

ANTIGUA AND BARBUDA



THE PRICE OF GOODS BILL, 2026

No. of 2026

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SECTIONS

PART I – PRELIMINARY

1.	Short title and commencement.....	6
2.	Interpretation.....	6
3.	Objects of the Act	7
4.	Application of the Act.....	7

PART II – PRICE REGULATION AND CONTROL

5.	Power of Minister to fix maximum prices	8
6.	Power of Minister to fix maximum prices for essential services	8
7.	Method for determining maximum prices.....	9
8.	Dual Pricing	10
9.	Display of orders.....	10
10.	Proportionate pricing.....	10

PART III – LICENSING AND IMPORT CONTROL

11.	Licensing of importers of essential goods.....	10
12.	Suspension or revocation of licences	11

PART IV – ADMINISTRATION AND MONITORING

13. Administration by the Department	11
14. Functions and powers of the Department	11
15. Investigative powers of the Department	12
16. Right to be heard and duty to cooperate	12
17. Obstruction of officers	12

PART V – TRADER OBLIGATIONS AND CONDUCT

18. Marking of goods with selling prices	13
19. Records and invoices	13
20. Prohibited conduct	14
21. Access to Point-of-Sale System (POS)	15

PART VI – MARKET INTERVENTION POWERS

22. Requisition of essential goods	15
23. Distribution and sale directives	15
24. Appointment of authorized officers	16

PART VII – DISPUTE RESOLUTION AND ENFORCEMENT

25. Consumer Affairs Tribunal	17
26. Corporate liability	17
27. Compensation for overpricing	17

PART VIII – OFFENCES AND PENALTIES

28. Appeals	18
29. Offences and penalties	18

PART IX – MISCELLANEOUS

30. Regulations	19
31. Repeal and transitional provisions	20
32. Savings and continuity	20

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AN ACT to regulate the distribution and prices of goods, to protect consumers, and for connected matters.

ENACTED by the Parliament of Antigua and Barbuda as follows—

PART I – PRELIMINARY

1. Short title and commencement

This Act may be cited as The Price of Goods Act, 2026, and comes into force on a date appointed by the Minister by Order published in the Gazette.

2. Interpretation

In this Act:

“authorized officer” means any person—

- (a) employed or engaged by the Department of Consumer Affairs; and
- (b) authorized in writing by the Minister or the Director to exercise the powers and perform the functions of an authorized officer for the purposes of this Act;

which includes the Director, Deputy Director, Senior Price Control Officers, Inspectors, or any other officer designated to exercise powers or perform duties under this Act or any Regulations made thereunder;

“Department” means the Department of Consumer Affairs established under section 6 of the Consumer Protection Act 2025;

“consumer” has the meaning assigned in section 2 of the Consumer Protection Act, 2025;

“essential goods” means goods designated by Order of the Minister as essential to the public welfare;

“maximum price” means the highest lawful price at which goods may be sold under this Act;

“Minister” means the Minister with responsibility for trade;

“price gouging” means the sale or offer for sale of any good at an unconscionably excessive price that—

- (a) in the case of a good sold in the usual course of business prior to a period of emergency, represents a gross disparity between the price charged during the emergency and the price charged immediately before the emergency; or
- (b) in the case of a good introduced for sale during a period of emergency, reflects a price that is manifestly excessive having regard to—
 - (i) the cost of acquisition or production of the good;
 - (ii) the markup applied in the ordinary course of trade for similar goods; and
 - (iii) whether the price is likely to exploit consumers in circumstances of scarcity, urgency or fear.

For the purposes of this definition, “emergency” includes a natural disaster, pandemic, declared public health emergency, war, or any situation designated by the Minister by Order as constituting an abnormal market disruption;

“supplier” means any legal person or entity who, in the ordinary course of business, engages in the sale of goods, whether by wholesale or retail, and includes importers, distributors, agents, and franchisees involved in such transactions, regardless of whether such sales are conducted for cash or on credit.

