STATUTORY INSTRUMENTS

1976 No. 2128

PRICES

The Bread Prices (No. 2) Order 1976

Made	*13th December 1976*
Laid before Parliament	*13th December 1976*
Coming into Operation	*4th January 1977*

The Secretary of State, after consulting in accordance with subsection (6) of section 2 of the Prices Act 1974**(a)** as amended **(b)** with the organisations therein referred to, in exercise of his powers under subsections (1) and (8) of that section and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation, commencement, interpretation and application

1.—(1) This Order may be cited as the Bread Prices (No. 2) Order 1976 and shall come into operation on 4th January 1977.

(2) In this Order—

"bread loaf" means a loaf of a weight of more than 10oz. or, if baked in a tin, of not less than 8oz., made in either case of bread complying with regulation 5, 6, 7, 8, or 9 of the Bread and Flour Regulations 1963**(c)** as amended **(d)**, with regulation 6, 7, 8, 9 or 10 of the Bread and Flour (Scotland) Regulations 1963**(e)** as amended **(d)** or with regulation 4, 5, 6, 7 or 8 of the Bread and Flour Regulations (Northern Ireland) 1964**(f)** as amended **(d)** or of bread which so complies save for one or both of the following—

(*a*) the inclusion in its composition of kibbled malted rye not exceeding five per cent. by weight, and

(*b*) the use of egg for glazing its crust,

but does not include—

(i) a loaf of a weight of more than 28oz,

(ii) a 14oz bread stick not less than 20 ins long,

(iii) a Cholla bread loaf,

(iv) a loaf made of ritual bread;

"master baker" means a person—

(*a*) who at the time in question is a manufacturer of bread or flour confectionery, and

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(a) 1974 c.34. **(b)** 1975 c.32. **(c)** S.I. 1963/1435 (1963 II, p.2464).
(d) There is no amendment which relates expressly to the subject matter of this Order.
(e) S.I. 1963/1461 (1963 II, p.2589). **(f)** S.R. & O. (N.I.) 1964 No. 172.

(*b*) not less than 40 per cent of the cash amount of whose turnover in the latest completed period of four weeks comes from retail sales of bakery products (other than biscuits),

and for the purposes of this definition, "turnover" is the turnover of all businesses carried on by him and all other persons with whom by virtue of paragraph (5) below he is to be treated as one at any time in the period in question and in the course of which such bakery products are sold;

"relevant" in relation to a price, means specified in the Table in this paragraph or in article 3, as the case may be, in relation to the category within which the bread loaf in question falls and to the part of the United Kingdom in which the sale takes place;

"standard loaf" in relation to any person, means a bread loaf of a weight of 28oz or of 14oz which is a batch loaf or a plain loaf or which is baked in a tin having a rectangular bottom and which, in any case, is of a variety—

(*a*) sold by him on 17th November 1976 at a price (not being a special offer price), or

(*b*) where the price on that date is a special offer price, last sold by him before the beginning of the period referred to in (i) below at a price,

not exceeding the relevant price in column 2 of the following Table; and in this definition "special offer price" means the price—

(i) at which the person sold loaves of the variety in question during a continuous period of not less than fourteen days including 17th November 1976, and

(ii) which is lower than the price at which he last sold such loaves before the beginning of that period:

Provided that, in the case of a loaf which is not of a variety sold by him on 17th November 1976, this definition shall have effect with the substitution in both places of the first date thereafter (being a date before 13th December 1976) on which he sold loaves of that variety—

TABLE

Column 1 **Category of standard loaf**	**Column 2** **Price in pence**				
	Area 1	**Area 2**	**Area 3**	**Area 4**	**Area 5**
1. 28oz. weight loaf (wrapped)	20	20½	22	23	22½
2. 28oz. weight loaf (not wrapped) ..	19½	20	22	22½	22
3. 14oz. weight loaf (wrapped)	13	13½	14½	14½	14
4. 14oz. weight loaf (not wrapped) ..	12½	13	14	14	13½

"weight" means net weight;

"wrapped", in relation to a standard loaf, means made up in advance ready for sale in a wrapping made of waxed paper or plastics.

