



ST. HELENA

CHAPTER 117

PRICE CONTROL ORDINANCE

Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown [Telephone (+290) 2270; Fax (+290) 2454; email pa.lawofficers@legalandlands.gov.sh]¹

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

This version contains a consolidation of the following laws—

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NOTE: Price Control Orders are omitted from this Revised Edition.

No Other Subsidiary Legislation has been made under this Ordinance

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CHAPTER 117**PRICE CONTROL ORDINANCE**

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CHAPTER 117**PRICE CONTROL ORDINANCE**

(Ordinance 15 of 1957)

AN ORDINANCE TO MAKE PROVISION FOR THE CONTROL OF PRICES AND MATTERS INCIDENTAL THERETO AND CONNECTED THEREWITH.

Commencement

[31 December 1957]

Short title and application

1. This Ordinance may be cited as the Price Control Ordinance, and shall apply only to St. Helena.

Interpretation

2. In this Ordinance, unless the context otherwise requires—
- “**Commission Agent**” means any person who receives or orders goods or services on account of other persons, or who solicits orders for goods or services on behalf of other persons, and includes a person carrying on business as a broker;
- “**Controller of Supplies**” or “**Controller**” means the Collector of Customs or such other officer as the Governor may appoint;
- “**cost price**” means the cost price determined in the manner prescribed in an order under section 3(5);
- “**goods**” includes all chattels personal (other than things in action and money), emblements, industrial growing crops and things attached to or forming part of the land, which are agreed to be severed before sale or under a contract of sale;
- “**maximum commission**” means the maximum lawful commission which may be charged in respect of the sale or hire of any goods or the rendering of any services in accordance with the provisions of this Ordinance;
- “**maximum hire charge**” means the maximum lawful charge at which goods may be hired in accordance with the provisions of this Ordinance;
- “**maximum price**” means the maximum lawful price at which goods may be sold in wholesale or retail quantities or otherwise, as the case may be, in accordance with the provisions of this Ordinance, and may include such maximum commission in relation to the sale of such goods as may from time to time be fixed by the Controller of Supplies under the provisions of this Ordinance;
- “**maximum service charge**” means the maximum lawful charge at which services may be rendered in accordance with the provisions of this Ordinance;
- “**price-controlled goods**” means goods the maximum price for which has been fixed by an order made under section 3 or by an order deemed under subsection 3(4) to have been made under and to have effect by virtue of this Ordinance;
- “**price-controlled service**” means a service the price for which has been fixed by an order made under section 3;
- “**producer**” means any person producing goods in the course of his business;
- “**sell**” with its grammatical variations and cognate expressions includes an agreement to sell and an offer to sell, and an offer to sell shall be deemed to include the exposing of goods for sale, the publication of a price list, the furnishing of a quotation or any other act or notification whatsoever by which willingness to enter any transaction of sale is expressed;
- “**selling price**” means the actual net price charged to the purchaser of the goods concerned, after all discounts or other allowances have been deducted;
- “**service**” includes the sale or hire of goods, where sold or hired in connection with the rendering of a service;
- “**supply**” includes sell and hire;
- “**trader**” means—
- (a) any person, other than a commission agent or a clearing and forwarding agent who carries on the business of supplying goods; or
 - (b) any person carrying on business in the course of which he supplies goods for the purpose of or in pursuance of a contract made by him for work, labour and materials.

Powers of Controller of Supplies

3. (1) The Controller of Supplies may, with the approval of the Governor, from time to time by public notice—

- (a) fix maximum prices for the sale of any goods—
 - (i) by any person to any person; or
 - (ii) by their manufacturer to or through the agency of a trader in such goods; or
 - (iii) by a trader in such goods to another trader in such goods; or
 - (iv) by a trader in such goods to a person who is not a trader in such goods; or
 - (v) by a person who is not a trader in any particular goods to a trader in such goods; or
- (b) fix the maximum service charge that may be made for any services; or
- (c) fix the maximum hire charge that may be made for the hire of any goods; or
- (d) fix the maximum commission that may be charged whether as part of the price or charge or separately therefrom by any person or class of persons in respect of the sale, purchase or hire of any goods or the rendering of any services; or
- (e) fix the maximum price, or prescribe the manner in which the maximum price shall be ascertained, of any second-hand goods, whether for sale by traders in such goods, or by the owners of such goods; or
- (f) prescribe the type of packing, weight, size, quality and the processing and ingredients of any goods manufactured in St. Helena.

