requests to be supplied, instead of or in addition to such container, with a carrier-bag or other container (being a container of more than adequate size or durability for that purpose, and of a description which would not ordinarily be supplied with the apples unless separately purchased for an additional sum), a reasonable charge may be made by the seller for the supply of such carrier-bag or other container.

4. Where the maximum price calculated in accordance with the provisions of this Schedule includes any fraction of a farthing, such fraction shall be regarded as one farthing.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order replaces the Imported Apples Order, 1946, and prescribes new scales of maximum prices for imported apples from 14th November 1948 onwards.

The distinction between "Ministry" apples (apples sold by the Minister of Food on an import or a first-hand sale) and other apples has been abolished. The provisions of the 1946 Order that related to apples other than Ministry apples have not been reproduced; those that related only to Ministry apples now relate to all imported apples.

(b) BANANAS

The Bananas Order. 1948

1948 No. 1628

Made - - - -	13*th July*, 1948
Laid before Parliament	15*th July*, 1948
Coming into Operation	26*th July*, 1948

In exercise of the powers conferred upon him by Regulation 55, 55AA and 55AB of the Defence (General) Regulations, 1939(a), as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(b) as extended by the Supplies and Services (Extended Purposes) Act, 1947(c), and of all other powers him enabling, the Minister of Food hereby makes the following Order:—

Interpretation.

1.—(1) In this Order—

"The Minister" means the Minister of Food.

"The Ministry" means the Ministry of Agriculture for Northern Ireland.

"Allocation" in relation to bananas means all bananas supplied to a retailer under the same allocation number.

"Bananas" does not include bananas that have been dehydrated or otherwise processed.

(a) *See* Note, p. 15 above.

(b) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (Nos. 1611 and 1615–25) II, pp. 39 and 45–56.

(c) 10 & 11 Geo. 6. c. 55.

" Buy " includes offer or agree to buy, and " sell " includes offer or agree to sell or expose for sale.

" Catering business " includes the business or undertaking of an inn, public-house, hotel, restaurant, café, tea-shop, buffet, coffee-stall or any place of refreshment open to the public, or of a club, boarding-house, apartment-house, refreshment contractor, school feeding-centre, staff dining-room or canteen; and the word " caterer " shall be construed accordingly.

" First-hand sale " in relation to any bananas means the first sale of such bananas after their importation into the United Kingdom, such sale being either by a licensed wholesaler or through the agency of a licensed selling agent.

" Licensed selling agent " and " licensed wholesaler " respectively mean persons licensed as such under the Fresh Fruit and Vegetables (Restriction on Dealings) Order 1945(**a**).

" Manufacturer " means any person who, for the purposes of his trade or business, other than a catering business, processes or preserves bananas or uses bananas in the composition, manufacture or preparation of any article; and the expression " manufacturing business " shall be construed accordingly.

" Obtain " and " supply " respectively include agree, offer or attempt to obtain or supply.

" Premises " includes any vehicle, stall or barrow from which bananas are sold.

" Sale by retail " and " supply by retail " respectively mean sale and supply to a person buying or obtaining otherwise than for the purpose of re-sale, and include sale or supply to a person for the purposes of his catering business but do not include sale or supply to a manufacturer for the purposes of his manufacturing business; and the expressions " obtain by retail " and " buy by retail " and the word " retailer " shall be construed accordingly.

" Sale by wholesale " means any sale other than a sale by retail or a first-hand sale.

" The Containers Order " means the Fresh Fruit, Vegetables and Flowers (Use of Containers) Order, 1944(**b**), or any Order amending or replacing that Order.

(2) References in this Order to the purchase or sale of bananas by a wholesaler, selling agent, retailer, manufacturer or other class of trader mean the purchase or sale by him for the purposes of his business as such class of trader.

Restriction on sales to manufacturers.

2. Except under and in accordance with the terms of a licence granted for the purposes of this Article by or on behalf of the Minister, or in respect of Northern Ireland by or on behalf of the Minister or the Ministry, no person shall sell any bananas to a manufacturer and no manufacturer shall buy any bananas from any person.

(**a**) S.R. & O. 1945 (No. 1128) II, p. 780; and 1947 (Nos. 1423, 1890 and 1928) II, pp. 736, 739 and 750.

(**b**) S.R. & O. 1944 (No. 87) II, p. 869; 1946 (No. 1802) II, p. 934; 1947 (No. 1928) II, p. 750; and S.I. 1948 No. 79, p. 592 above.

Maximum prices.

3. No person shall sell or buy any bananas at a price exceeding the maximum price applicable in accordance with the provisions of the Schedule to this Order.

Furnishing of particulars by sellers.

4. On any sale of bananas other than a sale by retail the seller shall furnish to the buyer, on or before the delivery of the bananas to the buyer, a statement in writing showing—

(i) the net weight of bananas delivered; and

(ii) the date of such delivery, and the allocation number of such bananas as indicated to the seller by or on behalf of the Minister or by the person from whom the seller purchased the bananas.

