CHAPTER 118.

An Act to prevent the price of goods of such descriptions as may be specified by the Board of Trade being raised above a basic price for those goods by more than an amount referable to increases in certain specified expenses, and for purposes consequential thereon and incidental thereto. [16th November 1939.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Prohibition of sale of price-regulated goods at more than permitted price.

1. It shall be unlawful for any person to sell, agree to sell or offer to sell, any price-regulated goods in the course of any business at a price which exceeds the permitted price, that is to say the basic price together with the amount of any permitted increase.

Price-regulated goods.

2. In this Act the expression "price-regulated goods" means goods of a description defined in an order made by the Board of Trade under this section and for the time being in force.

Basic price.

3.—(1) In this Act the expression "basic price" means, in relation to price-regulated goods of any description sold, agreed to be sold or offered for sale, the price at which, in the ordinary course of the business

in the course of which those goods were sold, agreed to be sold, or offered for sale, goods of that description similar to those goods were being offered for sale at the twenty-first day of August nineteen hundred and thirty-nine (or other the date as at which the basic price is, under subsection (4) of this section, to be ascertained).

(2) In relation to price-regulated goods sold, agreed to be sold or offered for sale, in the course of a business which included both a wholesale and a retail branch, or both a manufacturing and a merchanting branch, or two or more branches in localities of a different character or otherwise howsoever distinguishable, the reference in subsection (1) of this section to the business in the course of which those goods were sold, agreed to be sold or offered for sale, shall be construed as a reference to the particular branch of that business in the course of which the transaction was effected.

(3) In relation to price-regulated goods sold, agreed to be sold or offered for sale, in the course of a business, or of a branch of a business, which was not being carried on at the date as at which the basic price for those goods is to be ascertained, or in the course of which goods of the relevant character were not being offered for sale at that date, the preceding provisions of this section shall have effect with the substitution, for the reference in subsection (1) thereof to the business in the course of which those goods were sold, agreed to be sold or offered for sale, of a reference to some business similar to that business, or to a branch of some business similar to that branch of that business, which was then being carried on, or in the course of which goods of the relevant character were then being offered for sale, as the case may be.

(4) If, having regard either—

(*a*) to any exceptional circumstances affecting the price at which goods of any description were being offered for sale at the said twenty-first day of August;

(*b*) to the lapse of time since that day and any resulting difficulty in ascertaining the price at which goods of any description were being offered for sale at that day; or

(*c*) to the fact that goods of any description are subject to a seasonal variation of price;

it appears to the Board of Trade to be expedient that the basic price for goods of that description should be ascertained as at a date other than the said twenty-first day of August, the Board may by order direct that the basic price therefor shall, as regards a sale, agreement or offer, made whilst the order is in force, be ascertained as at such date, or, in the case of goods subject to a seasonal variation of price, as at such different dates in the case of transactions effected at different seasons, as may be specified in the order.

Permitted increase.

4. In this Act the expression " permitted increase " means, in relation to any price-regulated goods sold, agreed to be sold or offered for sale, in the course of any business, an amount not exceeding such increase as is reasonably justified in view of changes in the business, since the date as at which the basic price for the goods is to be ascertained, in relation to the matters specified in the First Schedule to this Act taken as a whole.

Power of Board of Trade to specify basic price, permitted increase, or permitted price.

5.—(1) If, on the application of any body of persons appearing to the Board of Trade to be representative of traders in goods of any description, or on the application with respect to goods of any description of the central price-regulation committee appointed under section eight of this Act, it appears to the Board, after consultation with that committee in the case of an application not made by them, to be expedient and practicable so to do, the Board may by order specify—

(*a*) a price representing a basic price for goods of that description;

(*b*) a percentage representing a standard of permitted increase for goods of that description; or

(*c*) a price representing a permitted price for goods of that description;

and a sale of, or an agreement or offer to sell, goods of a description as to which an order under paragraph (*a*), (*b*) or (*c*), of this subsection is in force shall, notwithstanding anything in the preceding provisions of this Act, be deemed to be lawful, so far as regards the

provisions of section one of this Act, if it is made at a price which does not exceed—

(i) the price specified under the said paragraph (*a*) together with the amount of any permitted increase;

(ii) the basic price together with an amount equal to the percentage thereof specified under the said paragraph (*b*); or

(iii) the price specified under the said paragraph (*c*);

as the case may be.

