The Biscuits (Licensing) Order, 1951

1951 No. 606

Made - - - -	*9th April*, 1951
Laid before Parliament	*9th April*, 1951
Coming into Operation	*15th April*, 1951

The Minister of Food, in pursuance of the powers conferred upon him by Regulations 55 and 55AA of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(a) (as extended by the Supplies and Services (Extended Purposes) Act, 1947(b) and continued in force by the Supplies and Services (Continuance) Order, 1950(c)), and of all other powers him enabling in that behalf, hereby orders as follows:—

Interpretation

1. In this Order—

" The Minister " means the Minister of Food.

" Biscuits " includes shortbread of an individual weight not exceeding two ounces, wafers, rusks, crispbreads, oatcakes, matzos, and biscuits wholly or partly covered with chocolate ; but does not include—

(*a*) petits fours or similar products ;

(*b*) medicinal biscuits (other than diabetic biscuits) ;

(*c*) biscuits of a description used only for feeding animals ; or

(*d*) rusk of a description commonly used as a filler in the manufacture of articles of food containing meat or fish.

Licensing of manufacturers

2.—(1) Except under and in accordance with the terms of a licence (including a provisional licence) granted by or on behalf of the Minister for the purposes of this Article, no person shall manufacture any biscuits in the course of any undertaking by way of trade or business other than the business of an establishment within the meaning of the Food (Licensing of Establishments) Order, 1948 as amended(d).

(2) In the event of the transfer of a business in respect of which a licence is held under this Article, or in the event of the death of the holder of such licence, the transferee or other person succeeding to the business shall, on having duly made an application for a licence under this Article and pending the decision of the Minister upon such application, be deemed to hold a provisional licence under this Article whereby he shall be entitled, unless the Minister shall otherwise direct, to manufacture biscuits subject to any conditions contained in the first-mentioned licence.

(3) Every licence (including every provisional licence) granted under this Article shall be deemed to be granted upon, and shall take effect subject to, the condition set out in the Schedule to this Order, except as the Minister may otherwise authorise or direct:

(a) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (Nos. 1611 and 1615–25) II, pp. 39 and 45–56.
(b) 10 & 11 Geo. 6. c. 55.
(c) S.I. 1950 (No. 1769) III, p. 51.
(d) S.I. 1948 (Nos. 368 and 2584) II, pp. 404–7.

Provided, however, that a licence granted under this Article may contain any other conditions that the Minister may consider expedient.

(4) Any licence granted under this Article—

(*a*) shall extend only to authorise the manufacture of biscuits by the licensee or by any servant of the licensee ; and

(*b*) shall not extend to authorise the manufacture of biscuits either on behalf of the licensee by any person other than such servant, or by the licensee when acting as an agent for any other person who is not licensed under this Article to manufacture biscuits.

(5) Anyone licensed under this Article shall, before ceasing to carry on business as a manufacturer of biscuits, give to the Minister, or to the Food Executive Officer for the area in which his business is carried on, not less than fourteen days' notice in writing of his intention so to do, and shall return to such Food Executive Officer any licence held by him under this Article:

Provided that if in any proceedings a person is charged with a contravention of this paragraph, it shall be a defence for him to prove that it was not practicable for him to give such notice or that he gave notice as soon as it was practicable for him to do so.

(6) If, owing to the death of a person licensed under this Article, biscuits are no longer being manufactured in connection with any business without notice having been given under the preceding paragraph, the licensee's personal representative shall forthwith give notice to the Minister, or to the appropriate Food Executive Officer, that such business has ceased to be carried on, and shall return to the Minister, or to such Food Executive Officer, any licence granted in respect of such business under this Article.

Keeping of records

3.—(1) Every person licensed under Article 2 of this Order shall keep accurate records showing—

(*a*) the quantity and description of biscuits manufactured in the course of his undertaking during the period of four weeks ending on the 21st day of April, 1951, and during each successive period of four weeks thereafter, and of the quantity of each of the following ingredients used in the manufacture of such biscuits, that is to say—

(i) flour within the meaning of the Flour Order, 1947 as amended(**a**) ;

(ii) cereals, other than such flour ;

(iii) any rationed food within the meaning of the Food Rationing Orders, 1950(**b**) ;

(iv) glucose ;

(v) eggs and egg products ; and

(vi) chocolate couverture ;

(*b*) his stock of biscuits at the beginning of each such period of four weeks as aforesaid ; and

(*c*) such other information relating to his undertaking as may be specified in a notice served upon him by or on behalf of the Minister.

