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holder of a licence granted to him by or on behalf of the Minister or a Food Control Committee, but whose licence has been revoked as a result of his being convicted of any of the following offences:—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(*b*) any person who was a director or officer of any body corporate whose licence has been revoked for the reason aforesaid, if such director or officer was convicted together with that body corporate in respect of the offence or offences in question;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.

Act, 1947(a) and continued in force by the Supplies and Services (Continuance) Order, 1950(b)), 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.

" The Alliance " means, as regards anything done before the 9th day of December, 1949, The Cake and Biscuit Manufacturers' War Time Alliance Limited, and as regards anything done thereafter The Cake and Biscuit Alliance Limited.

" Approved mark " means, in respect of the manufacturer of any classified product, a name, number or other mark approved by or on behalf of the Minister or by the Alliance for the purpose of identifying that manufacturer.

" Approved name " means, in respect of any classified product, a name or description approved by or on behalf of the Minister or by the Alliance for the purpose of identifying that product.

" Biscuits " includes shortbread of an individual weight not exceeding two ounces, wafers, rusks, crispbreads, oatcakes, matzos, broken biscuits, 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.

" Classified product " means a variety or description of biscuits which, for the purposes of this Order, has been classified by or on behalf of the Minister or by the Alliance.

" Product group " means the group of any classified product, designated by a letter and number.

" Sale by retail " means any sale other than to a person buying for the purposes of resale (including in such resale a sale after processing or manufacture, or as part of any other article).

" Salvaged ", in relation to biscuits, means biscuits which have been salvaged after damage by fire or otherwise, and which are not in ordinary saleable condition.

" Unclassified product " means any variety or description of biscuits not being a classified product.

" Unit of sale " means the unit of sale of any classified product as fixed by or on behalf of the Minister or by the Alliance, either generally in relation to the product group of that product, or in relation to a particular manufacturer of the product group.

Maximum retail prices

2.—(1) No person shall sell or agree to sell by retail, or offer or expose for sale by retail, any biscuits at a price exceeding the maximum price specified in the First Schedule to this Order :

(a) 10 & 11 Geo. 6. c. 55. (b) S.I. 1950 (No. 1769) III, p. 51.

Provided that a person may so sell or agree to sell biscuits, or offer or expose them for sale, at a price not exceeding the maximum price applicable thereto under the Second Schedule to this Order if—

(*a*) such biscuits are a classified product; and

(*b*) that person has complied with the provisions of Article 3 of this Order.

(2) No charge in addition to the maximum retail price shall be made on a sale of any biscuits for or in respect of a wrapper or container.

Labelling of classified products (retail sales)

3. No person shall sell by retail, or offer or expose for sale by retail, any classified product unless there is indicated in distinctly legible words and figures, so as to be clearly visible to a purchaser or intending purchaser, upon the outside of the wrapper or container of the product, or upon a label attached to the product or to the wrapper or container thereof, or upon a label or ticket displayed in close proximity to the product, the following particulars (hereinafter called "the prescribed particulars"):—

(*a*) the product group;

(*b*) the approved name of the product;

(*c*) the name or approved mark of the manufacturer; and

(*d*) the maximum retail price of the product:

Provided that in the case of a mixture of broken biscuits to which the proviso to Article 8 of this Order applies (other than biscuits of product groups MB1, MB2 or MB3), there shall be indicated in place of the prescribed particulars the following particulars:—

(*a*) the description of the biscuits (that is to say, "broken unsweetened biscuits", "broken sweetened biscuits", or "broken chocolate covered biscuits", as the case may be); and

(*b*) the maximum retail price of the biscuits.

Labelling of classified products (delivery for trade purposes)

4. No manufacturer of any classified product, or other person, shall deliver such product to anyone for the purposes of trade unless the prescribed particulars are clearly indicated in distinctly legible words and figures either upon the outside of the wrapper or container of the product or upon a label attached to the product or to the wrapper or container thereof.

Delivery of unclassified product as classified, or of one product group as another; defences

5.—(1) No trader (including a manufacturer), who delivers to any other trader any biscuits which do not constitute a classified product, shall deliver with them or supply in respect of them any label, price ticket or other indication purporting to show that they constitute a classified product.

