L.N. 68 of 1982

SUPPLIES AND SERVICES ACT, 1947
(ACT NO. IV of 1947)

Price Control Tribunal (Constitution) Regulations, 1982

IN exercise of the powers conferred by section 3 of the Supplies and Services Act, 1947, the Deputy Prime Minister and Minister of Economic Development has made the following regulations:—

Citation.

1. These regulations may be cited as the Price Control Tribunal (Constitution) Regulations, 1982.

Price Control Tribunal.

2. There shall be a court of law to be known as the Price Control Tribunal, hereinafter referred to as the "Tribunal", which shall have jurisdiction to try all offences against the Supplies and Services Act, 1947, committed after the coming into force of these regulations.

Composition of Tribunal.

3. (1) The Tribunal shall consist of —

(a) a Magistrate, as chairman; and

(b) two members, appointed from among persons who hold or have held the office of Commissioner for Justice.

(2) The Chairman and the other members of the Tribunal shall be appointed by the President acting in accordance with the advice of the Prime Minister:

Provided that the President may at any time so appoint more than one magistrate and more than two other members of the Tribunal, but only one magistrate and only two of such members shall sit on the Tribunal in respect of any one case.

(3) A member of the Tribunal, other than the Chairman, shall, at the first occasion in which he sits on the Tribunal after his appointment, take in open court an oath to decide each case with impartiality according to law; he shall otherwise be bound by the same obligations, *mutatis mutandis,* arising out of the form of the oath of office prescribed for Magistrates.

(4) The Chairman of the Tribunal shall vacate his office upon the appointment of another Magistrate to act as chairman or upon his ceasing to be a Magistrate.

The office of the other members of the Tribunal shall become vacant —

(a) at the expiration of two years from the date of the appointment or at such earlier time as may be specified in the instrument by which such appointment is made; or

(b) if he is removed from office in the manner provided for in paragraph (6) of this regulation:

Provided that such other members of the Tribunal shall be re-eligible for appointment at the expiration of the time of their previous appointment.

(5) In the exercise of his functions a member of the Tribunal shall not be subject to the direction or control of any other person or authority.

(6) During their tenure of office the members of the Tribunal may not be removed except in the same manner and on the same grounds as a magistrate may be removed from office.

(7) The provisions of the Criminal Code regarding the abstention and challenge of magistrates, shall apply to the abstention and challenge of the members of the Tribunal.

(8) Where the Chairman or other member of the Tribunal has been objected to or has abstained from sitting or is otherwise unable to act, another chairman or member, as the case may be, shall be surrogated in his stead.

Provisions of Criminal Code applicable to proceedings.

4. For the purposes of exercising its functions under these regulations the Tribunal shall have all such powers as are, by the provisions of Book Second of the Criminal Code, vested in the Court of Judicial Police sitting as a Court of Criminal Judicature, and the provisions of the said Code relating to proceedings before the Court of Judicial Police as a Court of Criminal Judicature and to proceedings on appeal from judgments of the said Court shall, subject as hereinafter stated, apply in respect of proceedings under these regulations:

Provided that proceedings in accordance with these regulations may be commenced at any time within one year from the commission of the offence:

Provided further that the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any judgment given by the Tribunal.

Judgments.

5. Points of law shall be determined by the Chairman; decisions of points of facts shall be taken by a majority of votes.

The judgments of the Tribunal shall be delivered by the Chairman in open Court, whether in the presence or in the absence of the other members of the Tribunal.

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