“Tribunal” means the Consumer Affairs Tribunal established under section 11 of the Consumer Protection Act, 2025.

3. Objects of the Act

The objects of this Act are to:

- (a) promote equitable access to essential goods;
- (b) ensure fair and stable market pricing;
- (c) prevent hoarding, price gouging, and anti-consumer practices;
- (d) provide effective administration through the Department.

4. Application of the Act

This Act applies to the sale, importation, distribution, and pricing of goods in Antigua and Barbuda in the course of business.

PART II – PRICE REGULATION AND CONTROL

5. Power of Minister to fix maximum prices

(1) The Minister may, on the recommendation of the Department and where it is considered necessary for the purpose of—

- (a) maintaining, controlling or regulating the supply of goods essential to the well-being of the community;
- (b) ensuring the equitable distribution of such goods; or
- (c) securing their availability at fair and reasonable prices,

by Order published in the Gazette, fix the maximum price at which any specified good may be sold, having regard to prevailing market conditions and consumer protection principles.

(2) Prior to submitting any recommendation to the Minister in accordance with subsection (1), the Department shall conduct a comprehensive assessment and prepare a written report, having regard to, among other things—

- (a) the necessity to protect consumers from unjustified or speculative price increases, particularly for essential goods;
- (b) the prevailing market conditions, including the cost of production, importation, distribution, and sale of the good;
- (c) the impact on the viability of businesses, particularly small and medium enterprises, and the need to allow for a reasonable profit margin;
- (d) the rate of inflation and the overall economic conditions in Antigua and Barbuda;
- (e) the findings of any public consultations or stakeholder engagements conducted by the Department;
- (f) the potential impact on competition and investment within the relevant market sector;
- (g) any exceptional circumstances, such as a state of emergency, natural disaster, or major regional or international economic disruption, justifying the intervention.

6. Power of Minister to fix maximum prices for essential services

(1) The Minister may, on the recommendation of the Department and where necessary for the protection of the public welfare, by Order published in the Gazette—

- (a) fix the maximum price at which any essential service may be supplied; or

- (b) prescribe a formula for determining the maximum price of such service, having regard to the cost of providing the service, operating expenses, a reasonable margin, and any applicable taxes or fees.
- (2) For the purposes of this section, “essential service” means any service designated by Order of the Minister as essential to the public welfare and includes—
 - (a) utility services;
 - (b) transportation services;
 - (c) waste management services;
 - (d) funeral services; or
 - (e) any other service specified by the Minister by Order.
- (3) Before making an Order under subsection (1), the Department shall—
 - (a) conduct a market assessment, including an analysis of the cost of service delivery, the structure of the market, and consumer impact; and
 - (b) consult relevant stakeholders.
- (4) A service provider who charges a price in excess of the maximum price or pricing formula fixed under this section commits an offence and is liable on summary conviction to a fine not exceeding twenty-five thousand dollars (\$25,000) or to imprisonment for a term not exceeding twelve months, or to both.
- (5) The Minister may review, amend, or revoke an Order made under this section where market conditions, operating costs, or the public interest so require.

7. Method for determining maximum prices

- (1) An Order made under section 5 may—
 - (a) specify a fixed maximum price for any good; or
 - (b) prescribe a formula for calculating the maximum price of a good, which may include variables such as the cost of importation, production, transportation, a prescribed markup, and any applicable taxes or duties.
- (2) An Order made under subsection (1) shall specify its duration, which shall not exceed 12 months from the date of its commencement.
- (3) The Minister may, by further Order, extend the operation of an Order made under this section if the circumstances that gave rise to the original Order continue to exist.

(4) The Department shall conduct a review within 6 months of the commencement of an Order made under this section to assess its effects on the supply of goods, competition, and consumer welfare, and shall submit a report of its findings and recommendations to the Minister.

8. Dual Pricing

(1) Where more than one price is displayed on goods—

(a) the customer is entitled to pay the lowest price displayed; and

(b) a supplier shall not, in the course of trade, sell the goods at a price higher than the lowest price displayed.

