



PROFITEERING ACT, 1919.

HIS EXCELLENCY THE LIEUTENANT-GOVERNOR has made an Order dated 25th January, 1921 (a copy of which is appended), establishing the Central Committee and delegating to such Committee certain powers of the Lieutenant-Governor under the Act, and making Regulations and giving directions as to the constitution, powers, and procedure of such Committee.

Copies of the Order may be obtained on application to Messrs S. K. Broadbent and Co., Ltd., Douglas, price 2d. each.

By order,

B. E SARGEANT,

Government Secretary.

Government Office,

Isle of Man,

25th January, 1921.

*ISLE OF MAN
TO WIT.*

BY HIS EXCELLENCY MAJOR-GENERAL SIR WILLIAM FRY,
K.C.V.O., C.B., LIEUTENANT-GOVERNOR OF THE SAID ISLE, etc.

ORDER ESTABLISHING THE CENTRAL COMMITTEE AND DELEGATING TO SUCH COMMITTEE CERTAIN POWERS OF THE LIEUTENANT-GOVERNOR UNDER THE ACT, AND MAKING REGULATIONS AND GIVING DIRECTIONS AS TO THE CONSTITUTION, POWERS, AND PROCEDURE OF SUCH COMMITTEE.

Whereas Section 1 of the Profiteering Act, 1919 (hereinafter referred to as the Act) provides that the Act shall apply to any article or class of articles to which it is applied by order of the Lieutenant-Governor being an article or class of articles declared by the order to be one or one of a kind in common use by the public, or being material, machinery or accessories used in the production thereof but that the Act shall not apply to any articles which are from time to time declared to be controlled articles, or to the sale of any article for export from the Isle of Man, or to the sale of any articles by public auction or competitive tender:

And whereas by Section 1 (1) of the Act the Lieutenant-Governor is authorised in respect of any article to which the Act applies:—

- (a) To investigate prices, costs and profit at all stages, and for that purpose by order to require any person to appear before him and to furnish such information and produce such documents as he may with the approval of the Secretary of State require, and

- (b) To receive and investigate complaints that a profit is being, or has been, since the passing of the Act, made or sought on the sale of the article (whether wholesale or retail) which is, in view of all the circumstances, unreasonable, and on any such complaint, by order, after giving the parties an opportunity of being heard, either to dismiss the complaint or to declare the price which would yield a reasonable profit and require the seller to repay to the complainant any amount paid by the complainant in excess of such price.

And whereas by Section 2 of the Act the Lieutenant-Governor is authorised to establish local or other committees to whom he may delegate any or all of his powers under the Act (except the power of the Lieutenant-Governor to fix prices), and to make regulations and give directions as to the constitution, powers and procedure of such committees and the districts for which they shall act.

And whereas it is provided by Section 3 of the Act that the Lieutenant-Governor shall obtain from all available sources, information as to the nature, extent and development of trusts, companies, firms, combinations, agreements, and arrangements connected with mining, manufactures, trade, commerce, finance or transport, having for their purpose or effect the regulation of the prices or output of commodities or services produced or rendered in the Isle of Man or imported into the Isle of Man, or the delimitation of markets in respect thereof, or the regulation of transport rates and services, in so far as they tend to the creation of monopolies or to the restraint of trade, and that the Lieutenant-Governor shall for the purpose of the Section utilize the powers of investigation and of appointing committees conferred upon him by the Act.

Now therefore, the Lieutenant-Governor, in exercise of the powers conferred upon him as aforesaid, doth hereby establish the Central Committee for the Isle of Man.

And the Lieutenant-Governor doth hereby delegate to such Committee the power of the Lieutenant-Governor to investigate prices, costs and profit at all stages, and to require any person to appear before them to give evidence upon oath and to furnish such information and to produce such documents as they may with the concurrence of the Lieutenant-Governor require, and to authorise any person to administer an oath for that purpose.

And the Lieutenant-Governor doth hereby further delegate to the Committee the power of the Lieutenant-Governor to receive and investigate and determine complaints and to make all such orders (except orders fixing prices) and to do all such things with reference to the matters aforesaid as the Lieutenant-Governor is authorised to make or do in respect of the wholesale sale of any article or class of articles to which the Act is from time to time applied.

And the Lieutenant-Governor doth hereby further delegate to the Committee the power to obtain from all available sources, information as to the nature, extent and development of trusts, companies, firms, combinations, agreements and arrangements connected with mining, manufactures, trade, commerce, finance or transport, having for their purpose or effect the regulation of the prices or output of commodities or services produced or rendered in the Isle of Man or imported into the Isle of Man, or the delimitation of markets in respect thereof, or the regulation of transport rates and services, in so far as they tend to the creation of monopolies or to the restraint of trade.

And the Lieutenant-Governor doth hereby make the Regulations and give the Directions as to the constitution, powers and procedure of the Committee which are set out in the Schedule.

Given under my hand this 25th day of January, 1921.

W. FRY, M.G.,

Lieutenant-Governor.

SCHEDULE.

REGULATIONS RELATING TO THE CENTRAL COMMITTEE UNDER THE PROFITEERING ACT, 1919.

DEFINITIONS.

