

**CONSUMER PROTECTION (CONTROL OF SALES DURING LIMITED SUPPLY)  
ORDINANCE, 2020**

**ARRANGEMENT OF SECTIONS**

1. Short title
2. Interpretation
3. Appointment
4. Limited supply
5. Price display
6. Profiteering
7. Regulations

Assented to in Her Majesty's name and on Her Majesty's behalf this 15<sup>th</sup> day of April 2020

Philip Rushbrook  
Governor

L.S.



**ST HELENA  
NO. 8 OF 2020**

Enacted.....15 April 2020  
Date of Commencement.....15 April 2020  
Published in the Gazette..... 15 April 2020

**AN ORDINANCE**

**to control the sale of goods in specified circumstances and to prevent profiteering; and for related and connected matters.**

Enacted by the Governor of St Helena with the advice and consent of the Legislative Council of St Helena.

**Short title**

1. This Ordinance may be cited as the Consumer Protection (Control of Sales During Limited Supply) Ordinance, 2020.

**Interpretation**

2. In this Ordinance—  
“**goods**” includes any item of food or medical, cleaning or safety supplies or any item available for purchase that is not considered by a reasonable person to be a luxury item or that is prescribed under section 4; and  
“**merchant**” means a person who sells goods by wholesale or retail.

**Appointment**

3. The Governor in Council may by Order appoint a person or establish an authority to ensure compliance with this Ordinance.

### **Limited Supply**

**4. (1)** The Governor in Council, if for any reason there exists a limited supply of goods in St Helena, may by Order declare that there is a limited supply of goods and the reason for the limited supply of goods, and may by Regulation prescribe—

- (a) the goods to be sold;
- (b) the manner in which goods are to be sold;
- (c) the quantity of goods to be sold at a given time to a person;
- (d) the price at which goods are to be sold;
- (e) the period for which goods are to be sold in accordance with paragraphs (a), (b), (c) and (d); and
- (f) the manner in which the price of goods to be sold is to be subsidised if the price of the goods is required to be fixed below the current market value of the goods.

**(2)** Subject to subsection (1) a merchant may limit the quantity of goods to be sold to a person as the merchant considers appropriate after consideration is given to the stock of goods available for sale.

### **Price Display**

**5. (1)** If an Order is made pursuant to section 4, a merchant must ensure that the prices of goods for sale by the merchant are prominently displayed.

**(2)** A person who contravenes subsection (1) commits an offence.  
Penalty: A fine of £5,000.

### **Profiteering**

**6. (1)** If an Order is made pursuant to section 4, during the period specified in the Order, a merchant is prohibited from raising the prices of goods so as to profit from the limited supply of goods available.

**(2)** A person who contravenes subsection (1) commits an offence.  
Penalty: A fine of £20,000 or imprisonment for 6 months, or both.

### **Regulations**

**7.** The Governor in Council may make Regulations for the further and better execution of this Ordinance which may include but are not limited to prescribing—

- (a) anything to be done under this Ordinance pursuant to sections 4 and 6; and
- (b) a maximum penalty of £20,000 or imprisonment for 6 months, or both for the contravention of the Regulations.

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#### **EXPLANATORY NOTE**

*(This note is not part of the Ordinance)*

This Ordinance would regulate the sale of goods in St Helena during periods of shortage and would prevent profiteering.