(2) As soon as may be after making such an order as aforesaid, the Board shall publish in such manner as they think best for informing persons appearing to the Board to be likely to be affected a notice specifying the effect thereof.

(3) An appeal shall lie against such an order as aforesaid to the referee appointed in accordance with the provisions of the Second Schedule to this Act, at the instance of any persons appearing to the referee to be representative of traders in, or buyers of, goods of the description in question:

Provided that an appeal against such an order shall not be entertained unless notice of the intention of the persons appealing to make the appeal is given to the Board within fourteen days from the first publication of the notice required by the last preceding subsection.

(4) The referee shall have power, on an appeal against such an order as aforesaid, to direct the Board to revoke the order, or to vary it either by reducing or increasing the price or percentage therein specified, and the Board shall give effect to any such direction.

(5) The provisions in that behalf of the Second Schedule to this Act shall have effect with respect to the appointment of assessors for the purposes of an appeal under this section, and with respect to the procedure on such an appeal.

(6) The Board may by order prescribe a mark appearing to them to be suitable for indicating that goods to which the mark may be applied are goods of a description as to which an order specifying a price under paragraph (*c*) of subsection (1) of this section is in force and that the price at which they are offered for sale does

not exceed the specified price, and the use of a mark so prescribed shall be taken for the purposes of the Merchandise Marks Act, 1887, to be a trade description within the meaning of that Act indicating those facts. 50 & 51 Vict. c. 28.

Basic price for new descriptions of goods.

6.—(1) In relation to a description of price-regulated goods in the case of which the provisions of section three of this Act cannot operate by reason of that description of goods having come into existence after the twenty-first day of August nineteen hundred and thirty-nine, the Board of Trade may by order specify a price which shall be deemed for the purposes of this Act to be the basic price for goods of that description sold, agreed to be sold or offered for sale, whilst the order is in force.

(2) The provisions of subsections (2) to (5) of the last preceding section shall have effect in relation to an order made under this section as they have effect in relation to an order made under subsection (1) of that section.

Penalty for selling at more than permitted price.

7.—(1) Subject to the provisions of subsection (3) of this section, if any person contravenes any of the provisions of section one of this Act, he shall be guilty of an offence and shall—

(*a*) on summary conviction, be liable to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine; or

(*b*) on conviction on indictment, be liable to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds, or to both such imprisonment and such fine:

Provided that, where it is proved that an offer or agreement made in contravention of section one of this Act has been followed by an agreement or sale so made in pursuance of that offer or agreement, those transactions together shall be taken to constitute a single offence.

(2) On the third or any subsequent occasion on which a person is found guilty of an offence under the preceding subsection, the court may, on the application of the Attorney General, or on the application of the prosecutor made with the consent of the Attorney General, make such order, having effect during such period as the court thinks fit, for preventing the offender

carrying on, or being concerned in any manner directly or indirectly with the carrying on of, the business in the course of which the transaction constituting the offence was effected, or any branch of that business, or any business or branch of a business of a similar character, and if any person contravenes an order made under this subsection, he shall be guilty of an offence and shall—

(*a*) on summary conviction, be liable to imprisonment for a term not exceeding three months; or

(*b*) on conviction on indictment, be liable to penal servitude for a term not exceeding five years.

(3) It shall be a defence for a person charged with a contravention of any of the provisions of section one of this Act to prove that in relation to the matter in respect of which he is charged he acted in the course of his employment as a servant or agent of another person on the instructions of his employer or of some other specified person.

Enforcement by price-regulation committees.

8.—(1) The Board of Trade shall appoint a central price-regulation committee, and such number of local price-regulation committees, having power to exercise their functions in respect of such localities, as the Board may think requisite or expedient for the effective enforcement of the provisions of this Act.

(2) It shall be the duty of the local price-regulation committee for any locality to enforce the provisions of this Act in that locality, and to give to any person who alleges a contravention in that locality of any of the provisions of section one of this Act an opportunity of making representations to them, and, if so requested by that person, of being heard by them.

(3) A local price-regulation committee shall also keep under review the prices at which goods which are not for the time being price-regulated are being offered for sale in their locality, and, if it appears to them to be expedient that an order under section two of this Act should be made in relation to any such goods, they shall make a representation to that effect to the central price-regulation committee.