(2) A supplier who contravenes subsection (1)(b) commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars (\$2,000) or to imprisonment for a term not exceeding twelve months, or to both.

9. Display of orders

(1) A supplier shall cause every Order made under section 5 that applies to the supplier to be prominently displayed at all times in a conspicuous place on the supplier's premises.

(2) Any supplier who fails to comply with the provisions of this section commits an offence.

10. Proportionate pricing

(1) A supplier shall ensure that the price of a good sold and distributed in varying quantities bears a reasonable relationship to its quantity.

(2) Where a good is offered for sale and distributed in standardised quantities, the supplier shall also display the unit price in a clear, readable, and prominent manner, in accordance with any prescribed regulations

PART III – LICENSING AND IMPORT CONTROL

11. Licensing of importers of essential goods

(1) A supplier shall not import or be otherwise involved in the importation and distribution of, any good declared as an essential good in an Order made under this Act without a licence issued by the Minister on the recommendation of the Department.

- (2) A supplier who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars \$5,000.00, or to imprisonment for a term not exceeding six (6) months, or to both.

12. Suspension or revocation of licences

(1) The Minister may suspend or revoke a licence on any of the following grounds:

- (a) a breach of a provision of this Act;
- (b) a failure to comply with a condition of the licence;
- (c) the provision of false or misleading information in the licence application.

(2) Subject to subsection (3), before suspending or revoking a licence under subsection (1), the Minister —

- (a) give the licensee written notice of the proposed action and the reasons for it; and
- (b) afford the licensee a reasonable opportunity to make representations.

(3) The Minister may suspend a licence with immediate effect if satisfied that it is necessary in the public interest to prevent an imminent threat to consumer welfare or public health, but thereafter comply with the procedure in subsection (2).

PART IV – ADMINISTRATION AND MONITORING

13. Administration by the Department

The Department is responsible for the administration and enforcement of this Act.

14. Functions and powers of the Department

Under this Act, the Department shall:

- (a) monitor prices, supply conditions, and market conduct;
- (b) receive and investigate complaints of overpricing and unfair practices;
- (c) advise the Minister on price regulation and policy;
- (d) issue compliance guidance to suppliers;
- (e) recommend enforcement actions and policy measures to the Minister.

15. Investigative powers of the Department

- (1) For the purpose of enforcing this Act, the Department may—
 - (a) by written notice, require any person to produce any document, record, or information within a specified time and in a specified manner;
 - (b) conduct inspections on any business premises during regular business hours, or at any other time when the premises are open for business, to—
 - (i) conduct a price audit; or
 - (j) examine and copy any document or record related to the pricing or distribution of goods;
 - (c) cooperate with, and share information with, any other public regulatory or enforcement body.
- (2) A person who, without reasonable excuse, fails to comply with a requirement under subsection (1)(a) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars (\$5,000.00), or to imprisonment for a term not exceeding six (6) months, or to both..

16. Right to be heard and duty to cooperate

- (1) Before making a finding that is adverse to a supplier, the Department shall give the supplier a reasonable opportunity to be heard.
- (2) A supplier shall cooperate with a lawful investigation conducted under this Act and comply with any lawful request or requirement made by the Department under section 15.

17. Obstruction of officers

- (1) A person shall not wilfully—
 - (a) obstruct, impede, hinder or threaten an authorized officer in the performance of functions under this Act;
 - (b) fail to comply with a lawful requirement or direction made by an authorized officer under this Act; or
 - (c) deny access to premises, records or systems, or provide false or misleading information to an authorized officer.
- (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars (\$5,000), or to imprisonment for a term not exceeding three months, or to both.