(2) For the purposes of this section the Controller may fix the maximum price or any maximum charge or maximum commission in respect of the sale or hire of any goods or the rendering of any services by declaring in any manner whatsoever how such maximum price, charge or commission shall be ascertained, and without prejudice to the generality of the foregoing, may fix any such maximum price or charge either by declaring the said maximum price or charge irrespective of the price or charge for such goods or services to the seller, hirer or person rendering the same, or by declaring that any maximum price of goods shall be a price not exceeding the cost price to the seller plus a stated sum or a stated percentage of such cost price or a stated maximum profit or a stated maximum commission.

(3) Under the provisions of this section the Controller may—

- (a) fix a maximum price or a maximum service charge or a maximum hire charge or a maximum charge for commission for any area of St. Helena which differs from the maximum price or maximum charge fixed in respect of like or similar goods or services for another area;
- (b) fix a maximum price or maximum hire charge for goods which includes any charge made for commission or any services whether price controlled or not, rendered in relation to the sale or hire of such goods;
- (c) fix a maximum service charge for services which includes any price or charge for the sale or hire of goods, whether price controlled or not, sold or hired in connection with such services.

(4) The Controller may by public notice or in such other manner as the Controller may consider necessary to bring the matter to the knowledge of the public declare the method by which the cost price of any goods or services shall be determined; such notice when so displayed or so brought to the knowledge of the public shall be deemed to have been published and the Controller may in such notice declare different methods of determining such cost price in respect of different classes of goods, transactions or sellers.

(5) For the purpose of assisting him—

- (a) to determine whether any goods or services shall be made the subject of an order under this section fixing the prices therefore, or
- (b) to decide the manner in which the powers conferred on him by this section shall be exercised in respect of any goods or services,

the Controller is hereby empowered to require any trader, manufacturer, producer, commission agent, clearing and forwarding agent or other person supplying goods or rendering services—

- (i) to furnish verbally or in writing and in such form as the Controller may require, any information in relation to his trade or business either by way of periodical return or otherwise;
- (ii) to produce for inspection by the Controller any books, accounts or other documents relating to his trade or business and to submit to the Controller samples of any goods in which he deals.

Display of lists of maximum prices and charges

4. Lists of maximum prices or maximum charges fixed by the Controller under the provisions of section 3 shall be displayed at such places in St. Helena as the Controller may consider necessary to bring the matters to the notice of the public, and such prices or charges shall when so displayed, be deemed to be sufficient notice thereof to all persons affected thereby.

Traders and others may be required to display prices

5. (1) The Controller may by public notice require any trader or other person or any class of trader or other person supplying price-controlled goods or rendering price-controlled services to display in a prominent manner and in a conspicuous position so that it may be easily read and is clearly legible to customers in those parts of his or their business premises where business is done, a list of the current maximum prices and maximum hire charges for such price-controlled goods as are mentioned in the order which he or they may supply, or the maximum service charges for such price-controlled services as are specified in the order which he or they may render.

(2) An order under this section may apply to St. Helena as a whole or to any area or areas thereof and may provide for the form in which any such list of maximum prices or maximum hire charges or maximum service charges which it requires to be displayed shall be arranged.

Books of account

6. Every trader, manufacturer, producer, commission agent, clearing and forwarding agent or other person supplying price-controlled goods or rendering price-controlled services shall keep such books of account or other records in respect of his dealings in price-controlled goods or price-controlled services and make such entries therein as may be prescribed and shall preserve such books of account or records after the date of the last entry therein for a period of two years or such other period as may be prescribed:

Provided that if any retail trader, commission agent or clearing and forwarding agent or other person supplying price-controlled goods or rendering price-controlled services shows to the satisfaction of the Controller that the application of this section would impose an undue hardship, the Controller may, in his absolute discretion, exempt such retail trader, commission agent, clearing and forwarding agent or other person from

complying with the provisions of this section to such extent and on such conditions and for such time as he may consider fit.