(4) It shall be the duty of the central price-regulation committee to secure uniformity in the manner of the discharge of their functions by local price-regulation

committees, to exercise a general supervision over the enforcement of the provisions of this Act, to enforce the said provisions themselves in cases in which it appears to them to be expedient so to do on the ground that questions as to the contravention thereof in relation to goods of any description are likely to arise in numerous localities or on other grounds, and to give advice and assistance to the Board in the discharge of their functions under this Act.

(5) Where it appears to a local price-regulation committee that there has been a contravention in their locality of any of the provisions of section one of this Act and the committee, after giving to the alleged offender an opportunity of making representations to them, and, if so requested by him, of being heard by them, are of opinion that a prosecution ought to be instituted in respect thereof, the committee shall report the alleged contravention to the central price-regulation committee, who, if they are of the same opinion, shall request the Board of Trade to institute proceedings accordingly, and the central price-regulation committee shall make a like request in a case in which they think fit to investigate an alleged contravention themselves and are of opinion, after giving to the alleged offender such an opportunity as aforesaid, that a prosecution ought to be instituted.

(6) A prosecution for a contravention of any of the provisions of section one of this Act shall not be instituted except by the Board of Trade upon request made to them as aforesaid:

Provided that a prosecution may be instituted by the Director of Public Prosecutions either—

(*a*) if it appears to him that the prosecution ought to be instituted and that the local price-regulation committee, having been made aware of the alleged contravention, have failed to report it to the central price-regulation committee, or that that committee, having received a report thereof or having themselves investigated the alleged contravention, have failed to request the Board to institute proceedings; or

(*b*) if the Board so request.

(7) A price-regulation committee may by notice in writing require any person carrying on a business which

includes the sale of any price-regulated goods to produce to, and allow to be examined by, a person appointed by the committee, such accounts, books and other documents in the custody of the person so required or under his control relating to that business as may be specified or described in the notice, being accounts, books or other documents, the examination of which may be reasonably required for the purposes of this Act, and to furnish to the person appointed such information as he may reasonably require for the purposes of this Act.

(8) A price-regulation committee shall be constituted in such manner as the Board may determine.

(9) The Board may appoint a secretary to each price-regulation committee, and each such committee may employ such officers and servants as the Board may, with the approval of the Treasury, determine.

(10) There shall be paid by the Board, to the members of each price-regulation committee such remuneration (if any) and such travelling and subsistence allowances, to the secretary so appointed and to the officers and servants so employed such remuneration, and such other expenses of the committee, as the Board with the approval of the Treasury may determine.

(11) Any expenses of the Board under the last preceding subsection shall be defrayed out of moneys provided by Parliament.

Onus of proving that price charged is within permitted price.

9. On a prosecution of a person for a contravention of any of the provisions of section one of this Act, when the sale of, or agreement or offer to sell, the goods in question and the price at which it was made have been proved, then, if it is also proved that that price exceeds the basic price for those goods, or for other similar goods sold or agreed to be sold in the course of any business at or about the same date and in similar circumstances, it shall lie on that person to prove that the price at which the sale, agreement or offer, in question was made did not exceed the permitted price, or to prove that, having regard to the specification under section five of this Act of a price or percentage in relation to goods of the description to which the goods in question belong, the sale, agreement or offer is to be deemed by virtue of that section to be lawful.

Right of buyer to avoid prohibited transaction, or to recover excess price.

10.—(1) Where a prosecution has been instituted in respect of a sale of, or an agreement or offer to sell, any price-regulated goods in the course of any business at a particular price, and the person charged has been found guilty, then—

(*a*) if the prosecution was in respect of a sale or agreement, the buyer under that sale or agreement, and

(*b*) whether the prosecution was in respect of a sale or agreement or of an offer, the buyer under any sale of similar goods, or under any agreement to sell similar goods, effected at the same or a higher price in the course of that business in contravention of section one of this Act before the date of the finding,

shall have the following rights, exercisable, subject as hereinafter provided, at his option.

(2) He shall have the right to treat the sale or agreement as avoided, and to recover from the seller, as money received by him for the use of the buyer, any amount paid by the buyer as consideration therefor:

Provided that the buyer shall not be entitled to exercise the right conferred by this subsection if any rights acquired by a third party would be prejudiced by his so doing, or after the lapse of an unreasonable time from the date of the sale or agreement, or, in the case of a sale, unless he tenders the goods to the seller in substantially the same state as that in which they were when the property passed to the buyer.

