



ANNO QUINTO

# GEORGI V REGIS.

A.D. 1914.

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No. 1151.

An Act to make provision for Temporarily Controlling and Regulating the Prices Chargeable for the Necessaries of Life and for other purposes.

*[Assented to, August 13th, 1914.]*

**W**HEREAS it is expedient, in view of the state of war at the present time existing in Europe, to provide against unreasonable increases in the prices of commodities which are regarded as necessaries of life, and to prevent the withholding of supplies of such commodities by persons in possession thereof, and to make other incidental provisions: Be it therefore Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Preamble.

1. This Act may be cited as "The Prices Regulation Act, 1914." Short title.

2. In this Act, except where inconsistent with the context or some other intention is clearly intended,— Interpretation

"Commissioner" means a member of the Commission:

"Fixed price" means the maximum price fixed by the Commission under this Act:

"Forfeiture certificate" means a certificate made under section 13:

"Inspector" means inspector appointed under this Act:

"Necessary of life" or "necessary" means a commodity which has, by a declaration under section 9, for the time being in force, been declared a necessary of life:

"Regulation"

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- “Regulation” means regulation made under this Act :
- “The Commission” means the Prices Regulation Commission :
- “The Deputy-President” means the Deputy-President of the Commission :
- “The Minister” means the Minister of the Crown to whom the administration of this Act is for the time being committed by the Governor :
- “The President” means the President of the Commission :
- “The Secretary” means the Secretary to the Commission :
- “The State” means the State of South Australia :
- “This Act” includes regulations made under this Act :
- “Vessel” includes any ship, lighter, barge, boat, raft, or craft of whatever description and however navigated.

Prices Regulation  
Commission.

*The Prices Regulation Commission.*

**3.** (1) A Commission, to be called the “Prices Regulation Commission,” is hereby constituted.

(2) The Commission shall consist of three members to be appointed by the Governor.

(3) One of the Judges of the Supreme Court, or the President of the Industrial Arbitration Court, shall be appointed one of such members, and shall be the President of the Commission.

(4) The Governor may appoint one of such other two members to be the Deputy-President of the Commission.

Quorum.

**4.** Any two members of the Commission shall form a quorum thereof.

Majority decision  
to be sufficient.

**5.** (1) At all meetings of the Commission the President shall preside, if present; and in his absence the Deputy-President shall preside. The Commissioner presiding shall have a casting as well as a deliberative vote.

(2) Whenever the Commissioners are not unanimous as to any matter, such matter shall be decided by the majority of votes, and the decision so arrived at shall be the decision of the Commission.

Acts of Commission  
not invalidated by  
vacancy.

**6.** No act or proceeding of the Commission shall be invalid or be prejudiced by reason only of the fact that, at the time when such act or proceeding is done, taken, or commenced there is a vacancy in the office of any member.

**7.** In

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7. In case of illness or other incapacity, or absence from the State, of any member of the Commission, or of a vacancy in the office of any member, the Governor may appoint some person to be a deputy member of the Board during such illness, incapacity, or absence, or until such vacancy is filled. Every person so appointed shall, until his appointment is terminated by notice in the *Government Gazette*, have all the powers, rights, and privileges, and perform all the duties and functions of a member of the Commission. Deputy member.

*Officers.*

8. (1) The Minister may appoint a Secretary to the Commission and any other officers whom he considers necessary to enable the Commission to carry out its duties and functions. Secretary, inspectors, and other officers.

(2) The Minister may also appoint such inspectors and other officers as he considers necessary for the purposes of this Act; and he may authorise other persons to do such acts and things as he considers necessary for carrying out the purposes of this Act.

(3) Any person who in any way resists, interferes with, hinders, or obstructs any inspector or other officer or person in the exercise or discharge of any power or duty under this Act shall be guilty of an offence and be liable to a penalty not exceeding One Hundred Pounds or to be imprisoned for any term not exceeding six months.

*Fixing of Prices of Necessaries of Life.*

9. (1) The Commission may, from time to time, in their absolute discretion,— Commission may declare commodities to be necessaries of life.