Trader to supply invoice

- 7. (1)** Every trader, manufacturer, producer or commission agent—
- (a) shall at the time of sale or hire supply to every purchaser or hirer from him of price-controlled goods in wholesale quantities an original invoice containing the following particulars—
 - (i) the name of the seller or person letting on hire;
 - (ii) the name of the purchaser;
 - (iii) the date of the sale or hire;
 - (iv) a description sufficiently exact to identify the price-controlled goods;
 - (v) the quantity of the price-controlled goods sold or hired;
 - (vi) the prices or charges charged therefor including any charge for commission; and
 - (b) shall retain in his records a duplicate copy of such invoice, which need not contain the name of the seller or person letting on hire.
- (2)** Every trader, manufacturer, producer or commission agent—
- (a) shall at the time of sale or hire supply to every purchaser or hirer from him of price-controlled goods in retail quantities an original invoice containing the following particulars—
 - (i) the name of the seller or person letting on hire;
 - (ii) the date of the sale or hire;
 - (iii) a description sufficiently exact to identify the price-controlled goods;
 - (iv) the quantity of the price-controlled goods sold or hired; and
 - (v) the prices or charges charged therefor including any charge for commission; and
 - (b) shall retain in his records a duplicate copy of such invoice which need not contain the name of the seller or person letting on hire.
- (3)** For the purpose of this section the seller or person letting on hire shall specify in writing the price or charge which he assigns to each class of price-controlled goods included in the transaction.
- (4)** Every person who renders to any person any price-controlled service for which a charge has been or is to be made shall as soon as possible after such service has been rendered supply to such person an invoice describing the said service and showing the charge which has been or is to be made for such service, including any charge for commission, and the selling price of any materials used in connection therewith and shall keep a copy of every such invoice in his records.
- (5)** The Controller may exempt any trader, manufacturer, producer or commission agent from compliance with the provisions of subsection (1), (2), (3) or (4) for such time and under such conditions as he may think fit.

Sale, hire or service above maximum price or charge

- 8. (1)** Any person who sells or lets on hire any price-controlled goods or renders any price-controlled service at a price or charge which exceeds the maximum price or the maximum hire charge, or the maximum service charge, as the case may be, or charges any commission exceeding the maximum commission shall commit an offence against this Ordinance.

(2) Subject to the provisions of section 17 any person who purchases or offers to purchase or takes or offers to take on hire any price-controlled goods at a price or charge which exceeds the maximum price or maximum hire charge for such goods, or who pays or who offers to pay for any price-controlled service a charge which exceeds the maximum service charge fixed therefor, shall commit an offence against this Ordinance.

Sale of price-controlled goods not conforming with requirements

9. Any trader who sells, lets on hire, purchases or is in possession of any price-controlled goods manufactured in St. Helena which do not conform as to packing, weight, size, quality or the processing or ingredients thereof with any order made by the Controller under section 3(1) of this Ordinance shall commit an offence against this Ordinance.

Failure to keep accounts, etc.

10. Any person who fails to comply with any obligation imposed upon him—
(a) in regard to the display of maximum prices and charges, by section 5; or
(b) in regard to the keeping of books of account and records, the making of entries therein, and the preservation thereof, by section 6; or
(c) in regard to the supply or retention of invoices, by section 7,
shall, unless he has been exempted from compliance with such obligations, commit an offence against this Ordinance.

Falsification of documents

11. Any person who in relation to any dealing in price-controlled goods or price-controlled services falsifies any document, record book or account concerning his trade or business, or knowingly or recklessly makes an entry therein which is false or incorrect in any material particular, or any person who neglects to make an entry concerning any dealing in price-controlled goods or price-controlled services which should have been made in the normal course of trade and the absence of which makes such document, record, book or account false or incorrect, shall, without prejudice to any liability incurred by him under any other law, commit an offence against this Ordinance.