PART V – TRADER OBLIGATIONS AND CONDUCT

18. Marking of goods with selling prices

- (1) A supplier shall ensure that the selling price of any good offered for sale under section 5 is clearly, legibly, and prominently displayed.
- (2) For the purposes of this section—
 - (a) a price is displayed in relation to particular goods or services if it is –
 - (i) appended, annexed or affixed to, written, printed, stamped or located upon, or otherwise applied to the goods or to any band, ticket, covering, label, package, reel, shelf, or other thing used in connection with the goods or on which the goods are mounted for display or exposed for sale;
 - (ii) published in relation to the goods in a catalogue available to the public if a time is specified in the catalogue as the time after which the goods may not be sold at Consumer Protection Bill, 2025 40 No. of 2025 that price, and that time has not yet passed or in any other case, the catalogue may reasonably be regarded as not out of date; or
 - (iii) in any way represented in a manner from which it may reasonably be inferred that the price represented is a price applicable to the goods or services; and
 - (b) a price shall not be regarded as being displayed in relation to goods if –
 - (i) the price was appended to the goods outside Antigua and Barbuda in relation to the supply of the goods outside Antigua and Barbuda; or
 - (ii) the display of that price is fully covered and obscured by a second displayed price.
- (3) Any trader who fails to comply with the provisions of this section shall be guilty of an offence.

19. Records and invoices

- (1) A supplier shall provide the purchaser with a receipt or invoice containing—
 - (a) the name and identifying particulars of the supplier;

- (b) the date of the transaction;
- (c) a description and quantity of the goods or services supplied;
- (d) the unit price and the total amount payable; and
- (e) where applicable, a unique transaction identifier.

(2) A supplier shall keep complete records of every transaction, including invoices, receipts, pricing records and inventory records, for a period of not less than six years from the date of the transaction or such later date as may be required by any other written law.

(3) Records required under subsection (2) may be kept in written or electronic form, provided that any electronic record is capable of being reproduced in a legible written form and is maintained so as to permit its prompt retrieval and inspection by the competent authority.

20. Prohibited conduct

- (1) A supplier or distributor shall not—
 - (a) sell, offer to sell, or advertise to sell a good at a price that exceeds the maximum price fixed by an Order under this Act;
 - (b) engage in hoarding, which is the unreasonable accumulation or withholding of an essential good from the market, with the intent of, or having the effect of, raising its price or creating a shortage;
 - (c) engage in price gouging, which is the practice of charging a price for an essential good that is unconscionably excessive in circumstances of declared national emergency, disaster, or acute shortage of supply;
 - (d) impose a condition on the sale of a good that is unfair, unreasonable, or unrelated to the nature of the transaction; or
 - (e) refuse, without just cause, to sell a good that is in stock to a consumer who offers to pay the lawful price.
- (2) For the purposes of determining "price gouging" under subsection (1)(c), the Department may have regard to factors including, but not limited to—
 - (a) the price at which the good was available in the market in the thirty (30) days preceding the exceptional circumstances;
 - (b) the supplier's costs attributable to the acquisition and sale of the good; and
 - (c) the extent of the exceptional circumstances and the nature of the good.

- (3) A supplier who operates more than one business outlet is responsible for ensuring compliance with this Act and any Order made under it at every outlet.
- (4) A person who contravenes subsections (1) and (3) commits an offence and is liable on summary conviction to a fine not exceeding ten thousand dollars (\$10,000), or to imprisonment for a term not exceeding twelve months, or to both.

21. Access to Point-of-Sale System (POS)

- (1) A supplier shall, on the lawful request of an authorised officer, provide the authorised officer with reasonable access to the supplier's point-of-sale system for the purpose of verifying compliance with this Act.
- (2) A supplier who, without reasonable excuse, fails to comply with subsection (1) commits an offence.

PART VI – MARKET INTERVENTION POWERS

22. Requisition of essential goods

- (1) Where, due to an acute shortage of an essential good or a declared national emergency, the Minister is satisfied that immediate intervention is necessary in the public interest, the Minister may, by Order published in the Gazette, declare a period of requisition and authorize the requisition of specified goods.
- (2) A requisition shall be in writing and specify the good, quantity, place of collection and time for delivery, and may only be made from a supplier holding stock reasonably related to the ordinary course of that supplier's business.
- (3) The State shall pay prompt and adequate compensation being the fair market value immediately before the declaration or an agreed price, whichever is greater.
- (4) Any person aggrieved by the amount of compensation may apply to the High Court for determination of the fair market value.

