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.

" Loaf " includes wrapped sliced bread.

" National bread " means bread in the production of which—

(i) at least 87½ per cent. of the flour used is national flour ; and

(ii) no ingredients besides national flour have been used, other than one or more of the substances specified in the First Schedule to this Order.

" National flour " and " ' W ' flour " respectively mean national flour and ' W ' flour as defined in the Flour Order, 1947 as amended(a) or in any Order further amending or replacing that Order.

" Rye bread " means bread in the production of which at least 25 per cent. of the flour used is rye flour or rye meal or both.

" Sparsely populated area " means any area specified in Part II of the Second Schedule to this Order.

" Week " means a period of seven days ending at midnight between Saturday and Sunday.

Restriction on the use of imported flour

2. In the production of bread by any person by way of trade or business, not more than 25 per cent. of the flour used in each loaf or other unit shall consist of imported flour.

Provisions as to weight ; legal proceedings ; suspension of part of the Sale of Food (Weights and Measures) Act, 1926

3.—(1) No person shall sell or have in his possession for sale—

(*a*) any loaf of bread (other than a Vienna loaf) unless its weight is 14 ounces or a multiple of 14 ounces, or is 2 ounces or less ;

(*b*) any Vienna loaf except a loaf weighing 7 ounces ; or

(*c*) any bap or other roll of bread exceeding 2 ounces in weight:

Provided that nothing in this Article shall prohibit any person from selling or having in his possession for sale in Northern Ireland baps of a weight of 7 ounces or 3½ ounces each.

(2) Where in any proceedings a person is charged with a contravention of this Article in respect of the weight of any bread—

(*a*) the Court shall disregard any inconsiderable variation in the weight of a single loaf or roll of bread, and shall have regard to the average weight of a reasonable number of loaves or rolls of the same kind (if any) sold by the person so charged or in his possession for the purpose of sale, on the same occasion, and generally to all the circumstances of the case ; and

(*b*) if the person so charged proves to the satisfaction of the Court that such deficiency was due to a bona fide mistake or accident, or to other causes beyond his control, and that it occurred in spite of all reasonable precautions being taken and all due diligence being exercised by him to prevent its occurrence, or that it was due to the action of some person over whom he had no control, the person so charged shall be discharged from the prosecution.

(3)—(*a*) Proceedings in the area of a local authority for the purposes of the Weights and Measures Acts, 1878-1936 for an infringement of this Order in respect of the weight of any bread may be instituted in England by that authority.

(a) S.R. & O. 1947 (Nos. 548, 1627 and 1868) II, pp. 667–690; S.I. 1949 (Nos. 1742 and 1779) II, pp. 354–5 ; and 1950 (Nos. 126, 1003 and 1313) III, pp. 616–8.

(*b*) Proceedings for an infringement of this Order in respect of the weight of any bread may be instituted in Northern Ireland by the Ministry of Commerce.

(4) During the continuance in force of this Order, paragraphs (2) and (3) of Section 6 of the Sale of Food (Weights and Measures) Act, 1926(a) shall not have effect.

Maximum Prices

4. Except as provided in Article 10 of this Order, no person shall buy or sell any bread at a price exceeding the maximum price applicable in accordance with the Second Schedule to this Order.

Prohibition of the exchange of bread

5. No trader shall exchange or offer or agree to exchange any bread for other bread that he has sold or delivered.

Keeping of records; exemption for caterers

6.—(1) Every person who produces bread for sale shall keep accurate records showing—

(*a*) his stock of flour at the end of each week;

(*b*) the quantity of flour bought and sold by him during each week;

(*c*) the quantity of bread produced by him and the quantity of flour used therein; and

(*d*) the quantity of bread sold by him during each week, specifying separately sales subject to the maximum prices imposed by Article 4 of this Order and sales not so subject.

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

(3) Every person 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, or, in the case of a record of stocks, from the date when he took delivery of such stocks.

(4) The preceding paragraphs of this Article shall not apply in relation to bread produced for sale by a caterer and served as a meal or part of a meal in the course of his catering business.

Certificate of public analyst or Government Chemist

7.—(1) In any proceedings in respect of an infringement of this Order, the production by one of the parties of (i) a document purporting to be a certificate of a public analyst or the Government Chemist or (ii) a document supplied to him by the other party as being a copy of such a certificate shall be sufficient evidence of the facts stated therein, unless in the case mentioned under head (i) above the other party requires that the person making the analysis shall be called as a witness.

(2) In any such proceedings—

(*a*) if the prosecution intends to produce a certificate of a public analyst or the Government Chemist, a copy of such certificate shall be served with the summons; and

(*b*) if a defendant intends to produce a certificate of a public analyst or the Government Chemist, or to require that the person making the analysis shall be called as a witness, he shall give to the other party at least three clear days' notice of his intention,

(a) 16 & 17 Geo. 5. c. 63.

and, if any of these requirements is not complied with, the Court may, if it thinks fit, adjourn the hearing on such terms as it deems proper.