(a) declare any commodity to be a necessary of life within the meaning of this Act :

(b) revoke, in whole or in part, any declaration previously made under this section, and declare that any commodity specified in such declaration shall cease to be a necessary of life within the meaning of this Act :

(c) re-declare any commodity to be a necessary of life within the meaning of this Act.

(2) The Commission in making a declaration under this section may limit its application to a specified part or parts of the State. Unless so limited every declaration so made shall apply throughout the State.

(3) The Commission, in declaring commodities to be necessaries of life within the meaning of this Act, shall not be limited to commodities which are generally regarded as necessaries of life, but may include any other commodities the prices of which they consider it desirable to fix under this Act.

10. With

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Commission to fix prices at which necessaries are to be sold.

**10.** With regard to any necessary of life, the Commission—

- (a) shall, as soon as practicable after declaring the same to be a necessary of life, fix and declare the maximum price at which the same shall be sold :
- (b) may fix and declare different maximum prices according to differences in quality or description, or in the quantity sold :
- (c) may fix and declare different maximum prices for different parts of the State :
- (d) may, from time to time, make a declaration varying any price previously fixed by them ; but only so as to apply to future transactions :
- (e) in fixing any price, may do so relatively to such standards of measurement, weight, capacity, or otherwise, as they think proper.

Publication and date of operation of declarations.

**11.** Every declaration made by the Commission shall be published in the *Government Gazette*, and shall take effect upon such publication or upon a later date fixed by the declaration.

Penalty for failing to supply necessary of life on tender of fixed price.

**12.** (1) If any person who has in his custody, or under his control, any necessary of life in which he usually trades, fails, on—

- (a) demand of any quantity of such necessary, and
- (b) tender of payment at the fixed price for the amount demanded,

to supply such necessary in the quantity demanded, he shall, subject to the provisions of this section, be guilty of an offence against this Act, and be liable to a penalty not exceeding One Hundred Pounds, or to be imprisoned for any term not exceeding six months.

(2) If any person carries on business of any class in connection with which a necessary of life is usually sold or supplied, or if he has been in the habit of selling or supplying such necessary of life, he shall, for the purpose of this section, be deemed usually to trade in such necessary of life.

(3) In any prosecution, under this section, it shall be a sufficient defence to show that, on the occasion in question,—

- (a) the defendant supplied a reasonable quantity of the necessary of life ; or
- (b) the defendant was a wholesale trader in such necessary, and the person who demanded to be supplied was not a retail trader therein ; or
- (c) the defendant had not a sufficient quantity of such necessary in his custody or under his control to supply the quantity demanded, in addition to the quantity required to satisfy all other contracts, then subsisting, under which he was obliged to supply quantities of such necessary and the ordinary requirements of his business.

(4) For

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(4) For the purposes of this section, in determining what is a reasonable quantity, regard shall be had to all the circumstances of the case, including the question whether the person who demanded to be supplied was or was not, at the time of the demand, carrying on business as a retail trader in the necessary of life demanded, either alone or with other goods.

(5) Where a retail trader is prosecuted under this section, the defence that he supplied a reasonable quantity of the necessary of life shall be sufficiently established by proving that he supplied the person making the demand with a sufficient quantity thereof to meet the reasonable needs, for one week,—

(a) of himself and the members of his household, and

(b) if the necessary is of a kind generally used for animals, of all animals kept by him of the kinds for which such necessary might reasonably be expected to be used.

(6) For the purposes of this section, all persons who live with and in the same house as a person shall be regarded as members of his household.

(7) In this section—

“wholesale trader” means a trader who usually sells the necessary of life in question to retail traders only:

“animals” includes birds.

*Forfeiture on Withholding Necessaries.*

**13.** (1) If the Commission are satisfied, on such evidence as they deem sufficient, that a person—

Commission may issue forfeiture certificate.

(a) has in his custody, or under his control, goods which are a necessary of life, and

(b) has failed, on demand and tender of the fixed price, to supply, or intends, on such demand and tender, not to supply, any particular person or persons generally, with such necessary,

the Commission may issue a certificate, to be called a “forfeiture certificate,” concerning such first mentioned person.

(2) The provisions of subsection (2) of section 12 shall apply for the purposes of this section also.