(2) If in any prosecution a person is charged with an infringement of this Order in that he sold an unclassified product as a classified product at a price exceeding the maximum price for an unclassified product, it shall be a defence for him to prove—

(*a*) that he bought the product in question with a written warranty to the effect that it was a classified product; and

(*b*) that he had no reason to believe, at the time of the commission of the alleged offence, that the product was otherwise than as warranted.

(3) No trader (including a manufacturer), who delivers to any other trader any biscuits which are of one product group, shall deliver with them or supply in respect of them any label, price ticket or other indication purporting to show that they constitute biscuits of another product group.

(4) If in any prosecution a person is charged with an infringement of this Order in that he sold biscuits of one product group (hereinafter called " the correct product group ") as biscuits of another product group at a price exceeding the maximum price for the correct product group, it shall be a defence for him to prove—

(*a*) that he bought the biscuits in question with a written warranty to the effect that they were classified as of such other product group, and that the price at which he sold them did not exceed the maximum price for such other product group ; and

(*b*) that he had no reason to believe, at the time of the commission of the alleged offence, that the biscuits were otherwise than as warranted.

(5) Such warranty shall not be a defence to such proceedings unless the defendant has within seven days of the service of the summons sent to the prosecutor a copy of the warranty with a notice of his intention to rely on it, specifying the name and address of the person from whom he received it, and has also sent a like notice of his intention to that person.

(6) If the defendant is a servant of the person who purchased the product under such warranty, he shall be entitled to rely upon the provisions of this Article in the same way as his employer would have been entitled to do if he had been the defendant.

(7) The person by whom the warranty is alleged to have been given shall be entitled to appear at the hearing and give evidence.

(8) For the purposes of this Article, a statement on any label printed on or affixed to any wrapper or container, or a statement in an invoice or similar document, shall be deemed to be a written warranty.

Removal or defacement of labels

6. No person (except a person who has purchased a classified product otherwise than for resale) shall remove, alter, deface or render illegible any marking, label or ticket on or attached to or delivered or enclosed with any classified product:

Provided that it shall be a defence in any proceedings for a contravention of this Article for the defendant to prove that such marking, ticket or label was removed, altered, defaced or rendered illegible without intent to deceive.

Changes of classification

7. If a product has been classified for the purposes of this Order, the classification may be revoked, amended or altered at any time by or on behalf of the Minister or by the Alliance.

Classified products not to be mixed for retail sale

8. No person shall sell or offer or expose for sale by retail any classified product as supplied by the manufacturer thereof, mixed with any other classified product or with any unclassified product:

Provided that this Article shall not operate in respect of broken biscuits so as to prohibit the mixing of unsweetened, sweetened or chocolate-covered biscuits respectively, classified in one product group, with unsweetened, sweetened or chocolate-covered biscuits, as the case may be, classified in a different product group.

Sales deemed to be of unclassified products

9.—(1) Where biscuits of any product group are sold otherwise than by the method specified in relation to that group in the Second Schedule to this Order, the sale shall be deemed to be a sale of an unclassified product; and the maximum price applicable under Part I of the First Schedule to this Order shall not be exceeded on that sale.

(2) Where biscuits of any product group are salvaged, they shall be deemed to be unclassified products; and on any retail sale of such biscuits the maximum price applicable under Part I of the First Schedule to this Order shall not be exceeded:

Provided that on application to the Alliance by the owner of any salvaged biscuits, the Alliance may state in writing to the owner that the biscuits are fit for sale as a classified product, and may specify the product group to which they shall be assigned; and thereafter the owner may sell those biscuits at the maximum price applicable to that product group under the provisions of the Second Schedule to this Order.

Keeping of records

10.—(1) Every person who sells biscuits otherwise than by retail shall keep or cause to be kept an accurate record of—

(*a*) all purchases and sales by him of biscuits otherwise than by retail; and such record shall include, in respect of each purchase or sale, the name and address of the person from whom the biscuits were purchased or to whom they were sold, the quantities of biscuits purchased or sold, and the price paid or charged; and

(*b*) the stocks of biscuits held by him from time to time.

(2) Every person who sells biscuits by retail shall keep or cause to be kept an accurate record of every purchase by him of biscuits; and such record shall include the name and address of the person from whom the biscuits were purchased, the quantities of biscuits purchased, and the price paid or charged.