(3) In this Article "public analyst" has in relation to England and Wales the meaning assigned to it by the Food and Drugs Act, 1938(a), in relation to Scotland the meaning assigned to it by the Food and Drugs (Adulteration) Act, 1928(b), and in relation to Northern Ireland the meaning assigned to it by the Sale of Food and Drugs Acts (Northern Ireland) 1875 to 1939, and "Government Chemist" means, in relation to Northern Ireland, the Government Chemist for Northern Ireland.

Artificial transactions

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

Directions, authorisations and licences

9.—(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.

Exemptions

10.—(1) The provisions of this Order shall not apply to bread of a description specified in Part I of the Third Schedule to this Order.

(2) Article 4 of this Order shall not apply to any sale of—

(*a*) rolls (including baps), Vienna bread, or any loaf that does not exceed 2 ounces in weight;

(*b*) bread of a description specified in Part II of the Third Schedule to this Order, if at the time of sale the seller has also national bread available for sale; or

(*c*) bread by a caterer as a meal or part of a meal served in the course of his catering business.

Infringements

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

Revocation

12. The Bread (Control and Maximum Prices) Order, 1947 as amended(c), is hereby revoked, but without prejudice to any proceedings in respect of any contravention thereof:

(a) 1 & 2 Geo. 6. c. 56. (b) 18 & 19 Geo. 5. c. 31.
(c) S.R. & O. 1947 (No. 1867) II, p. 543; S.I. 1948 (Nos. 1750 and 2612) II, pp. 512 and 420; and 1949 (Nos. 169, 1778 and 1944) II, pp. 283–6.

Provided that any licence granted under that Order 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 required to be kept by him thereunder for one year from the date of the transaction or delivery to which it relates.

Citation and commencement

13. This Order may be cited as the Bread Order, 1951 ; and shall come into operation on the 18th day of February, 1951.

Maurice Webb,
Minister of Food.

Dated the 16th day of February, 1951.

THE FIRST SCHEDULE

SUBSTANCES OTHER THAN NATIONAL FLOUR WHICH MAY BE INCLUDED IN NATIONAL BREAD

Imported flour
Oils and fats
Water
Salt
Yeast
Improvers of the nature of yeast food
Any acid or acidic substances suitable for regulating the acidity of the dough
Potato and potato flour
Barm

THE SECOND SCHEDULE

MAXIMUM PRICES OF BREAD

PART I

[New PART I substituted by S.I. 1951 No. 592, *see* p. 133 below.]

PART II

[PART II revoked by S.I. 1951 No. 1077, *see* p. 134 below.]

THE THIRD SCHEDULE

PART I

Bread to which the provisions of the Order do not apply

1. Protein enriched breads, that is to say bread containing at the time of sale not less than 20 per cent. by weight of protein. For this purpose the amount of protein shall be deemed to be equivalent to 5.7 times the amount of nitrogen contained in the bread.

2. Gold Label bread manufactured by Starch Free Foods Ltd.

3. Longuets, Gressins and Gressinettes manufactured by Heudebert Foods Co.. Ltd.

PART II

Bread to which the maximum-price provisions of the Order do not apply if at the time of sale the seller has also national bread available for sale

1. Bread in the production of which no national flour or "W" flour has been used.

2. Rye bread.

3. Malt bread.

4. Bread the entire flour content of which consists of "Bervita Cereal Flour" manufactured by Temple Knight Ltd.

5. Bread made in accordance with the Nutrex formula from gluten manufactured by Nutrex Ltd.

6. Bread made in accordance with the Opus formula from gluten manufactured by Glutens Ltd.

7. Bread made in accordance with the Procea formula from gluten manufactured by Procea Products Ltd.

8. Bread known by the description specified in Column 1 below and manufactured by the person named in relation thereto in Column 2 below.

Column 1	Column 2
Description	Manufactured by—
(1) Soyvita	Beatties Bakeries Ltd.
(2) Plus Four Loaf	Birkett & Bostock Ltd.
(3) Sevenex Loaf	Garners (7x) Ltd.
(4) Health Loaf	G. & J. Girdwood (Bakers) Ltd.
(5) Bran Loaf	Jack's Bakery, 40 High Street, Dalkeith.
(6) Granary Flake Loaf ...	James Kirkwood (Bakers) Ltd.
(7) Special Brown	Record Bread Co. Ltd.
(8) Stevita	Stevens Bakeries Ltd.
(9) Wheaten Farles	J. Wylie & Son, Gilpin Road Bakery, Urmston, Lancs.

EXPLANATORY NOTE

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

This Order replaces the Bread (Control and Maximum Prices) Order, 1947 as amended. The principal changes are :—

(1) wrapped sliced bread is included in the definition of "loaf";

(2) licences to manufacture bread are no longer needed;

(3) the sale of loaves weighing two ounces or less is allowed, and is allowed free of price-control;

(4) the maximum price of pan loaves manufactured in Scotland is increased by a farthing for each fourteen ounces; and

(5) a new brand of gluten bread has been added to the list of breads that can be sold free of price-control.