**14.** (1) When a forfeiture certificate, as to any necessary of life, has been granted concerning any person, the Minister may, by writing signed by him, order that the whole, or such quantity as is stated

On forfeiture certificate the Minister may forfeit goods.

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stated in such writing, of such necessary in the custody or under the control of such person, be forfeited to the Crown; and thereupon the same shall be absolutely forfeited to and become the property of the Crown.

(2) When any goods have been forfeited as aforesaid, it shall be lawful for any inspector or any member of the Police Force, or any person thereunto authorised in writing by the Minister, with such (if any) assistants as he thinks necessary, to enter into and search any premises or any vessel in which he believes such goods or any part thereof to be, and to seize and take away the same.

Power to seize goods.  
Cf. Com. Customs  
Act 1901, s. 203.

**15.** Any inspector or any member of the Police Force, or any person thereunto authorised in writing by the Minister, may seize any goods upon land or water which he has reasonable cause to believe are forfeited under this Act.

Storing and disposal  
of forfeited goods.

**16.** Any goods seized under this Act may be taken to and be stored in any place provided by the Minister for the purpose, and may be sold or otherwise disposed of as the Minister directs, or as prescribed by regulation.

Former owner to be  
paid fixed price for  
goods seized.

**17.** When any goods are seized under this Act the person who was the owner thereof immediately prior to the forfeiture shall be entitled to be paid therefor by the Minister at the fixed price, after deducting—

- (a) the amount of any penalties imposed on such person in proceedings under this Act, whether in respect of the goods so seized or otherwise, and the amount of any costs awarded against him in such proceedings, or so much of such amounts as have not already been paid,
- (b) the costs and expenses of any application to the Commission for forfeiture certificates, whether in respect of the goods so seized or any other goods, and
- (c) the costs and expenses of the search for and seizure and taking away of such goods.

Power to search for  
necessaries or  
forfeited goods.

C.f. Com. Customs  
Act, 1901, s. 200.

**18.** Any inspector, any member of the Police Force, or any person thereunto authorised in writing by the Minister, may at any time in the day or night enter into and search any premises or vessel, or part thereof, where any necessary of life, or any goods forfeited under this Act, are or are supposed to be, and, if necessary for that purpose, may break into and use force to enter such premises or vessel or part, and may break open and search any chests, trunks, packages, or other things in which any necessary or any such goods are or are supposed to be.

*Proceedings of the Commission.*

Power to publish  
information.  
Com. Inter-State  
Commission Act,  
1912, s. 48.

**19.** The Commission may publish such (if any) information obtained in the exercise of their functions as they think fit.

**20.** The

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**20.** The Commission may, in connection with the exercise of their functions, take evidence in public or in private.

Evidence may be taken in public or in private.

Ibid., s. 49.

**21.** The Commission, in the exercise of any of their functions or powers, shall not be bound by the rules or practice of any court or tribunal as to procedure or evidence, but may conduct their proceedings and inform their minds on any matter in such manner as they think proper; and, without limiting in any way the operation of this section, the Commission may refer any technical matter to an expert and may accept his report as evidence.

Commission not to be bound by rules as to procedure or evidence.

Cf. Industrial Arbitration Act, 1912, s. 66 (b), s. 21 (n).

**22.** The Commission may sit at any time and in any place for the purpose of exercising any of their powers or functions, and may adjourn their sittings from time to time and from place to place.

May sit at any time and place, and adjourn.

Cf. *ibid.*, s. 21 (1) (m)

**23.** No decision, determination, certificate, or other act or proceeding of the Commission shall, in any manner whatsoever, be questioned or reviewed, or be restrained or removed by prohibition, injunction, *certiorari*, or otherwise howsoever.

Acts and proceedings of Commission not liable to be reviewed or restrained

Cf. Com. Inter-State Commission Act, 1912, s. 44.

**24.** For the purposes of this Act the Commission shall have the following powers, that is to say:—

Powers of Commission

Railways Standing Committee Act, 1912, s. 18.