23. Distribution and sale directives

- (1) Where the Minister has made a declaration of requisition under section 22, or where there is a significant disruption in the supply chain of essential goods that threatens its availability, the Department may issue a written directive to a supplier or a class of suppliers.
- (2) A directive under subsection (1) may require the supplier or distributor to take specific actions to stabilise the supply and distribution of essential goods, including—

- (a) prioritising the distribution of the goods to specified regions or outlets;
 - (b) limiting the quantity of the goods that may be sold to any single purchaser;
 - (c) selling the goods through designated channels or locations; or
 - (d) providing the Department with a distribution plan for its approval.
- (3) Before issuing a directive, the Department shall have regard to—
- (a) the necessity of the directive to maintain public welfare;
 - (b) the practicality and cost of compliance for the supplier; and
 - (c) the overall goal of ensuring equitable access for consumers.
- (4) A person who fails to comply with a lawful directive issued pursuant to this section commits an offence and is liable on summary conviction to a fine not exceeding ten thousand (\$10,000), or to imprisonment for a term not exceeding three months, or to both.

24. Appointment of authorized officers

- (1) The Minister may, in writing, appoint any person who is qualified by training, experience, and character to be an Authorized officer for the purposes of this Act.
- (2) Without limiting subsection (1), an Authorized officer —
- (a) has successfully completed prescribed training on the provisions of this Act, investigation techniques, and consumer protection principles; and
 - (b) demonstrates the competence necessary to fairly and effectively exercise the powers and perform the duties conferred under this Act.
- (3) The primary duties of an Authorized officer are to—
- (a) promote the objectives of consumer welfare and protection; and
 - (b) monitor compliance with and enforce the provisions of this Act and any Orders made under it.
- (4) An Authorized officer, in the performance of their functions, shall—
- (a) act with integrity, impartiality, and professionalism; and
 - (b) maintain the confidentiality of all commercially sensitive or personal information obtained in the course of their duties, except as required for legal proceedings or as otherwise Authorized by law.

- (5) An appointment under this section remains in force for a period specified in the instrument of appointment and may be subject to such terms and conditions as the Minister considers necessary for the effective administration of this Act.

PART VII – DISPUTE RESOLUTION AND ENFORCEMENT

25. Consumer Affairs Tribunal

- (1) Where the Department determines that a supplier has contravened any provision of this Act, it shall refer the matter to the Consumer Affairs Tribunal established under the Consumer Protection Act, 2025, for adjudication and appropriate redress.
- (2) The Tribunal shall hear and determine the matter and may issue such orders as are just, including directions for compliance, compensation, or refunds.
- (3) In carrying out its functions, the Tribunal shall:
 - (a) review reports submitted by the Department;
 - (b) hear and determine matters referred by the Department;
 - (c) monitor investigations conducted by the Department;
 - (d) provide redress for violations of this Act; and
 - (e) perform any other functions necessary for the effective discharge of its duties under this Act.

26. Corporate liability

- 1) Where a corporate body commits an offence, a responsible director or officer may be held liable unless due diligence is proven.
- 2) It shall be a defence if the person proves that they exercised all due diligence to prevent the commission of the offence.

27. Compensation for overpricing

- (1) Where a supplier charges a consumer a price that exceeds the maximum price fixed by an Order under this Act, the Department may, upon complaint or on its own initiative, direct the supplier to refund the overcharged amount to the consumer.
- (2) Where the Tribunal is satisfied that a supplier has systematically overcharged consumers, it may, in addition to any other penalty, make an order requiring the supplier to—

- (a) publicly notify affected consumers of the overcharging and the procedure for obtaining a refund, in a manner specified by the Tribunal;
- (b) establish a process to provide refunds to all affected consumers, which shall not place an undue burden of proof on the consumer; and
- (c) pay into a public fund an amount equal to the total overcharges, to be used for consumer welfare initiatives, if the identities of the affected consumers cannot be reasonably determined.