Regulation of supply by retail.

5.—(1) No person shall obtain or supply bananas by retail, except in accordance with the provisions of this Article.

(2) Bananas may be obtained by retail by, and supplied by retail to, the holder of a valid General Ration Book R.B.1 endorsed on page 4 with the letters and number " R.G.64 " or " R.G.64B," a valid Child's Ration Book R.B.2, a valid Junior Ration Book R.B.4 or a valid Ration Book R.B.7.

(3) The quantity of bananas supplied against each ration book from any one allocation shall not, until after the expiry of three days during which the retailer has been supplying that allocation by retail, exceed ½ lb. net; which weight may, however, be exceeded to the extent necessary to avoid the supplying of part of a banana.

(4) Bananas may be obtained by retail by, or supplied by retail to, an establishment within the meaning of the Food Rationing (General Provisions) Order, 1947(a) that holds an authorisation issued for the purpose by or on behalf of the Minister, up to the quantity and in accordance with the provisions specified in such authorisation.

Display of bananas or notice.

6. Every retailer of bananas, on receiving an allocation of bananas and before selling any part of such allocation, shall display on his premises in a conspicuous position and so as to be clearly visible to members of the public—

(i) all or a substantial number of the bananas comprised in the said allocation; or

(ii) a notice stating plainly and legibly that bananas are on sale;

and every such retailer shall continue so to display such bananas (or a substantial part of so many of them as remain in his possession) or such notice while any part of the said allocation remains in his possession for sale.

Display of maximum retail prices.

7. Every retailer of bananas shall keep displayed on his premises in a conspicuous position and so as to be clearly legible by all customers, throughout the whole time during which bananas are being offered or exposed for sale, a notice stating in plain words and figures the maximum retail price of such bananas in accordance with this Order.

No sales otherwise than by weight.

8. No person shall sell or buy bananas otherwise than by weight.

Keeping of records by retailers.

9.—(1) Every retailer of bananas shall keep or cause to be kept an accurate record of all purchases by him of bananas; and such record

(a) S.R. & O. 1947 (Nos. 1474, 1625 and 1959) II, pp. 415, 432 and 433; and S.I. 1948 Nos. 301 and 448; for revocation and replacement, *see* S.I. 1948 No. 1631, p. 427 above.

shall include in respect of each purchase the date thereof, the name and address of the person from whom the bananas were purchased, the net weight of bananas purchased, the price paid, and particulars of any addition to the maximum price (including any charge by way of deposit in respect of a returnable package or container) made in accordance with the provisions of this Order.

(2) The retention by a retailer of an invoice or a copy of an invoice shall as regards the particulars mentioned therein be a sufficient compliance by him with the provisions of this Article.

(3) Every retailer who is required by this Article to keep any record shall retain it for one year from the date of the transaction to which it relates.

Artificial transactions; unreasonable charges.

10. No person shall, in connection with the sale or disposition or proposed sale or disposition of any bananas, enter or offer to enter into any artificial transaction or make or demand any unreasonable charge.

Directions, licences and authorisations.

11.—(1) The provisions of this Order are subject to any directions that may at any time be given by or on behalf of the Minister, or in respect of Northern Ireland by or on behalf of the Minister or the Ministry, and to any licence or authorisation that may be granted by or on behalf of the Minister, or in respect of Northern Ireland by or on behalf of the Minister or the Ministry, under this Order; and the Minister hereby delegates to the Ministry the function of giving or granting any such directions, licence or authorisation in respect of Northern Ireland.

(2) Every person holding a licence or authorisation granted under this Order shall comply with every condition imposed by such licence or authorisation.

(3) Every licence or authorisation granted under this Order is and shall remain the property of the Minister; and the licensee or any person in possession of any such licence or authorisation shall, if requested to do so by or on behalf of the Minister, produce or deliver it to such person or to a person of such class or description, and within such time, as may be specified in the request.

Infringements.

12. Infringements of this Order are offences against the Defence (General) Regulations, 1939.

Revocation.

13. The Bananas Order, 1945, as amended(a) is hereby revoked but without prejudice to any proceedings in respect of any contravention thereof.

14. This Order may be cited as the Bananas Order, 1948; and shall come into force on the 26th day of July, 1948.

John Strachey,
Minister of Food.

Dated the 13th day of July, 1948.

(a) S.R. & O. 1945 (No. 1551) II, p. 713; 1946 (No. 347) II, p. 900; and 1947 (Nos. 37, 740 and 1826) II, pp. 695–8.