Refusal to sell or hire price-controlled goods

12. (1) Any person carrying on a business, in the course of which any price-controlled goods are supplied, and who has in his possession a stock of such goods, who—
(a) falsely denies that he has such goods in his possession; or
(b) refuses, except with the permission of the Controller or for some good cause, to supply such goods in reasonable quantities upon tender of immediate payment of the maximum price or maximum hire charge thereof,
shall commit an offence against this Ordinance.

(2) For the purpose of enabling an intending purchaser or hirer to make a tender of immediate payment under this section, the person in possession of such goods may be required by any intending purchaser or hirer to state in writing the maximum price or maximum hire charge of the goods in question.

General powers

13. (1) The Controller or any police officer of the rank of Sergeant or above or any person authorized in writing by any of the foregoing is hereby empowered—

- (a) to enter and inspect any premises in the occupation or under the control of any trader, manufacturer, producer, commission agent, clearing and forwarding agent or other person supplying price-controlled goods or rendering price-controlled services;
- (b) to examine any books, accounts or other documents relating to the trade or business of any trader, manufacturer, producer, commission agent, clearing and forwarding agent or other person supplying price-controlled goods or rendering price-controlled services and to require a copy of any such book, account or other document or of the record of any transaction which he has reasonable cause to believe relates to price-controlled goods or price-controlled services duly certified by the trader, manufacturer, producer, commission agent, clearing and forwarding agent or other person, and further to require that any such book account or other document be deposited at his office for examination.

(2) Upon entering any premises in pursuance of the powers conferred by this subsection the Controller, or other person so authorized to enter the said premises shall before proceeding to exercise any of the other powers conferred by subsection (1) inform the person present on such premises who is or who reasonably appears to be for the time being in charge of such premises of his intention to exercise his powers under subsection (1).

(3) When any books, accounts or other documents are deposited in pursuance of the provisions of subsection (1)(b) the person who has required the deposit of such books, accounts or other documents shall—

- (a) furnish the owner thereof with a receipt therefor;
- (b) be responsible to the owner thereof for the safe custody of the same; and
- (c) return the same to the owner thereof as soon as his purpose therewith has been served:

Provided that the provisions of paragraph (c) shall not be construed as derogating from the provisions of any other law for the time being in force which authorizes the retention by a police officer of such books, accounts or other documents.

(4) Nothing in subsection (3) shall be construed as requiring any person to return or be responsible for the safe custody of any books, accounts or other documents which have been handed to the police or which have been produced as exhibits in proceedings before any court.

(5) The Controller, or any person authorized in writing by him, is hereby empowered—

- (a) to order in respect of any price-controlled goods, that, when exposed or offered for sale or hire, they shall bear such mark or label as may be specified in the order for the purpose of indicating their quality, grade, price or place of origin;
- (b) by order to prohibit or regulate the sale, purchase or hire by any person of any price-controlled goods;
- (c) to require any person who is in possession of any price-controlled goods in excess of his normal requirements as decided by the Controller to sell such goods to such person in such manner and at such price or charge as may be directed by the Controller;
- (d) by order to determine the place in which any price-controlled goods may be stored;

- (e) to require any person who in his ordinary course of business renders price-controlled services, to render such services to such person, in such manner and at such charge as may be directed by the Controller.
- (6)** The Controller may—
 - (a) by public notice, or by a notice served upon or at the place of business of any trader, manufacturer, commission agent or clearing and forwarding agent—
 - (i) require in relation to price-controlled goods or price-controlled services any such trader, manufacturer, commission agent or clearing and forwarding agent as and from a date to be specified in such order to endorse on any sales invoices any information, directions or such other particulars as may be specified in such notice;
 - (ii) require in relation to price-controlled goods or price-controlled services that such information, directions or other particulars shall be declared to an intending purchaser hirer or other person before any sale, hire or rendering of services;
 - (b) do all other such acts, matters and things as he may consider necessary for the carrying out and enforcement of this Ordinance.