(3) The retention by any person 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.

(4) Every person required by this Article to keep any record shall retain it for one year from the date of the transaction to which it relates, or, in the case of a record of stocks, from the date when he took delivery thereof.

Exemption for caterers

11. The provisions of this Order shall not apply to the sale of biscuits by a caterer as a meal or part of a meal.

Artificial transactions

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

Directions, authorisations and licences

13.—(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

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

Revocation

15.—(1) The Biscuits (Maximum Retail Prices) Order, 1943 as amended (**a**) is hereby revoked, but without prejudice to any proceedings in respect of any contravention thereof:

Provided that any licence or authorisation granted thereunder or having effect by virtue thereof, and subsisting immediately before the coming into force of this Order, shall continue to have effect as though granted under this Order.

(2) Every person shall, notwithstanding the revocation of the said Order, retain any record of any transaction, or of any stocks, required to be kept by him thereunder for one year from the date of the transaction or of the delivery of the stocks.

(3) If immediately before the coming into force of this Order any product was classified for the purposes of the said Order, such classification shall continue to have effect as though it had been made for the purposes of this Order.

Citation and commencement

16. This Order may be cited as the Biscuits (Prices) 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.

THE FIRST SCHEDULE

Maximum Retail Prices of Unclassified Products

Part I

Biscuits manufactured by manufacturers holding Class A licences under the Biscuits (Licensing) Order, 1951(**b**)

Maximum price for every variety or description of biscuits:—
9d. per lb.

(**a**) S.R. & O. 1943 (No. 1771) II, p. 916; 1946 (No. 1477) II, p. 680; S.I. 1949 (No. 1512) II, p. 282; and 1950 (No. 129) III, p. 488.
(**b**) S.I. 1951 No. 606, p. 116 above.

PART II

Biscuits manufactured by manufacturers holding Class B licences under the Biscuits (Licensing) Order, 1951(a)

Description of Product	Maximum Price per lb.
	s. d.
Shortbread, and biscuits covered wholly with chocolate ...	2 6
All other biscuits...	1 6

THE SECOND SCHEDULE

MAXIMUM RETAIL PRICES OF CLASSIFIED PRODUCTS

PART I

Biscuits sold or intended to be sold by weight only

Product Group and Maximum Price per lb. net

	s. d.		s. d.		s. d.		s. d.
B 1 ...	9	B 13 ...	1 9	B 25 ...	2 9	B 37 ...	3 9
B 2 ...	10	B 14 ...	1 10	B 26 ...	2 10	B 38 ...	3 10
B 3 ...	11	B 15 ...	1 11	B 27 ...	2 11	B 39 ...	3 11
B 4 ...	1 0	B 16 ...	2 0	B 28 ...	3 0	B 40 ...	4 0
B 5 ...	1 1	B 17 ...	2 1	B 29 ...	3 1	B 41 ...	4 1
B 6 ...	1 2	B 18 ...	2 2	B 30 ...	3 2	B 42 ...	4 2
B 7 ...	1 3	B 19 ...	2 3	B 31 ...	3 3	B 43 ...	4 3
B 8 ...	1 4	B 20 ...	2 4	B 32 ...	3 4	B 44 ...	4 4
B 9 ...	1 5	B 21 ...	2 5	B 33 ...	3 5	B 45 ...	4 5
B 10 ...	1 6	B 22 ...	2 6	B 34 ...	3 6	B 46 ...	4 6
B 11 ...	1 7	B 23 ...	2 7	B 35 ...	3 7		
B 12 ...	1 8	B 24 ...	2 8	B 36 ...	3 8		

PART II

Biscuits sold or intended to be sold by count only

SECTION A

Product Group and Maximum Price per unit of sale

	d.		d.		d.		d.
B/C 1 ...	0½	B/C 4 ...	2	B/C 6 ...	3	B/C 8 ...	4
B/C 2 ...	1	B/C 5 ...	2½	B/C 7 ...	3½	B/C 9 ...	4½
B/C 3 ...	1½						

SECTION B

Product Group and Maximum Price

Product Group	*Maximum Price at the rate of—*
B/W2—A	1d. per 13 biscuits (wafers)
B/W2—B	1d. per 10 biscuits (wafers)

(a) S.I. 1951 No. 606, p. 116 above.

