

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.



Minister of Industry, Commerce, Agriculture
and Fisheries