(3) He shall have the right to affirm the sale or agreement, but to recover as aforesaid to the extent of any loss sustained by him by reason of the contravention, regard being had to any consideration received or to be received by him for a re-sale of, or an agreement to re-sell, the goods.

(4) Any sum recoverable by virtue of this section shall be recoverable with interest thereon at the rate of five per cent. per annum from the date when it was paid.

(5) The rights conferred by this section shall not be exercisable by a person who is himself liable to punishment by reason of his having aided, abetted, counselled or procured, the contravention in question.

Obligation to state price separately on composite offer.

11. Where a person makes an offer to enter into a transaction for a consideration to be given as a whole in respect both of a sale of any price-regulated goods and of some other matter (whether or not being, or including, a sale of other price-regulated goods), the person making the offer shall state in writing the price which he assigns to those goods, if he is required so to do by any person to whom the offer is made, and the offer shall be deemed for the purposes of this Act to be an offer to sell those goods at the price so stated.

Prohibition of holding up of stocks.

12.—(1) Subject to the provisions of subsection (3) of this section, a person carrying on a business in the course of which price-regulated goods of any description are normally sold, and having in his possession a stock of goods of that description, shall not refuse an offer to buy goods of that description at the permitted price made with a tender of immediate payment therefor.

(2) For the purposes of the preceding subsection, a person shall be deemed to have refused an offer if he proposes acceptance thereof subject to a condition requiring the buying of any other goods, whether being price-regulated goods or not, or the making of any payment in respect of any services, or to any other condition.

(3) A person shall be entitled to refuse such an offer as is mentioned in subsection (1) of this section if the acceptance thereof, or the acceptance thereof without the fulfilment of a condition proposed by him, would, having regard to the quantity of goods to which the offer relates or to any other consideration, be contrary to the normal practice of his business, or would involve a breach of some obligation lawfully binding on him, or would interfere with arrangements made by him for an orderly disposal of his stocks amongst his regular customers.

Penalty for contravention of section 11 or 12.

13.—(1) If any person contravenes any of the provisions of either of the two last preceding sections, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine.

(2) The provisions of subsections (2), (4), (5) and (6), of section eight of this Act shall have effect in relation to a

contravention of either of the two last preceding sections as they have effect in relation to a contravention of section one of this Act.

Exception for sales by auction, or for export.

14.—(1) Except in the case of goods of a description as to which there is for the time being in force an order made by the Board of Trade directing that this subsection shall not have effect in relation thereto, this Act shall not apply to a sale, or to an agreement or offer to sell, for an amount fixed by auction.

(2) This Act shall not apply to a sale of, or to an agreement or offer to sell, goods intended for export, and on a prosecution of a person for a contravention of any of the preceding provisions of this Act, it shall be a defence for that person to prove that he had reasonable cause to believe that the goods in question were intended for export.

Saving for rights of innocent parties.

15. The illegality by virtue of this Act of any transaction shall not prejudice any rights acquired by any person other than a person who is guilty of a contravention of this Act in respect of the transaction, or who is liable to punishment by reason of his having aided, abetted, counselled or procured, such a contravention.

Penalty for failure to furnish information required.

16.—(1) Any person who fails to produce or furnish any account, book or other document, or any information, which he is required under this Act to produce or furnish, shall be liable, on summary conviction, to a fine not exceeding fifty pounds and also to a fine not exceeding ten pounds for every day on which the failure continues.

(2) Any person who, being required under this Act to produce any account, book or other document, with intent to deceive produces any account, book or other document, which he knows to be false in a material particular, or who, being required under this Act to furnish any information, makes any statement which he knows to be false in a material particular or recklessly makes any statement which is false in a material particular, shall, unless indicted therefor, be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

(3) Any person who refuses or who wilfully neglects to attend, or to give evidence, in obedience to a summons issued under the Second Schedule to this Act shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment.

Restriction on disclosure of information.

17.—(1) No information with respect to any particular business which has been obtained under this Act shall, without the consent of the person carrying on that business, be disclosed otherwise than in connection with the execution of this Act:

Provided that nothing in this section shall apply to a disclosure of information made for the purposes of any criminal proceedings which may be taken whether by virtue of this Act or otherwise, or for the purposes of a report of any such proceedings.

(2) If any person discloses any information in contravention of this section, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and such fine, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine.