(2) Every person required by this Article to keep any record shall retain it for one year from the last date to which the record relates.

(**a**) S.R. & O. 1947 (Nos. 548, 1627 and 1868) II, pp. 667–690; S.I. 1949 (No. 1742) II, p. 354; 1950 (Nos. 126, 1003 and 1313) III, pp. 616–8 ; and 1951 No. 530.
(**b**) S.I. 1950 (No. 790) III, p. 420.

Notice calling for returns or information

4. Every person licensed under Article 2 of this Order shall render to the Minister such returns or information relating to his undertaking as may be specified in a notice served upon him by or on behalf of the Minister.

Directions, authorisations and licences

5.—(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, and to any licence or authorisation that may be granted by or on behalf of the Minister under this Order.

(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 being 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

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

Revocation

7. The Biscuits (Licensing and Control) Order, 1943 as amended(a) is hereby revoked, but without prejudice to any proceedings in respect of any contravention thereof:

Provided that—

(*a*) any licence under that Order, described as a Class "A" licence, subsisting immediately before the coming into force of this Order and granted to a person who at that time was a member of the Cake and Biscuit Alliance Limited, shall continue to have effect, as though it had been granted under Article 2 of this Order, for so long as the person continues to be a member of the said Association; and

(*b*) any licence under the said Order subsisting immediately before the coming into force of this Order, not being a licence described as a Class "A" licence, shall continue to have effect as though it had been granted under Article 2 of this Order.

Citation and commencement

8. This Order may be cited as the Biscuits (Licensing) Order, 1951; and shall come into operation on the 15th day of April, 1951.

Maurice Webb,
Minister of Food.

Dated the 9th day of April, 1951.

(a) S.R. & O. 1943 (No. 1253) II, p. 912; S.I. 1948 (No. 2612) II, p. 420; and 1950 (No. 129) III, p. 488.

THE SCHEDULE

CONDITION SUBJECT TO WHICH LICENCES UNDER ARTICLE 2 OF THE ORDER ARE DEEMED TO TAKE EFFECT

The holder of a licence or provisional licence granted under this Article shall not, except under the authority of the Minister, knowingly permit—

(*a*) any person who was the holder of a licence granted to him by or on behalf of the Minister or a Food Control Committee, but whose licence has been revoked as a result of his being convicted of any of the following offences:—

(i) an offence against any of the Defence (General) Regulations, 1939, or any Order made thereunder, in respect of any article of food;

(ii) an offence against the Defence (Sale of Food) Regulations, 1943(**a**), or any Order made thereunder;

(iii) an offence against the Larceny Act, 1916(**b**), in respect of any article of food;

(iv) an offence against the Sale of Food (Weights and Measures) Act, 1926(**c**), or any Regulation made thereunder;

(v) an offence against the Food and Drugs Act, 1938(**d**), or any Regulation made thereunder; or

(*b*) any person who was a director or officer of any body corporate whose licence has been revoked for the reason aforesaid, if such director or officer was convicted together with that body corporate in respect of the offence or offences in question;

to exercise any control, direct or indirect, financial, managerial or otherwise, over the policy, management or conduct of the business in respect of which such licence has been granted.

EXPLANATORY NOTE

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

This Order replaces the Biscuits (Licensing and Control) Order, 1943 as amended. The principal change is the exclusion of petits fours and similar products from the definition of biscuits.

The Biscuits (Prices) Order, 1951

1951 No. 607

Made - - - -	*9th April*, 1951
Laid before Parliament	*9th April*, 1951
Coming into Operation	*15th April*, 1951

The Minister of Food, in pursuance of the powers conferred upon him by Regulations 55, 55AA and 55AB of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(**e**) (as extended by the Supplies and Services (Extended Purposes)

(**a**) S.R. & O. 1943 (No. 1553) II, p. 70.
(**b**) 6 & 7 Geo. 5. c. 50.
(**c**) 16 & 17 Geo. 5. c. 63.
(**d**) 1 & 2 Geo. 6. c. 56.
(**e**) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (Nos. 1611 and 1615–25) II, pp. 39 and 45–56.