

Miscellaneous Controls

Cap. 329.
1984/116.
1984/136.

**MISCELLANEOUS CONTROLS (CONTROL OF PRICES)
(MOTOR CARS) REGULATIONS, 1984**

Authority: These regulations were made on 15th August, 1984 by the Minister under section 3 of the *Miscellaneous Controls Act*.

Commencement: 16th August, 1984.

1. These Regulations may be cited as the *Miscellaneous Controls (Control of Prices) (Motor Cars) Regulations, 1984*. Citation.

2. In these regulations, Definitions.

"C.I.F. value", in relation to an imported motor car, means the value of that car determined in accordance with section 117 of the *Customs Act* for the purpose of assessing the customs duty payable on that car; Cap. 66.

"landed cost", in relation to any imported motor car means the total of the following amounts:

- (a) the C.I.F. value of the motor car;
- (b) the duty payable under the *Customs Act*; Cap. 66.
- (c) consumption tax payable under the *Consumption Tax Act*; and
- (d) stamp duty payable under the *Stamp Duty Act*; Cap. 91.

"importer" means any person who brings or causes to be brought into Barbados motor cars for the purpose of trade or profit and includes any person who, whether as owner, consignee, agent, distributing agent, sales concessionaire or broker, is in possession, or in any way entitled to the custody or control of any such motor car upon its arrival in Barbados;

"motor car" means a motor vehicle within the meaning of section 2 of the *Road Traffic Act*, which, on importation into Barbados is, for the purpose of the *Customs Act*, classified under item 87.02 in PART I of the *First Schedule* to that Act; Cap. 295.
Cap. 66.

"retailer" in relation to any description of motor car, means a person who in the ordinary course of his business sells motor cars of that description by retail;

"shop" means any premises or place where retail trade or business is carried on.

Regulations not applicable in certain cases. 1984/136.

3. These regulations do not apply to
- (a) motor cars imported duty free; and
 - (b) motor cars the C.I.F. value of which is \$12,000 or more.

Retail price of imported motor cars.

4. (1) The maximum retail price of a motor car shall be the landed cost of that motor car with an addition to such cost of not more than 12 1/2% of the landed cost.

(2) Where a hire-purchase agreement or a credit sale agreement is entered into in respect of any motor car, the cash price required to be stated in writing by the owner of the motor car to the hirer or buyer in accordance with sections 4 and 5 of the *Hire Purchase Act* shall be deemed, for the purposes of these regulations, to be the retail price of the motor car and no cash price may be stated in respect of the motor car that is greater than the maximum retail price of the motor car.

Cap.328.

No person to sell or buy etc. any motor car at a price higher than the maximum retail price.

5. (1) No person shall sell or buy or agree to sell or buy or offer to sell or buy any imported motor car at a price higher than its maximum retail price as determined in accordance with regulation 4.

(2) For the purpose of this regulation a motor car shall be deemed to be offered for sale if at any time it is displayed in any shop with a price marked on the motor car or otherwise indicated in respect of that car.

(3) Price controls on motor cars remain in force for a period of 12 months after the date of importation.

(4) No person shall purchase a motor car from a garage whether or not that car is on price control and sell it for a price higher than the purchase within a period of less than one year after the importation of the car.

6. An importer who receives motor cars shall upon receiving them, notify the Minister of his receiving them, and furnish such particulars in relation thereto as the Minister may require.

Importers to notify Minister of receipt of motor cars.

7. (1) For the purpose of enabling the Minister or any person authorised in writing by the Minister under regulation 9 readily to trace the importation or source of purchase of any motor car and to ascertain the maximum retail price of the motor car, every importer and retailer of motor cars shall keep a record of all motor cars imported or sold by the importer or retailer.

Records to be kept by importers and retailers.

(2) An owner or manager of a shop or the person for the time being in charge of that shop shall be deemed to have contravened paragraph (1) if records of the sale of motor cars required to be kept by paragraph (1) are not kept at that shop.

8. (1) Where an imported motor car is displayed for sale by retail in a shop, there shall at all times be legibly marked on that motor car or otherwise clearly indicated in plain figures the following:

Maximum retail price etc. to be displayed at all times.

- (a) the maximum retail price of the motor car; and
- (b) each of the amounts specified in paragraphs (a), (b), (c), and (d) of the definition "landed cost" in regulation (1) and an amount equal to the maximum retail price as specified in paragraph (1) of regulation 4.

(2) If the provisions of paragraph (1) are not complied with, the owner or manager of the shop or the person for the time being in charge of that shop shall be deemed to have contravened paragraph (1).

9. (1) A public officer authorised by the Minister in writing in accordance with section 6 of the Act, may at all reasonable times enter premises in the possession or occupation or under the control of any person engaged in the business of selling or offering motor cars for sale and demand access to and inspect all books, documents, vouchers and may require answers to any questions relating to the business.

Power of entry of public officer.

(2) Without affecting paragraph (1), a public officer authorised in writing by the Minister under paragraph (1) may at any reasonable time enter any house or building or enter on land or premises occupied by any person for the purpose of ascertaining whether the provisions of these regulations are being complied with.

Power to
seize and
take away
articles.

10. A public officer referred to under paragraph 9(1) may, in exercising his functions conferred on him by these regulations, seize and take away any article that he has reasonable grounds for believing to be evidence of the contravention of any of the provisions of these regulations, but shall, if required, give a receipt in writing for the article.

Certificate
of Minister
prima
facie
evidence
of maxi-
mum retail
price.

11. A certificate purporting to be signed by the Minister or by a public officer authorised in writing by the Minister for this purpose and certifying the maximum retail price of any class or description of motor cars is *prima facie* evidence of the facts certified in the certificate without proof of the signature appearing on the certificate.

Penalty
for
offences.

12. Any person who contravenes these regulations is guilty of an offence and is liable on summary conviction to a fine of \$5,000 or to imprisonment for a term of 12 months.