Offence to obstruct authorities

14. Any person who—

- (a) obstructs any person authorized by this Ordinance to enter and inspect any premises or to examine any books, accounts or other documents; or
- (b) who refuses or delays or fails to produce any books, accounts or other documents or certified copies or translations thereof relating to his trade or business which he may be required under this Ordinance to produce; or
- (c) who refuses to furnish any information or who knowingly or without reasonable grounds for believing the same to be true furnishes false information upon demand being made by a person authorized by this Ordinance to demand the same; or
- (d) who fails to comply with any order, requirement or notice lawfully given under this Ordinance,

shall commit an offence against this Ordinance.

Certificates

15. (1) The Controller may in writing certify—

- (a) the maximum price that has been fixed for any wholesale or retail sale of any price-controlled goods;
- (b) what constitutes a wholesale or retail sale, or what is a wholesale or retail quantity;
- (c) the maximum hire charge that has been fixed for the hire of any price-controlled goods;
- (d) the maximum service charge that has been fixed for any price-controlled services;
- (e) the maximum commission that has been fixed in respect of the sale, purchase or hire of any price-controlled goods or the rendering of any price-controlled services;
- (f) the total amount of the overcharge involved in any transaction;
- (g) the maximum profit allowed upon the sale of any price-controlled goods;
- (h) that any exemption or permission which may be given under this Ordinance by the Controller has or has not been given; and
- (i) that an order made under the provisions of section 3(1) has been displayed in a prominent position in the district or districts to which such order applies.

(2) In any proceedings instituted in any court under this Ordinance any fact so certified or purporting to be so certified by the Controller shall be admitted without further proof as *prima facie* evidence of the fact so certified:

Provided that in any proceedings in any court arising out of the provisions of this Ordinance, the certificate of the Controller, as to what constitutes a wholesale or a retail sale, or as to what constitutes a wholesale or a retail quantity, in respect of the subject matter of such proceedings, shall be final and conclusive.

Burden of proof

16. (1) In any proceedings in any court instituted for an offence against the provisions of this Ordinance the production by the Controller, or any person authorized by him in writing, or by any police officer, of an original invoice, a duplicate invoice purporting to have been found in the possession of the seller, or a copy of such invoice certified by the Controller or by the seller, shall be *prima facie* evidence of a sale by the seller and of all the facts contained in such invoice, duplicate invoice or certified copy, or where the prosecution relies upon the falsity of the contents of such invoice, duplicate invoice or certified copy, shall be *prima facie* evidence of such falsity, and, notwithstanding the provisions of any law for the time being in force in St. Helena or of any rule of practice in the courts of St. Helena, the burden of proving that any sale did not take place or that any fact contained in the original invoice, the duplicate invoice or certified copy is not what it purports to be, or that the contents thereof are not false, shall lie upon the defendant.

For the purposes of this subsection “sale” includes the rendering of a service.

(2) In any proceedings instituted in any court in St. Helena for an offence against the provisions of this Ordinance, the prosecutor may, notwithstanding the provisions of any law for the time being in force in St. Helena or of any rule of practice in the courts of St. Helena, call evidence in rebuttal of any evidence given by the defence.

(3) In any proceedings against any person for an offence against section 8, it shall be no defence—

- (a) that the defendant had purchased such goods at a price which in fact exceeds the maximum price thereof under this Ordinance; or,
- (b) that any invoice or other document showing the price at which the goods were sold was endorsed to the effect that no responsibility could be accepted in respect of any error or omission in the invoice, or document, or was endorsed with the letters “E & O. E.”, or any other symbols or letters of a like nature indicating that the statements in such invoice or documents were subject to correction.

Protection against liability in certain cases

17. (1) No proceedings shall be instituted under this Ordinance against any person being a person duly authorized by the Controller who has knowingly purchased price-controlled goods at a price in excess of the maximum price, or who has paid a charge for the hire of price-controlled goods in excess of the maximum hire charge, or who has paid a charge for a price-controlled service in excess of the maximum service charge, with the intention of procuring evidence for the purpose of prosecuting the seller or hirer or person rendering the price-controlled service for an offence against this Ordinance.