Offences by corporations.

18. Where a person convicted of a contravention of any of the provisions of this Act is a body corporate, every person who, at the time of the contravention, was a director or officer of the body corporate shall be deemed to be guilty of that contravention, unless he proves that the contravention was committed without his consent or connivance and that he exercised all such diligence to prevent the contravention as he ought to have exercised having regard to the nature of his functions as a director or officer of that body and to all the circumstances.

Powers of Board of Trade for purposes of this Act.

19.—(1) Any order authorised under this Act to be made by the Board of Trade may be made by the President of the Board or in his absence by a Secretary of State, and any other thing required or authorised by or under this Act to be done by, to, or before the Board of Trade may be done by, to, or before the President of

the Board, any secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President.

(2) Any order made by the Board of Trade under this Act may be varied or revoked by a subsequent order made by the Board:

Provided that, in relation to an order varying an order made under subsection (1) of section five or under section six of this Act, otherwise than in pursuance of a direction given by the referee, the provisions of subsections (2) to (5) of section five of this Act shall have effect as they have effect in relation to an order made under subsection (1) of that section.

(3) The definition in an order for any of the purposes of this Act of a description of goods may be framed by reference to any circumstances whatsoever.

(4) An order made by the Board of Trade in exercise of the power conferred on them by the First Schedule to this Act to specify matters to which regard is to be had in fixing the permitted increase may provide that this Act shall have effect in relation to transactions effected before the coming into operation of the order, in like manner as if that matter had been specified in the said Schedule as originally enacted.

(5) The Board may make regulations for prescribing the procedure to be followed in relation to anything required or authorised to be done under this Act, otherwise than in relation to proceedings in any court or on an appeal under this Act to the referee, and generally for giving effect to the provisions of this Act.

Meaning in this Act of the expression "offer".

20. In this Act references to an offer to sell goods shall be construed as including a reference to a notification by a person of the price proposed by him for a sale of goods, made by the publication of a price list, by exposing the goods for sale in association with a mark indicating price, by the furnishing of a quotation, or otherwise howsoever, and the reference in section eleven of this Act to an offer to enter into a transaction shall be construed similarly as including a reference to a notification of the consideration proposed for the transaction.

Application to Scotland.

21. For the purposes of the application of this Act to Scotland—

(*a*) subsection (2) of section seven of this Act shall have effect as if for any reference to an application by or with the consent of the Attorney General, there were substituted a reference to an application by or on behalf of the Lord Advocate;

(*b*) for subsections (5) and (6) of section eight of this Act the following subsections shall be substituted:—

"(5) Where it appears to a local price-regulation committee that there has been a contravention in their locality of any of the provisions of section one of this Act and the committee, after giving to the alleged offender an opportunity of making representations to them, and, if so requested by him, of being heard by them, are of opinion that a prosecution ought to be instituted in respect thereof, the committee shall report the alleged contravention to the central price-regulation committee, who, if they are of the same opinion, shall report it to the Board of Trade, and the central price-regulation committee shall make a like report in a case in which they think fit to investigate an alleged contravention themselves and are of opinion, after giving to the alleged offender such an opportunity as aforesaid, that a prosecution ought to be instituted in respect thereof.

(6) On receiving any such report as aforesaid, the Board of Trade may, if they think fit, request the Lord Advocate to institute proceedings accordingly, and a prosecution for such a contravention shall not be instituted except upon request made to him as aforesaid:

Provided that such a prosecution may be instituted if it appears to the Lord Advocate that the prosecution ought to be instituted and that the local price-regulation committee, having been made aware of the alleged contravention, have failed to report it to the

central price-regulation committee, or that that committee, having received a report thereof or having themselves investigated the alleged contravention, have failed to report to the Board."

Application to Northern Ireland.

22.—(1) For the purposes of the application of this Act to Northern Ireland—

(*a*) references to the Attorney General and to the Director of Public Prosecutions shall be construed as references to the Attorney General for Northern Ireland, or, in a case in which the Attorney General for Northern Ireland is unable to act, to the deputy appointed under section two of the Office of Attorney General Act (Northern Ireland), 1923, to act as Attorney General for Northern Ireland;

(*b*) the expression "summary conviction" means conviction subject to, and in accordance with, the Petty Sessions (Ireland) Act, 1851, and any Act (including any Act of the Parliament of Northern Ireland) amending that Act. 14 & 15 Vict. c. 93.