In these Regulations, unless the context otherwise requires:—

“The Act” means the Profiteering Act, 1919.

“Committee” means the Central Committee.

Other words or expressions which are defined by the Act have the same meaning as in the Act.

CONSTITUTION OF THE CENTRAL COMMITTEE.

1. The Central Committee shall consist of such persons as may from time to time be appointed by the Lieutenant-Governor.
2. It shall be the duty of the Central Committee
 - (a) to carry out investigations pursuant to Section 1 (a) of the Act.
 - (b) to receive and investigate complaints made pursuant to Section 1 (1) (h) of the Act.
 - (c) to obtain such information as is specified in Section 3 of the Act.

PROCEDURE.

3. The Lieutenant-Governor will appoint a Chairman of the Central Committee, who, when present, shall preside at any meeting of the Central Committee. If the Chairman is absent from any meeting of the Committee, the members present shall choose one of themselves to preside, and that member shall for the time being, have all the powers of the chairman.
4. The quorum of the Committee shall be such number of members not being less than three, as the Committee may decide.
5. Questions arising before the Committee shall be determined by the majority of such of the members as are present and vote, and in the case of an equality of votes, the Chairman shall have a second or casting vote.
6. The Lieutenant-Governor may if he thinks fit prescribe notices and any other documents or forms which may be used for facilitating the proceedings of the Committee in the operation of the Act.
7. The Committee may by writing summon to appear before them any person to furnish such information and produce such documents as they may, with the concurrence of the Lieutenant-Governor, require.

LOGGING AND HEARING OF COMPLAINTS.

8. The complaint shall be made in writing to the Office of the Secretary of the Committee, and shall be delivered at, or sent by post so as to be delivered at, that Office within seven days of the date of the sale or transaction which is the subject of the complaint, or within such extended time as may be allowed by the Committee in any particular case. Notices required to be sent to a complainant or the other party to the complaint (hereinafter called the respondent) may be sent by post to or delivered at such persons place of business or usual or last known place of abode.
9. The written complaint shall be considered by the Committee, and in any case in which the Committee is of opinion that the complaint does not give the required particulars or does not disclose prima-facie grounds for hearing the complaint, it shall be competent to the Committee after giving the complainant an opportunity of being heard, to dismiss the complaint without calling upon the respondent, or to notify the complainant that unless further and better particulars or grounds of complaint, as the case may be, be given, the complaint will be dismissed; and in any such case, unless such further and better particulars or grounds of complaint, as appear to the Committee to justify further action on their part, are delivered to them not more than seven days after such notification has been sent to the complainant, or within such extended time as may be allowed by the Committee, the complaint shall be dismissed.
- Complaints delivered after the expiration of the seventh day after the date of the sale or transaction complained of, or after such extended time as may be allowed in any particular case, shall be dismissed forthwith.
10. If on the preliminary investigation or consideration of the complaint the Committee is satisfied that a prima-facie cause of complaint has been disclosed, the Committee shall hear the complaint, and at least seven days before the hearing of the complaint shall cause to be sent to the complainant and to the respondent, notice in writing, of the date and place fixed for the hearing.
11. The hearing of all complaints shall be in public, unless the Committee in any particular case (due regard being given to the interests of the parties, and to all the circumstances of the case) direct that the complaint or any part of the proceedings thereon, shall be heard in private; provided always that the Committee may exclude the parties and the public at any time during the hearing of a complaint for the purpose of conferring upon any question affecting the decision of the complaint.
12. The Committee may summon to appear before them any person whom they wish to examine, and whose evidence may in their opinion be relevant to the complaint under investigation, and may call for the production of any documents relevant to the complaint.
13. The complainant and respondent may conduct their own case before the Committee or may be represented by persons appointed by them for that purpose.
14. The Committee shall have power to require any person appearing before them to give evidence on oath, and shall have power to authorise any person to administer an oath for the purpose.

15. If upon the hearing of the complaint the Committee is satisfied that a profit has been made, or has been sought on the sale or offer for sale of an article which is, in view of all the circumstances, unreasonable, the Committee shall declare the price which would yield a reasonable profit, and shall require the seller to repay to the complainant any amount paid by the complainant in excess of such price, and they may take legal proceedings against the seller before a Court of Summary Jurisdiction, provided always that a rate of profit which does not exceed the fair average rate earned by persons in the same way of business as the seller upon the sale of similar articles under pre-war conditions shall not be deemed unreasonable.

16. If, on the hearing of the complaint, the Committee is not satisfied that an unreasonable profit has been made or sought, they shall dismiss the complaint.

17. The decision of the Committee upon a complaint shall be forthwith communicated in writing to the complainant and the respondent.

18. No member shall be competent to act upon the Committee or to vote upon any question arising before the Committee relating to a complaint or investigation in which he is a trade competitor of the person concerned, or in which he is otherwise personally interested.

19. No member of the Committee shall be entitled to vote on any question affecting the decision of the Committee on any complaint unless he has been present throughout the proceedings on the hearing by the Committee of the complaint.

RECORD OF PROCEEDINGS.

20. A register shall be kept by the Committee recording the decision of the Committee on each complaint received, together with a copy of the complaint.