28. Appeals

- (1) A supplier or distributor who is aggrieved by a final decision of the Tribunal may appeal to the High Court on a point of law.
- (2) An appeal under this section shall be filed with the High Court within thirty (30) days of the date the Tribunal's decision was communicated to the appellant in accordance with Civil Procedure Rules of the Eastern Caribbean Supreme Court.
- (3) On hearing an appeal, the High Court may—
 - (a) confirm, set aside, or vary the decision of the Tribunal; or
 - (b) remit the matter to the Tribunal for reconsideration with such directions as the Court considers appropriate.

PART VIII – OFFENCES AND PENALTIES

29. Offences and penalties

- (1) A person who contravenes this Act or any Order commits an offence and is liable on summary conviction—
 - (a) for a first offence, to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding 12 months, or to both;
 - (b) for a second or subsequent offence, to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding 2 years, or to both.
- (2) Without limiting subsection (1), the following conduct constitutes an offence:
 - (a) failure to display Orders;

- (b) failure to sell at lowest displayed price;
 - (c) failure to mark prices;
 - (d) failure to keep or produce records;
 - (e) refusal of reasonable Point-of-Sale (POS) access;
 - (f) obstruction of authorized officers;
 - (g) unlicensed importation of essential goods;
 - (h) hoarding;
 - (i) price gouging; or
 - (j) refusal to sell without just cause.
- (3) Where an offence is committed by a body corporate, any director or officer who connived in, consented to or was negligent in preventing the offence commits an offence.
- (4) In addition to any penalty, the Tribunal or court may order restitution or refund, licence suspension or revocation, and forfeiture of goods.

PART IX – MISCELLANEOUS

30. Regulations

- (1) The Minister may make Regulations published in the Gazette generally for the better carrying out of the provisions and purposes of this Act.
- (2) Without limiting the generality of subsection (1), regulations may provide for—
- (a) the information and documents to be submitted with an application for a licence, and the terms and conditions of such licences;
 - (b) the manner and form for displaying prices and unit prices under sections 10 and 18;
 - (c) the format, content, and retention period for records, receipts, and invoices required under section 19;
 - (d) the procedures for investigations, including the powers of Authorized officers under section 15;
 - (e) the training, qualifications, and code of conduct for Authorized officers appointed under section 24;

- (f) the practice and procedure for hearings before the Tribunal for matters falling under this Act;
- (g) the prescribing of anything that is required or Authorized to be prescribed by this Act;
- (h) the imposition of administrative fines for contraventions of this Act; or
- (i) the prescribing of licence fees payable for import licences under section 11;

31. Repeal and transitional provisions

The Distribution and Price of Goods Act, Cap. 138, is repealed. Existing Orders and licences remain valid until revoked or replaced.

32. Savings and continuity

Nothing in this Act affects rights or remedies available under the Consumer Protection Act, 2025, No. 7 of 2025.

Passed the House of Representatives on
The day of, 2026.

Passed the Senate on the day of
....., 2026.

EXPLANATORY MEMORANDUM

This Bill modernizes and consolidates the law relating to the control of prices, the distribution of essential goods, and the prevention of unfair trading practices in Antigua and Barbuda.

It repeals and replaces the *Distribution and Price of Goods Act, Cap. 138*, to align national law with current economic realities, consumer protection standards, and regional best practices.

The Bill empowers the Minister, acting on the recommendation of the Department of Consumer Affairs, to fix maximum prices for goods that are essential to the public welfare. It also establishes mechanisms for the licensing of importers, market monitoring, and emergency intervention to stabilize prices and maintain fair access to goods.

Additionally, the Bill introduces proportionate penalties, corporate liability, transparent price-marking obligations, and consumer redress through the *Consumer Affairs Tribunal* established under the *Consumer Protection Act, 2025*.