THE SCHEDULE

PART 1

Table of Maximum Prices

Place of origin	Maximum Prices					
	On a first-hand sale	On a sale by wholesale		On a sale by retail		
		Areas 1 & 2	Area 3	Area 1	Area 2	Area 3
	Rate per ton net	Rate per cwt. net	Rate per cwt. net	Rate per lb. net	Rate per lb. net	Rate per lb. net
	£ s. d.	£ s. d.	£ s. d.	s. d.	s. d.	s. d.
Jamaica, Nigeria (British Cameroons)	54 12 0	3 19 6	4 11 6	11	11½	1 0½
Canary Islands ...	58 0 0	3 19 6	4 11 6	11	11½	1 0½

(1) For the purposes of the above Table:

Area 1 means

The United Kingdom other than Areas 2 and 3.

Area 2 means

The County of Caithness.

The County of Sutherland.

In the County of Ross and Cromarty, the parishes of Applecross, Gairloch, Glenshiel, Kincardine, Kintail, Lochalsh, Lochbroom, and Locharron.

In the County of Inverness, the parishes of Abernethy, Abertarff, Alvie, Arisaig, Boleskine, Duthil and Rothiemurchus, Glenelg, Kilmallie, Kingussie and Insh, Kilmonivaig, Kincardine, Laggan, Moidart and Moy, and Delarossie.

In the County of Moray, the parishes of Cromdale, Inverallan and Advie, and Knockando.

In the County of Banff, the parishes of Cabrach and Kirkmichael.

In the County of Aberdeen, the parishes of Braemar, Crathie, Glenbuchat, and Strathdon.

In the County of Perth, the parishes of Balquhidder, Blair Atholl, Fortingall, and Killin.

The County of Argyll.

The County of Bute.

Area 3 means

The Inner Hebrides and the Outer Hebrides Islands.

The County of Orkney.

The County of Zetland.

(2) The maximum price expressed to be applicable to any area shall apply to any sale where the seller's premises are situate in that area.

In this Schedule the expression " seller's premises " in relation to the sale of any bananas means the last place at which the bananas are stored or kept on behalf of the seller before delivery or despatch to the buyer.

(3) The above maximum prices are subject to the provisions set out in Parts 2, 3 and 4 of this Schedule.

PART 2

Provisions Applicable on a First-Hand Sale of Bananas

1. The maximum price includes all costs and charges in respect of packing and of packages or containers; and no additional charge may be made by the seller in respect thereof.

2. The maximum price includes all costs and charges of and incidental to delivery by the seller at the buyer's premises (or to the railway station nearest to the buyer's premises at seller's option), with the exception of any porterage

charge reasonably incurred by the seller and customary in the market in which the bananas are sold; and with such exception no additional charge may be made in respect of transport or delivery.

PART 3

Provisions Applicable on a Sale by Wholesale of Bananas

1. The maximum price includes all costs and charges in respect of packing and of packages or containers; and no additional charge may be made by the seller in respect thereof, with the exception in the case of a returnable package or container of the deposit charge that is required to be made by the seller under the Containers Order.

2.—(1) The maximum price includes all costs and charges of and incidental to the delivery of the bananas at the seller's premises.

(2) If, at the request of the buyer, delivery is given by the seller otherwise than at his premises, the maximum price may be further increased by the amount of any costs and charges paid or incurred by the seller in respect of the transport of the bananas from the seller's premises to the place at which delivery is given:

Provided that where such transport is effected in vehicles owned by or under the control of the seller, the maximum amount of such further addition shall be—

(*a*) on a sale in Great Britain, or on a sale in Northern Ireland where the place of delivery is within the Belfast county borough limits, 2s. od. per cwt. net;

(*b*) on a sale in Northern Ireland where the place of delivery is outside the Belfast county borough limits, 3s. od. per cwt. net.

PART 4

Provisions Applicable on a Sale by Retail of Bananas

1. If the maximum price calculated in accordance with the provisions of this Schedule includes any fraction of a farthing, such fraction shall be regarded as one farthing.

2.—(1) The maximum price includes all costs in respect of packing and of packages or containers; and no additional charge, whether by way of deposit or otherwise, may be made in respect thereof, except (i) a charge by way of deposit that is required to be made by the seller under the Containers Order and (ii) a charge made under sub-paragraph (2) of this paragraph.

(2) In any case where the seller has available, and offers to the buyer without additional charge, a container adequate for the convenient carrying away of the bananas purchased, and the buyer expressly asks to be supplied, instead of or in addition to such container, with a carrier-bag or another container (being a container of more than adequate size or durability for that purpose, and of a kind that would not ordinarily be supplied with the bananas unless separately purchased for an additional sum), a reasonable charge may be made by the seller for the supply of such carrier-bag or other container.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order replaces the Bananas Order, 1945 as amended.

The quantity of bananas that persons who are entitled to buy bananas may buy at any one time is reduced to half a pound on each ration book.

Persons aged 70 or over may now buy bananas.

Retailers who have bananas for sale must display them in their shops or else put up a notice saying that they have bananas for sale.