

POLICE v. SITANI MAFI.

(Criminal Appeal. Higginson J. Nuku'alofa, 2nd June, 1950)

Price fixing — Necessary for publication in Government Gazette — Publication in Press News — The Prices of Goods Act 1947 — The Interpretation Act 1926, Section 8 (v).

The defendant was prosecuted for selling fish above the price fixed by the Competent Authority in accordance with the Prices of Goods Act 1947. The Treasurer, who was the Competent Authority under the Act gave evidence in the Magistrate's Court for the Prosecution and admitted that the prices fixed had never been published in the Government Gazette, but had been published in the local Press News and he submitted that this was sufficient publication. The Magistrate refused to convict the defendant. The Prosecutor appealed.

HELD. The decision of the Magistrate was correct. Until the prices fixed are published in the Government Gazette they are not binding.

Appeal dismissed.

Hama for the Appellant (Police).

Finau for the Respondent (Defendant).

HIGGINSON J. By Section 4 of Act No. 3 of 1947 (The Prices of Goods Act 1947). The Competent Authority by order may fix and declare maximum prices. The Act is silent as to the publication of such an order but Section 8 (v) of Cap. 1 provides that "All rules and regulations made under any Act — shall be published in the Gazette." Therefore no price order is legal unless and until it has been published in the Gazette. Having been published in the Gazette there is no reason why it should not be published for general information in the British Press News or in any other way. But it is the Gazette which is the only form the Courts will accept. The learned Magistrate has the same views and therefore dismissed the charge. I uphold the Magistrate and dismiss the appeal.