The overall aim is to safeguard consumers from exploitation, ensure price stability during normal and emergency conditions, and maintain fair competition and supply-chain accountability.

CLAUSE-BY-CLAUSE ANALYSIS

PART I – PRELIMINARY

Clause 1 – Short title and commencement

This clause provides the short title of the legislation as the *Price of Goods Act, 2025*. It also authorizes the Minister to appoint the commencement date by Order published in the *Gazette*, allowing administrative preparation before the Act takes effect.

Clause 2 – Interpretation

This clause defines key terms used throughout the Act.

Definitions such as *authorized officer*, *Department*, *essential goods*, *maximum price*, *price gouging*, *supplier*, and *Tribunal* ensure clarity and consistency with the *Consumer Protection Act, 2025*. The definition of *price gouging* modernizes the offence to cover exploitative pricing during emergencies or abnormal market disruptions.

Clause 3 – Objects of the Act

This clause outlines the principal policy objectives of the Act: promoting equitable access to essential goods, ensuring fair and stable market pricing, preventing hoarding and price gouging, and strengthening institutional administration through the Department.

Clause 4 – Application of the Act

This clause establishes the scope of the Act. It applies to all goods sold, imported, or distributed in Antigua and Barbuda in the course of business.

PART II – PRICE REGULATION AND CONTROL**Clause 5 – Power of Minister to fix maximum prices**

This clause authorizes the Minister, acting on the Department's recommendation, to fix maximum prices for specified goods where necessary to maintain supply, ensure equitable distribution, or secure fair prices. Before issuing such an Order, the Department must prepare a comprehensive report assessing consumer protection needs, market conditions, business viability, inflation, and any exceptional circumstances.

Clause 6 – Method for determining maximum prices

This clause provides the framework for determining maximum prices. Orders may specify a fixed price, prescribe a formula incorporating cost and profit variables, or differentiate prices by geographic location. Orders must specify a duration not exceeding 12 months and may be extended only if the conditions justifying them persist. The Department must review each Order within six months and report its findings to the Minister.

Clause 7 – Dual pricing

This clause ensures fairness where multiple prices are displayed on goods. The consumer is entitled to pay the lowest displayed price, and suppliers are prohibited from charging more. Contravention is an offence.

Clause 8 – Display of Orders

This clause requires every supplier to prominently display applicable price control Orders on their premises to ensure transparency and consumer awareness.

Clause 9 – Proportionate pricing

This clause ensures that goods sold in varying quantities are priced proportionately to their size or weight. It also requires the display of unit prices to promote fair comparison between products.

PART III – LICENSING AND IMPORT CONTROL

Clause 10 – Licensing of importers of essential goods

This clause prohibits the importation or distribution of essential goods without a licence issued by the Minister on the Department’s recommendation.

Unlicensed importation constitutes an offence. Licensing ensures accountability in the supply chain of critical commodities.

Clause 11 – Suspension or revocation of licences

This clause empowers the Minister to suspend or revoke a licence for breach of the Act, failure to comply with licence conditions, or provision of false information.

Licensees must be given written notice and an opportunity to make representations before action is taken, except in cases of urgent public interest requiring immediate suspension.

PART IV – ADMINISTRATION AND MONITORING

Clause 12 – Administration by the Department

This clause designates the Department of Consumer Affairs as the primary authority responsible for administering and enforcing the Act.

Clause 13 – Functions and powers of the Department

This clause enumerates the Department’s key functions, including market monitoring, investigation of complaints, policy advice, and enforcement coordination.

The Department may issue compliance guidance and recommend policy measures to the Minister.

Clause 14 – Investigative powers of the Department

This clause empowers the Department to require information, documents, or records; to conduct inspections; and to collaborate with other regulatory bodies.

Non-compliance with a lawful request is an offence.

Clause 15 – Right to be heard and duty to cooperate

This clause establishes procedural fairness by requiring the Department to give suppliers an opportunity to be heard before making an adverse finding. It also obliges suppliers to cooperate with lawful investigations.