(2) For the purposes of section six of the Government of Ireland Act, 1920, this Act shall be deemed to be an Act passed before the appointed day. 10 & 11 Geo. 5. c. 67.

Short title and duration.

23.—(1) This Act may be cited as the Prices of Goods Act, 1939.

(2) This Act shall continue in force until such date as His Majesty may by Order in Council declare to be the date on which the emergency that was the occasion of the passing of this Act came to an end, and shall then expire except as respects things previously done or omitted to be done.

SCHEDULES

Sections 4, 19.

FIRST SCHEDULE.

MATTERS TO BE REGARDED IN FIXING PERMITTED INCREASE.

Cost of the provision of materials, whether raw or semi-manufactured, and of stocks of goods, requisite for the carrying on of the business.

Expense of manufacturing and processing operations.

Cost of premises and plant, expense of maintenance and improvement thereof, and rent.

Insurance premiums.

Wages and salaries.

Administration and establishment expenses.

Pensions, benevolent and welfare schemes.

Liability for duties of customs and excise, rates, and interest on money borrowed.

Transport charges.

Expense of advertising, employment of salesmen on commission, and other marketing measures.

Provision for bad debts.

The total volume of the business over which the overhead expenses thereof fall to be spread.

Any other matter specified in an order made by the Board of Trade under this Schedule.

Sections 5, 16.

SECOND SCHEDULE.

PROVISIONS AS TO APPEALS AGAINST ORDERS SPECIFYING PRICES.

1.—(1) The Lord Chancellor shall appoint a person, who shall be a member of the legal profession, as referee to hear and determine all appeals against orders made under section five or six of this Act, or against orders varying such orders.

2ND SCH. —*cont.*

(2) The person so appointed shall be appointed for a specified period, subject to such conditions with respect to the vacation of his office as may be imposed before the time of his appointment, and on ceasing to hold his office shall be eligible for reappointment thereto.

(3) In the case of illness, incapacity or absence, of the referee, the Lord Chancellor may appoint some other person to act as deputy for the referee, and a person so appointed shall when so acting have all the functions of the referee.

2.—(1) There shall be constituted three panels, each consisting of six persons appointed by the Board of Trade, being, in the case of the said panels respectively—

(*a*) persons who appear to the Board to be experienced in matters of finance or accountancy;

(*b*) persons who appear to the Board to have technical knowledge of matters relating to trading in different descriptions of price-regulated goods; and

(*c*) persons who appear to the Board to be qualified to represent the interests of buyers of such goods on such appeals as aforesaid.

(2) A person appointed to be a member of any of the said panels shall be appointed to be a member thereof for a specified period, subject to such conditions with respect to the vacation of his office as may be imposed before the time of his appointment, and a person ceasing to hold office as a member of a panel, shall be eligible for reappointment thereto.

3.—(1) The referee shall, for the purposes of each appeal, obtain the assistance as assessor of one person from each of the said panels.

(2) In selecting an assessor from the panel consisting of persons having technical knowledge of matters relating to trading, the referee shall have regard to the nature of the particular appeal, so that, as nearly as may be, the person so selected shall be conversant with and have knowledge of the technicalities that may arise in dealing with that appeal.

4. For the purpose of dealing with any appeal, the referee may by summons require any person to attend, at such time and place as is specified in the summons, to give evidence or to produce any documents in his custody or under his control which the referee considers it necessary to examine, and may take evidence on oath, and for that purpose administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined :

2ND SCH. —*cont.*

Provided that no person shall be required, in obedience to such a summons, to go more than ten miles from his place of residence, unless the necessary expenses of his attendance are paid or tendered to him.

5. Subject to the preceding provisions of this Schedule, the Lord Chancellor may make rules for regulating the procedure on such appeals as aforesaid, and, without prejudice to the generality of this paragraph, such rules may make provision for limiting the time within which any act to be done in relation to an appeal must be done.

6.—(1) The Board of Trade may pay to the referee appointed under this Schedule, and to a person selected to act as an assessor for the purposes of any appeal, such remuneration as the Board, with the approval of the Treasury, may determine, and such expenses of the referee and of any person so selected as the Board and the Treasury may approve shall be defrayed by the Board.

(2) Any expenses of the Board under this paragraph shall be defrayed out of moneys provided by Parliament.

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