(2) No proceedings shall be instituted against any person who knowingly purchases price-controlled goods at a price in excess of the maximum price, or who knowingly pays a charge for the hire of price-controlled goods in excess of the maximum hire charge, or who knowingly pays a charge for a price-controlled service in excess of the maximum service

charge for an offence against this Ordinance in respect of such purchase, provided that such person notifies the Controller of such transaction within seven days from the date of such transaction, or within such longer period as the Controller may, in his discretion, allow.

Penalties

18. (1) Any person, other than a body corporate, but including a director or officer of a body corporate, who commits an offence against this Ordinance shall, on summary conviction be liable, where no other penalty is specifically provided for such an offence, to a fine not exceeding £100 or to imprisonment for a term not exceeding six months or to both such fine and such imprisonment, and on conviction by the Supreme Court in the case of a second or subsequent offence be liable, where no other penalty is specifically provided for such an offence to a fine not exceeding £500 or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment:

Provided that where the offence in respect of which any person is convicted is an offence against section 8(1) such person shall, in addition to any other penalty which may otherwise be imposed, be liable to a fine of not less than five times the value of the overcharge, and in any such case the court may, in its discretion, order that there shall be paid out to the purchaser such sum as may in the opinion of the court serve to compensate him for the loss of time and expenses which he may have incurred.

(2) Any body corporate which commits an offence against any of the provisions of this Ordinance shall, on summary conviction, be liable to a fine not exceeding £200 and on conviction by the Supreme Court in the case of a second or subsequent offence, to a fine not exceeding £1,000.

(3) Where a person charged with an offence against this Ordinance is a body corporate or a firm or an association of individuals every person who, at the time of the commission of the offence, was a director or officer of the body corporate or a partner or officer of the firm or a person engaged in the management of the affairs of the association may be charged jointly in the same proceedings with such body corporate firm or association and where the body corporate is convicted of the offence every such director, officer, partner or other person shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

(4) Any employer who employs in his shop, store or other place of business any agent, clerk, servant or other person shall be answerable for the acts or omissions of such agent, clerk, servant or other person in so far as they concern the business of such employer; and if such agent, clerk, servant or other person commits any act or makes any omission which is an offence against this Ordinance, or which would be an offence if made or committed by such employer, such employer and his agent, clerk, servant or other person shall be jointly and severally liable to the penalties provided by this Ordinance.

Exception

19. Nothing in this Ordinance contained shall be deemed to apply to a contract entered into in St. Helena with the sanction of the Governor for the supply, whether within St. Helena or without St. Helena, of any goods produced in St. Helena.

Exclusion of price-controlled goods or price-controlled services

20. Where, in the opinion of the Controller, the application of any specific provision of this Ordinance to any price-controlled goods or price-controlled service is or is likely to be

detrimental to the public interest, the Controller may by order for such period and subject to such conditions as he may think fit, exclude such goods or services from the application of any of the specific provisions of this Ordinance.

Making and proof of orders, etc.

21. (1) Any order, requirement or notice issued or any exemption or permission granted by the Controller under this Ordinance may, where no other method is herein expressly provided, be communicated to the public or the person or persons by whom it is intended to be obeyed by public notice, or by a letter addressed to any such person at his last known address or place of business.

(2) The production in any court of a copy of the public notice containing any such order, requirement or notice as aforesaid, or of a copy of the said order, requirement or notice certified under the hand of the Controller issuing the same together with proof of the exhibition of the said public notice or the writing and delivery of the said letter, shall be *prima facie* evidence without further proof of the contents of the said order, requirement or notice and of its having been communicated to the said person or persons, until the contrary is shown, and the said order, requirement or notice shall be deemed to have been communicated to the said person or persons upon the date of publication or delivery as the case may be.

Cancellation of exemption

22. The Controller may at any time and without assigning any reason therefor, cancel or vary any exemption or permission which he may have granted under the provisions of this Ordinance.

Regulations

23. The Governor in Council may make regulations prescribing anything which is to be or may be prescribed under this Ordinance, and for the better carrying into effect of the purposes and provisions of this Ordinance.