Clause 16 – Obstruction of officers

This clause makes it an offence to obstruct or threaten authorized officers, deny them access to premises or systems, or provide false information during investigations.

PART V – TRADER OBLIGATIONS AND CONDUCT

Clause 17 – Marking of goods with selling prices

This clause requires suppliers to clearly and prominently display the selling price of goods.

Prices may be displayed on tags, shelves, containers, or other visible methods. Failure to comply is an offence.

Clause 18 – Records and invoices

This clause obliges suppliers to issue receipts for each sale and to maintain accurate transaction, pricing, and inventory records for at least three years.

Suppliers must also grant lawful access to point-of-sale systems for verification purposes.

Clause 19 – Prohibited conduct

This clause consolidates key offences, including:

- selling above the maximum price;
- hoarding goods to manipulate supply;
- engaging in price gouging during emergencies;
- imposing unfair conditions of sale; or
- refusing to sell goods without just cause.

It also specifies the factors the Department may consider when determining whether price gouging has occurred.

Clause 20 – Access to point-of-sale systems

This clause authorizes officers to access suppliers' point-of-sale (POS) systems to verify compliance with price control Orders. Denial of access constitutes an offence.

PART VI – MARKET INTERVENTION POWERS

Clause 21 – Requisition of essential goods

This clause empowers the Minister to requisition essential goods during a declared emergency or acute shortage, where public welfare requires intervention.

Compensation must be prompt and based on fair market value. Aggrieved persons may apply to the High Court for review of compensation.

Clause 22 – Distribution and sale directives

This clause authorizes the Department to issue directives to suppliers to stabilize the distribution of essential goods.

Such directives may prioritize specific regions, limit purchase quantities, or require submission of distribution plans.

Failure to comply is an offence.

Clause 23 – Appointment of authorized officers

This clause empowers the Minister to appoint qualified persons as authorized officers, prescribe their training, and define their duties.

Officers must act with integrity, impartiality, and confidentiality. Appointments may be subject to terms and conditions determined by the Minister.

PART VII – DISPUTE RESOLUTION AND ENFORCEMENT

Clause 24 – Consumer Affairs Tribunal

This clause provides that cases of non-compliance may be referred by the Department to the Consumer Affairs Tribunal for adjudication.

The Tribunal may order compliance, compensation, or refunds.

It operates in accordance with the *Consumer Protection Act, 2025*.

Clause 25 – Corporate liability

This clause makes directors and officers of a corporate body personally liable for offences where they connive in, consent to, or fail to prevent violations.

Clause 26 – Compensation for overpricing

This clause allows the Department or Tribunal to direct suppliers to refund overcharged amounts to consumers.

Where widespread overpricing has occurred, suppliers may be required to issue public notices and refund processes, or to pay equivalent amounts into a public fund for consumer welfare.

Clause 27 – Appeals

This clause provides a right of appeal to the High Court on a point of law within 28 days of the Tribunal's decision.

The Court may affirm, vary, set aside, or remit the matter for reconsideration.

PART VIII – OFFENCES AND PENALTIES

Clause 28 – General offences

This clause defines general offences under the Act, including obstruction, non-cooperation, recordkeeping failures, and breaches of Orders.

It establishes penalties for first and subsequent offences and allows for restitution, licence suspension, or forfeiture.

PART IX – MISCELLANEOUS

Clause 29 – Regulations

This clause empowers the Minister to make regulations for the effective implementation of the Act, including licensing procedures, record formats, officer training, and administrative fines.

Clause 30 – Repeal and transitional provisions

This clause repeals the *Distribution and Price of Goods Act, Cap. 138*, and preserves existing Orders and licences until revoked or replaced under the new framework.

Clause 31 – Savings and continuity

This clause preserves all rights and remedies available under the *Consumer Protection Act, 2025*, ensuring legislative harmony.

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Hon. E. P. Chet Greene
Minister with responsibility for the
Department of Consumer Affairs