



THE
JAMAICA GAZETTE
SUPPLEMENT

PROCLAMATIONS, RULES AND REGULATIONS

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No. 60

No. 57

Extract from the Minutes of the meeting of the House of Representatives held on Wednesday 25th day of March, 2020:

PUBLIC BUSINESS

The Honourable Floyd Green, Minister of State in the Ministry of Industry, Commerce, Agriculture and Fisheries, having obtained suspension of the Standing Orders, moved:

THE TRADE ACT

**THE TRADE (SALE OF GOODS DURING PERIOD OF DECLARATION OF DISASTER AREA)
ORDER, 2020, RESOLUTION**

WHEREAS by virtue of section 8(1) of the Trade Act (hereinafter referred to as "the Act") the Minister may by order provide for controlling the prices at which goods or any class of goods may be sold, whether by wholesale or retail:

AND WHEREAS section 10(1) of the Act provides that an order made by the Minister under the provisions of section 8 of the Act, notwithstanding anything contained in the Interpretation Act, may provide that, subject to affirmative resolution, in respect of breach of the provisions of the order (other than a breach referred to in section 10(2) of the Act), that offender shall be

liable on summary conviction thereof before a Judge of a Parish Court to such fine not exceeding two million dollars or to such term of imprisonment with or without hard labour not exceeding two years as may be prescribed therein:

AND WHEREAS on the 25th day of March, 2020, the Minister made the Trade (Sale of Goods During Period of Declaration of Disaster Area) Order, 2020:

NOW, THEREFORE, BE IT RESOLVED by this Honourable House as follows:—

1. This Resolution may be cited as the Trade (Sale of Goods During Period of Declaration of Disaster Area) Order, 2020, Resolution.

2. The Trade (Sale of Goods During Period of Declaration of Disaster Area) Order, 2020, which was laid on the Table of the House on the 25th day of March, 2020, is hereby affirmed.

Mr. Anthony Hylton, Mr. Horace Dalley, Mrs. Marlene Malahoo Forte, Dr. Angela Brown Burke, Dr. Morais Guy and Mr. Peter Bunting also spoke on the resolution.

Seconded by: Mr. Peter Bunting

Agreed to

I certify that the above is a true extract from the Minutes.

HEATHER E. COOKE, CD, JP, (MRS.)
Clerk to the Houses

No. 58

Extract from the Minutes of the meeting of the Senate held on Friday 27th day of March, 2020:

PUBLIC BUSINESS

The Honourable Senator Kamina Johnson Smith, Minister of Foreign Affairs and Foreign Trade and Leader of Government Business, having obtained suspension of the Standing Orders, moved:

THE TRADE ACT

THE TRADE (SALE OF GOODS DURING PERIOD OF DECLARATION OF DISASTER AREA) ORDER, 2020, RESOLUTION

WHEREAS by virtue of section 8(1) of the Trade Act (hereinafter referred to as "the Act") the Minister may by order provide for controlling the prices at which goods or any class of goods may be sold, whether by wholesale or retail:

AND WHEREAS section 10(1) of the Act provides that an order made by the Minister under the provisions of section 8 of the Act, notwithstanding anything contained in the Interpretation Act, may provide that, subject to affirmative resolution, in respect of breach of the provisions of the order (other than a breach referred to in section 10(2) of the Act), that offender shall be liable on summary conviction thereof before a Judge of a Parish Court to such fine not exceeding two million dollars or to such term of imprisonment with or without hard labour not exceeding two years as may be prescribed therein:

AND WHEREAS on the 25th day of March, 2020, the Minister made the Trade (Sale of Goods During Period of Declaration of Disaster Area) Order, 2020:

NOW, THEREFORE, BE IT RESOLVED by this Honourable House as follows:—

1. This Resolution may be cited as the Trade (Sale of Goods During Period of Declaration of Disaster Area) Order, 2020, Resolution.

2. The Trade (Sale of Goods During Period of Declaration of Disaster Area) Order, 2020, which was laid on the Table of the Senate on the 27th day of March, 2020, is hereby affirmed.

Senator Donna Scott Mottley also spoke on the resolution.

Seconded by: Senator Kerensia Morrison

Agreed to

I certify that the above is a true extract from the Minutes.

HEATHER E. COOKE, CD, JP, (MRS.)
Clerk to the Houses

THE TRADE ACT

THE TRADE (SALE OF GOODS DURING PERIOD OF DECLARATION OF DISASTER AREA) ORDER, 2020

In exercise of the power conferred upon the Minister by section 8(1) of the Trade Act, and every other power hereunto enabling, the following Order is hereby made:—

1. This Order may be cited as the Trade (Sale of Goods During Period of Declaration of Disaster Area) Order, 2020, and shall come into force on the 31st day of March, 2020.

2.—(1) With effect from the date of coming into force of this Order and for the duration of the period of operation in force of the Disaster Risk Management (Declaration of Disaster Area) Order, 2020, no person whose business includes the retail sale of goods shall sell any necessary goods to another person at a price higher than the price charged immediately before the coming into force of the Disaster Risk Management (Declaration of Disaster Area) Order, 2020.

(2) In this paragraph, “necessary goods”—

(a) means any—

- (i) item used, or intended for use, as food or drink by a person;
- (ii) personal care items, such as soap, cleaning products, antibacterial products, toiletries, alcohol, hand sanitizers, bleach and gloves; and
- (iii) medical supplies, including surgical masks and prescription and non-prescription medication;

(b) does not include any goods that are, or may be, regulated by or under—

- (i) the Sugar Industry Control Act;
- (ii) the Agricultural Produce Act;
- (iii) the Agricultural Marketing Act;
- (iv) the Coconut Industry Control Act;
- (v) the Banana Board Act; or
- (vi) the Jamaica Agricultural Commodities Regulatory Authority Act.

3.—(1) A person carrying on or employed in any business referred to in paragraph 2 shall produce to the Minister, or any person authorised in that behalf by the Minister, such books, accounts or other documents relating to the business, as the Minister may require for the purposes of enforcing this Order.

(2) The Consumer Affairs Commission shall be regarded as having been authorised by the Minister for the purposes of sub-paragraph (1).

4.—(1) A person who contravenes paragraph 2 of this Order commits an offence and shall, on summary conviction before a Judge of a Parish Court, be liable to a fine not exceeding two million dollars.

(2) It shall be a defence to a charge of contravening paragraph 2(1) for the person charged to prove that the difference in the price in question is attributable solely to the cost to the business concerned of obtaining the particular goods.

Dated this 25th day of March, 2020.

AUDLEY SHAW
Minister of Industry, Commerce, Agriculture and Fisheries.