

S.I. 109 of 2022**CONTROL OF SUPPLIES AND SERVICES ACT**

(Cap 49)

Control of Supplies and Services (Maximum Retail Price on Articles Purchased from Seychelles Trading Company Limited) Order, 2022

In exercise of the powers conferred by section 2 of the Control of Supplies and Services Act, the President hereby make the following order —

Citation

1. This Order may be cited as the Control of Supplies and Services (Maximum Retail Price on Articles Purchased from Seychelles Trading Company Limited) Order, 2022.

Maximum Price of Articles

2.(1) A retailer shall not sell or supply any article specified in the **First Schedule**, which has been purchased from the Seychelles Trading Company Limited, at a price higher than that which has been agreed to be sold at or has been affixed on the article by the Seychelles Trading Company Limited.

(2) Any retailer who sells or attempts to sell or supply any article referred to in subsection (1) at a price higher than that which has been agreed to be sold at or which has been affixed on the article by the Seychelles Trading Company Limited commits an offence and shall be liable to a fine of level 1 under Schedule 1 of the Criminal Offences (Standard Scale of Fines) Act, 2021.

Request for accounts

3. Any retailer selling or supplying any article specified in the **First Schedule** shall provide any books, accounts or other documents relating to the sale or supply of any of that article to any person holding an office specified in the **Second Schedule** on proper request of such person, in compliance with this Order.

Permission to enter premises

4. Any retailer selling or supplying any article specified in the **First Schedule** shall permit the entry on and the inspection of the premises where the article is being sold or supplied, by any person holding any of the offices specified in the **Second Schedule** in compliance with this Order.

Ensuring compliance to the Order

5. A person holding an office specified in the **Second Schedule** shall enforce this Order, and shall implement any such directions as the Minister responsible for trade may give towards the enforcement of this Order.

Offences and penalties

6. Any person who hinders, obstructs or prevents, or attempts to hinder, obstruct or prevent any person holding any of the officers specified in the **Second Schedule** in the carrying out of any duties imposed upon him or her under this Order, or who contravenes any provision of this Order commits an offence and shall be liable on conviction to a fine of level 1 under Schedule 1 of the Criminal Offences (Standard Scale of Fines) Act, 2021.

Compounding of offences

7.(1) Where the Chief Executive Officers of the offices specified in the Second Schedule are satisfied that an offence under this Order has been committed by any person and the person admits to committing the offence, accepts liability for the commission of the offence and agrees in writing to the matter being dealt with under this section, the Chief Executive Officers, in consultation with the Attorney General, may compound the offence in lieu of instituting legal proceedings by accepting a sum of not more than the maximum fine specified for the offence;

(2) A sum of money received under this section shall be dealt with as though it were a fine imposed by a Court.

(3) The Chief Executive Officers shall jointly determine the sum of money to be paid by the offender having due regard to the provisions of this

Order, the nature, circumstances, extent and gravity of the offence, the past behavior of the offender and the financial benefit accrued to the offender from the violation.

(4) An ad-hoc compounding committee may be established to advise the Chief Executive Officers in the determination of the sum of money to be paid by the offender in accordance with subsection (1).

(5) Upon determination of the sum of money under subsection (3), the Chief Executive Officers shall sign the compounding agreement and serve it on the offender, who shall pay the sum of money within 14 days from the date of service of the compounding agreement.

(6) In the event that the offender fails to pay the sum of money within the period set out in subsection (5), the compounding agreement shall be void and the judicial proceedings shall be instituted or continued against the offender.

(7) Upon payment of the sums determined under subsection (5), the compounding of any offence under subsection (1) shall be filed in court and thereupon any proceedings in connection with the commission of the offence which are pending shall be noted as compounded and the offender absolutely discharged.

(8) The compounding of an offence under subsection (7) shall be conclusive and final and no court proceedings shall be instituted for that offence.

(9) In any proceedings brought against any person for an offence under this Order, it shall be a defence if the person proves that the offence has been compounded under this section.

Application

8. This Order shall apply throughout Seychelles for a period of 1 year from the date of commencement.

FIRST SCHEDULE

1. Apples
2. Flour
3. Infant formula
4. Lentils
5. Margarine
6. Milk powder
7. Onions
8. Oranges
9. Potatoes
10. Rice
11. Salt
12. Sugar
13. Sunflower oil
14. Toilet paper

SECOND SCHEDULE

Designated officers of:

- (i) Seychelles Licensing Authority
- (ii) Fair Trading Commission

MADE this 6th day of October, 2022.

**WAVEL RAMKALAWAN
PRESIDENT**