- (1) They and each of them may by themselves, or by any person appointed by them to prosecute an inquiry, enter and inspect any premises or vessel and any goods and other things, the entry or inspection of which appears to them or him to be requisite:
- (2) They may require, by summons signed by any Commissioner or by the Secretary acting under the direction of any Commissioner, the attendance of all such persons as they think fit to call before them, and may require answers or returns to such inquiries as they think fit to make.
- (3) They may by notice in writing, signed as aforesaid, require and compel the production of all books, papers, and documents:
- (4) They may inspect any books, papers, and documents produced before them, and retain them for such reasonable periods as they think fit, and may make copies of such matters therein as are relevant to the inquiry or take extracts of such matters:
- (5) They may examine witnesses on oath, affirmation, or declaration, which may be administered by any Commissioner.

**25.** (1) If any person—

- (a) who has been duly served with a summons to attend before the Commission, and whose expenses as provided in subsection (4) hereof, have been paid or tendered to him, neglects to attend in obedience to such summons; or.

Powers of Commission in respect of witnesses.

Ibid., s. 18.

(b) wilfully

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- (b) wilfully insults the Commission, or any Commissioner ; or
- (c) misbehaves himself before the Commission ; or
- (d) interrupts the proceedings of the Commission ; or
- (e) being called or examined as a witness in any inquiry or any matter pending before the Commission, refuses to be sworn or to affirm or declare, or to produce the documents mentioned in the summons served upon him, or any of them, or prevaricates in his evidence, or refuses to answer any lawful question,

the President or Deputy President may commit such person to gaol for any time not exceeding one month, or may impose on him a penalty not exceeding Fifty Pounds, and in default of immediate payment of such penalty, the President or Deputy President may commit the offender to gaol for any time not exceeding one month unless the fine is sooner paid.

(2) In any of the cases aforesaid a warrant in the form or to the effect of the First Schedule may be issued by the President or Deputy President, and such warrant shall be good and valid in law without any other warrant, order, or process whatsoever ; and the Commissioner of Police and all members of the Police Force, and the Sheriff, and all gaolers may and shall obey the same.

(3) When any person who has been duly served with a summons to attend as a witness before the Commission, and whose expenses as provided in subsection (4) hereof, have been paid or tendered to him, fails to attend in obedience to such summons, the President or Deputy President, upon proof that such person has been duly served with such summons, and that such expenses have been paid or tendered to him, and that his non-appearance was without just cause or reasonable excuse, may issue a warrant in the form or to the effect of the Second Schedule to bring such person before the Commission to give evidence. The provisions of subsection (2) of this section shall apply to any such warrant.

(4) Every person required by the Commission to attend shall be allowed such expenses as would be allowed to a witness attending on subpoena before the Supreme Court, and in case of dispute as to the amount to be allowed the same shall be referred to the Master of the Supreme Court who, on request under the hand of the President or Deputy President shall ascertain and certify the proper amount of such expenses.

Punishment for false evidence.

Ibid., s. 20.

**26.** Any person who, upon oath, affirmation, or declaration taken or made under this Act, wilfully and corruptly gives any false evidence before the Commission shall be guilty of perjury and may be imprisoned, with or without hard labor, for any term not exceeding four years.

**27. A**



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**27.** A statement or disclosure made by any witness in answer to any question put to him by the Commission or any of the Commissioners shall not (except in proceedings for an offence against this Act) be admissible in evidence against him in any civil or criminal proceedings in any Court.

Statements made by witness not admissible in evidence against him.  
Com. Inter-State Comm. Act 1912, s. 59.

*Indictable Offences in connection with inquiries by the Commission.*

**28.** Any person who—

- (a) gives, confers, or procures, or promises or offers to give or confer, or to procure or attempt to procure, any property or benefit of any kind to, upon, or for any person upon any agreement or understanding that any person called or to be called as a witness before the Commission shall give false testimony or withhold true testimony, or
- (b) attempts by any means to induce a person called or to be called as a witness before the Commission to give false testimony, or to withhold true testimony, or
- (c) asks, receives, or obtains, or agrees or attempts to receive or obtain any property or benefit of any kind for himself, or any other person, upon any agreement or understanding that any person shall, as a witness before the Commission, give false testimony or withhold true testimony,

Bribery of witness.  
Ibid., s. 62.

shall be guilty of a misdemeanor and shall be liable to be imprisoned, with or without hard labor, for any term not exceeding two years.