PART III

Maximum Prices of Broken Biscuits

Column 1 Description of Broken Biscuits	Column 2 Maximum Price
	Per lb. net s. d.
1. Mixed unsweetened biscuits, including biscuits of product group MB1, and any mixture of unsweetened biscuits to which the proviso to Article 8 of this Order applies.	5
2. Mixed sweetened biscuits, including biscuits of product group MB2, and any mixture of sweetened biscuits to which the proviso to Article 8 of this Order applies.	7
3. Mixed biscuits wholly or partly covered with chocolate, including biscuits of product group MB3, and any mixture of chocolate-covered biscuits to which the proviso to Article 8 of this Order applies.	1 1
4. Broken biscuits of any one product group, other than product groups MB1, MB2 and MB3.	Half the maximum price for whole biscuits of that group.

PART IV

Biscuits packed and sold or intended to be sold by package only

Product Group and Maximum Price per package

	d.		s. d.		s. d.		s. d.
B/P 1	1	B/P 21	11	B/P 32	1 9	B/P 49	3 2
B/P 2	1½	B/P 22	11½	B/P 32A	1 9½	B/P 50	3 3
B/P 3	2	B/P 23	1 0	B/P 33	1 10	B/P 51	3 4
B/P 4	2½	B/P 23A	1 0½	B/P 33A	1 10½	B/P 52	3 5
B/P 5	3	B/P 24	1 1	B/P 34	1 11	B/P 53	3 6
B/P 6	3½	B/P 24A	1 1½	B/P 34A	1 11½	B/P 54	3 7
B/P 7	4	B/P 25	1 2	B/P 35	2 0	B/P 55	3 8
B/P 8	4½	B/P 25A	1 2½	B/P 36	2 1	B/P 56	3 9
B/P 9	5	B/P 26	1 3	B/P 37	2 2	B/P 57	3 10
B/P 10	5½	B/P 26A	1 3½	B/P 38	2 3	B/P 58	3 11
B/P 11	6	B/P 27	1 4	B/P 39	2 4	B/P 59	4 0
B/P 12	6½	B/P 27A	1 4½	B/P 40	2 5	B/P 60	4 3
B/P 13	7	B/P 28	1 5	B/P 41	2 6	B/P 61	4 6
B/P 14	7½	B/P 28A	1 5½	B/P 42	2 7	B/P 62	4 9
B/P 15	8	B/P 29	1 6	B/P 43	2 8	B/P 63	5 0
B/P 16	8½	B/P 29A	1 6½	B/P 44	2 9	B/P 64	5 3
B/P 17	9	B/P 30	1 7	B/P 45	2 10	B/P 65	5 6
B/P 18	9½	B/P 30A	1 7½	B/P 46	2 11	B/P 66	5 9
B/P 19	10	B/P 31	1 8	B/P 47	3 0	B/P 67	6 0
B/P 20	10½	B/P 31A	1 8½	B/P 48	3 1		

EXPLANATORY NOTE

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

This Order replaces the Biscuits (Maximum Retail Prices) Order, 1943 as amended.

The principal changes are:—

(1) petits fours and similar products are excluded from the definition of biscuits;

(2) the scale of maximum retail prices of classified biscuits sold by weight (previously limited to 3s. 6d. a pound) is extended to 4s. 6d. a pound;

(3) the scale of maximum retail prices of classified biscuits sold by the package (previously limited to 4s. 9d. a package) is extended to 6s. 0d. a package; and

(4) The Cake and Biscuit Alliance Limited is empowered without any further authority from the Minister to classify biscuits; to amend, alter or revoke such classifications; to approve "approved marks" for manufacturers and "approved names" for classified products; and to fix "units of sale" for such products.

The Bread Order, 1951

1951 No. 258

Made - - - -	*16th February*, 1951
Laid before Parliament	*17th February*, 1951
Coming into Operation	*18th February*, 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(**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.

"Bread" includes rolls, but does not include fruit loaves or bun loaves.

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

"By retail" means, in relation to a sale of bread, a sale to a person buying otherwise than for the purpose of resale, and includes a sale to a caterer for the purposes of his catering business.

"Catering business" includes the business or undertaking of an inn, public house, hotel, restaurant, café, tea-shop, buffet, coffee-stall or of 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.

(**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.