acquired; or

(*b*) promote or encourage the use of any service or draw attention to the nature, properties, advantages or uses of any service or the manner in, conditions on or prices at which any service is rendered;";

(*b*) by the substitution for the definition of "sell" of the following definition:

"'sell' includes agree to sell, or mark with a selling price, or offer or attempt to sell, or keep, expose, display or advertise for sale, or deliver in pursuance of a sale, or deliver or dispose of for any consideration, or sell by auction or by way of an agreement as defined in the Hire Purchase Act, 1942 (Act No. 36 of 1942), the date of any such agreement being deemed to be the date of sale, and 'sale' shall have a corresponding meaning;".

Amendment of section 9 of Act 25 of 1964, as substituted by section 5 of Act 80 of 1967.

2. Section 9 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) The controller may from time to time by notice in the *Gazette* or, with the authority of the Minister, in the

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in die geval van 'n bepaalde persoon, by skriftelike kennisgewing, die verkoop van goedere of die verrigting van dienste op voorwaardes in die kennisgewing uiteengesit, of die weiering om goedere te verkoop of dienste te verrig behalwe op voorwaardes aldus uiteengesit, verbied of ten opsigte van die verkoop van goedere of die verrigting van dienste die voorwaardes oplê wat hy goedvind, hetsy die maksimumprys vir die verkoop van daardie goedere of die maksimumbedrag vir die verrigting van daardie dienste kragtens hierdie Wet vasgestel is al dan nie."

Wysiging van artikel 13 van Wet 25 van 1964.

3. Artikel 13 (1) van die Hoofwet word hierby gewysig deur al die woorde wat paragraaf (*a*) voorafgaan deur die volgende woorde te vervang:

„'n Prysbeheeropsiener of -inspekteur kan ten einde ondersoek in te stel of die bepalings van hierdie Wet of 'n daarkragtens uitgevaardigde kennisgewing nagekom is of ten einde die inligting in te win wat die kontroleur verlang—".

Vervanging van artikel 15 van Wet 25 van 1964, soos vervang deur artikel 7 van Wet 80 van 1967.

4. Artikel 15 van die Hoofwet word hierby deur die volgende artikel vervang:

„Kontroleur kan vrystellings verleen.

15. Die kontroleur kan van tyd tot tyd by kennisgewing in die *Staatskoerant* of, met die magtiging van die Minister, in die geval van enige bepaalde persoon of persone, by skriftelike kennisgewing—

(*a*) behoudens die voorwaardes deur hom opgelê, aan 'n persoon of kategorie persone vrystelling van enige bepaling van hierdie Wet, of 'n kennisgewing of bevel daarkragtens uitgevaardig, verleen in die mate wat hy bepaal; en

(*b*) sonder aangifte van enige rede en sonder om die betrokke persoon of persone aan te hoor so 'n vrystelling intrek of, in die mate en onderworpe aan die voorwaardes wat die kontroleur goedvind, wysig.".

Wysiging van artikel 18 van Wet 25 van 1964.

5. Artikel 18 van die Hoofwet word hierby gewysig deur al die woorde na paragraaf (*j*) deur die volgende woorde te vervang:

„is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens tweeduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met sowel daardie boete as daardie gevangenisstraf.".

Kort titel.

6. Hierdie Wet heet die Wysigingswet op Prysbeheer, 1976.

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case of any particular person, by notice in writing prohibit the sale of any goods or the rendering of any service subject to conditions specified in the notice, or the refusal to sell any goods or render any service except subject to conditions so specified or impose in respect of the sale of any goods or the rendering of any service such conditions as he may think fit, whether the maximum price for the sale of such goods or the maximum charge for the rendering of such services has been fixed under this Act or not.".

Amendment of section 13 of Act 25 of 1964.

3. Section 13 (1) of the principal Act is hereby amended by the substitution for all the words preceding paragraph (*a*) of the following words:

"Any price control supervisor or inspector may for the purpose of enquiring whether the provisions of this Act or any notice issued thereunder has been complied with or for the purpose of gathering such information as the controller may desire—".

Substitution of section 15 of Act 25 of 1964, as substituted by section 7 of Act 80 of 1967.

4. The following section is hereby substituted for section 15 of the principal Act:

"Controller may grant exemptions.

15. The controller may from time to time by notice in the *Gazette* or, with the authority of the Minister, in the case of any particular person or persons, by notice in writing—

(*a*) subject to such conditions as he may impose, grant any person or category of persons exemption from any provision of this Act, or any notice or order issued thereunder, to such extent as he may specify; and

(*b*) without assigning any reason and without giving any hearing to the person or persons concerned withdraw or modify to such extent and subject to such conditions as the controller may think fit, any such exemption.".

Amendment of section 18 of Act 25 of 1964.

5. Section 18 of the principal Act is hereby amended by the substitution for all the words after paragraph (*j*) of the following words:

"shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand rand or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.".

Short title.

6. This Act shall be called the Price Control Amendment Act, 1976.