**29.** Any person who practices any fraud or deceit, or knowingly makes or exhibits any false statement, representation, token, or writing, to any person called or to be called as a witness before the Commission, with intent to affect the testimony of that person as a witness, shall be guilty of a misdemeanor, and shall be liable to be imprisoned, with or without hard labor, for any term not exceeding two years.

Fraud on witness.  
Ibid., s. 63.

**30.** Any person who, knowing that any book, document, or writing is or may be required in evidence before the Commission, wilfully destroys it or renders it illegible or undecipherable or incapable of identification, with intent thereby to prevent it from being used in evidence, shall be guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding four years.

Destroying books or documents.  
Ibid., s. 64.

**31.** Any person who wilfully prevents or endeavours to prevent any person who has been summoned to attend as a witness before the Commission from attending as a witness, or from producing any evidence pursuant to the summons to attend, shall be guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding two years.

Preventing witness from attending.  
Ibid., s. 65.

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Injury to witness.

**32.** Any person who uses, causes, inflicts, or procures any violence, punishment, damage, loss, or disadvantage to any person for or on account of his having appeared as a witness before the Commission, or for or on account of any evidence given by him before the Commission, shall be guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding one year.

Dismissal by employers of witness.

Ibid., s. 67.

**33.** (1) Any employer who dismisses any employé from his employment, or prejudices any employé in his employment, for or on account of such employé's having appeared as a witness before the Commission, or for or on account of such employé's having given evidence before the Commission, shall be guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding one year.

(2) In any proceedings for any offence against this section it shall lie upon the employer to prove that any employé shown to have been dismissed or prejudiced in his employment was so dismissed or prejudiced for some reason other than a reason mentioned in subsection (1) hereof.

*Regulations.*

Governor may make regulations.

**34.** (1) The Governor may make all such regulations as he deems necessary or convenient for the purposes of this Act, or for more effectually carrying out its objects, and may by any regulation prescribe a penalty not exceeding Fifty Pounds for any breach of that or any other regulation.

(2) All regulations—

(a) shall be published in the *Government Gazette* ;

(b) from the date of such publication, or from a later date fixed by the order making the same, shall (subject to subsection (3) hereof) be of the same effect as if they were enacted by this Act; and

(c) shall be laid before both Houses of Parliament within fourteen days after such publication, if Parliament is in Session, and if not, then within fourteen days after the commencement of the next Session of Parliament.

(3) If either House of Parliament passes a resolution disallowing any regulation, of which resolution notice has been given at any date within fourteen sitting days of such House after such regulation has been laid before it, such regulation shall thereupon cease to have effect, but without affecting the validity or causing the invalidity of anything done, or of the omission of anything, in the meantime.

This subsection shall apply notwithstanding that the said fourteen sitting days, or some of them, do not occur in the same Session or Parliament as that in which the regulation is laid before such House.

(4) When a resolution has been passed as mentioned in subsection (3) hereof, notice of such resolution shall be published in the *Government Gazette*.

*Evidence.*

*The Prices Regulation Act.—1914.**Evidence.*

**35.** A copy of the *Government Gazette* purporting to contain—

*Gazette to be  
conclusive evidence  
of appointments,  
declarations, &c.*

- (a) a notice of the appointment of any Commissioner or President or Deputy President, or of any inspector or other officer or person under this Act, or
- (b) a copy of any declaration, certificate, or other act made, given, or done by the Commission under this Act,

shall, for all purposes and on all occasions, be conclusive evidence of the fact, tenor, and validity of such appointment, declaration, certificate, or act, and of the facts stated, recited, or assumed therein; and no such appointment, declaration, certificate, or act shall be invalid by reason of any thing required as preliminary or incidental thereto not having been duly done.

**36.** (1) All proceedings in respect of offences against this Act, not being indictable offences, shall be by information heard and determined in a summary way by a Special Magistrate, and shall be regulated by the Ordinance No. 6 of 1850, and any amendments thereof, or any other Act or Acts regulating summary proceedings before Justices of the Peace.

*Summary proceedings  
for offences.*

(2) All convictions and orders made by such Magistrate may be enforced as provided by the said Ordinance or any other such Act as aforesaid.

**37.** (1) There shall be an appeal from—

*Appeal.*

- (a) any conviction by any Special Magistrate;
- (b) any order of a Special Magistrate dismissing any information; or
- (c) any other order made by a Special Magistrate under this Act.

(2) Such appeal shall be to the Local Court of Adelaide in its Full Jurisdiction.

(3) The proceedings on such appeal shall be regulated by the Ordinance No. 6 of 1850, and any amendments thereof, or any other Act regulating appeals to Local Courts: Provided that the Local Court may make such order as to costs as it thinks fit, although such costs exceed Ten Pounds.

**38.** (1) The Local Court upon the hearing of any such appeal may state a special case or cases for the opinion of the Supreme Court.

*Special case.*

(2) The Supreme Court shall hear and decide any such special case according to the practice of the Supreme Court on special cases, and may make such order therein, including any order as to costs, as to the said Court appears just.

(3) The

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(3) The Supreme Court may send the special case back for amendment, or may itself amend the same.

(4) The Magistrate, or the Local Court, shall make an order in respect to the matters referred to the Supreme Court in conformity with the certificate of the Supreme Court, or of any Judge thereof.

(5) Such order of the Magistrate, or Local Court, may be enforced in manner provided by section 36 or otherwise by law.

Moneys for purposes  
of this Act.

**39.** Any moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for such purposes.

How long Act to  
operate.

**40.** This Act shall cease to operate at the close of the period of six months next after the notification by the Governor in the *Government Gazette* of the signing, on behalf of the United Kingdom, of a treaty of peace terminating the war now existing in Europe.

In the name and on behalf of His Majesty, I hereby assent to  
this Bill.

H. L. GALWAY, Governor.

*The Prices Regulation Act.—1914.*

## THE SCHEDULES.

## THE FIRST SCHEDULE.

## FORM OF WARRANT.

*The Prices Regulation Act, 1914.*

To the Commissioner of Police and all Members of the Police Force of South Australia, and to the Keeper of the Gaol at Sec. 25.

These are to command you the Commissioner of Police and all members of the Police Force of South Australia to apprehend A.B. and to convey him to the above-mentioned gaol, and to deliver him to the keeper thereof, together with this warrant; and you the said keeper are hereby required to receive the said A.B. into your custody in the said gaol, and him there safely to keep for the term of (unless the sum of \_\_\_\_\_ is sooner paid) I, the undersigned, President (or Deputy-President) of the Prices Regulation Commission, having adjudged the said A.B. to be imprisoned (or to pay a penalty of \_\_\_\_\_, and having further adjudged him to be imprisoned on the ground that he has made default in the immediate payment thereof), for the said term, for that he the said A.B. [*here state the offence to the following effect, as the case may require*].

That A.B. having been duly served with a summons to attend before the said Commission and having had his expenses paid or tendered, neglected to attend before the said Commission (or that A.B. wilfully insulted the said Commission, or C.D., one of the members of the said Commission, or that A.B. misbehaved himself before the said Commission, or that A.B. interrupted the proceedings of the said Commission, or that A.B., having been called or being examined as a witness in a certain inquiry or matter pending before the said Commission, refused to be sworn or affirm or declare or to produce a certain document mentioned in the summons served on him, or was guilty of prevarications in his evidence or refused to answer a certain lawful question).

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord nineteen hundred and \_\_\_\_\_

[Signature]

President (or Deputy President) of the Prices Regulation Commission.

## THE SECOND SCHEDULE.

## FORM OF WARRANT.

*The Prices Regulation Act, 1914.*

To the Commissioner of Police and all Members of the Police Force of South Australia. Sec. 25.

Whereas, pursuant to the provisions of the above-mentioned Act, it has this day been proved to me that \_\_\_\_\_ of \_\_\_\_\_ has been duly served with a summons to attend and give evidence before the Prices Regulation Commission, pursuant to the said Act, but has failed to attend in obedience to such summons:

This is to require you forthwith to apprehend the said \_\_\_\_\_ and to detain him in custody and bring him before the said Commission to give evidence.

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord nineteen hundred and \_\_\_\_\_

[Signature]

President (or Deputy President) of the Prices Regulation Commission.