(3) References to bread loaves of any category are references to bread loaves of a category referred to in column 1 of Table 1 set out in article 3; and references to bread loaves of any variety are references to bread loaves of a variety within any such category.

(4) In the Table set out in the definition of "standard loaf" in paragraph (2) above and in Table 1 set out in article 3—

Area 1 means, in England and Wales, the whole except those parts in Areas 2 and 3; and, in Scotland, the part south and east of a line running along the north and west of the Tayside Region, the west of the Central Region, the west of the Districts of Dumbarton, Inverclyde, Cunninghame (excluding the Cumbrae Islands and the Isle of Arran) and Kyle and Carrick in the Strathclyde Region, and the west of the Dumfries and Galloway Region, and that part of the District of Argyll and Bute in the Strathclyde Region which lies south and east of the River Fyne and Loch Fyne (excluding the Isle of Bute);

Area 2 means, in England and Wales, the Counties of Clwyd, Cornwall, Devon, Dyfed (excluding the District of Ceredigion), Gwynedd and the Isle of Wight; the Scilly Isles; and in Scotland, the District of Argyll and Bute in the Strathclyde Region (excluding that part included in Area 1 and the islands of Islay, Jura, Colonsay, Mull, Tiree and Coli), the Isles of Bute and Arran, the Cumbrae Islands and the area between Area 1 and the Caledonian Canal and the Moray Firth (including the former Burgh of Inverness);

Area 3 means, in Wales, the District of Ceredigion and, in Scotland, the whole except those parts in Areas 1, 2 and 4;

Area 4 means, in Scotland, the island areas of Orkney, Shetland and the Western Isles, and the islands of Canna, Eigg, Muck, Rhum and Skye;

Area 5 means Northern Ireland.

(5) For the purposes of—

(*a*) the definition of "master baker" in paragraph (2) above, and

(*b*) ascertaining the amount of discount under article 3,

the person having control of a company and all the companies controlled by that person shall be treated as one person.

(6) The Interpretation Act 1889**(a)** shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if this Order and the Orders hereby revoked were Acts of Parliament.

(7) Nothing in this Order applies to—

(*a*) the price for the sale by a master baker of a bread loaf manufactured by him and of a variety within any of categories 5 to 7, or

(*b*) the price for the sale of a bread loaf delivered to the retail purchaser at premises other than premises of the seller.

Revocation

2. The Bread Prices Order 1976**(b)** and the Bread Prices (Amendment) (No. 3) Order 1976**(c)** are hereby revoked.

(a) 1889 c.63.

(b) S.I. 1976/511 (1976 I, p.1502).

(c) S.I. 1976/1975 (1976 III, p. 5245).

Maximum prices

3. A person shall not sell by retail a bread loaf of any variety at a price which exceeds the relevant price in column 2 of Table 1 below—

(*a*) where the sale is by a person who is not a master baker, in the case of a bread loaf within any of categories 1 to 4, reduced where appropriate by the amount specified in column 2 of Table 2 below, and

(*b*) where the sale is by—

(i) a master baker, in the case of any bread loaf, or

(ii) a person who is not a master baker, in the case of any bread loaf within any of categories 5 to 7,

reduced where appropriate by the amount specified in column 3 of Table 2 below, as being applicable to the discount specified in column 1 of the said Table 2; and in this article, "discount" means the amount (expressed as a percentage of such relevant price) by which the price paid by the person for the loaf falls short of that relevant price.

TABLE 1

Maximum prices of bread loaves subject to discount-related reduction

Column 1 Category of bread loaf	Column 2 Price in Pence				
	Area 1	Area 2	Area 3	Area 4	Area 5
1. 28oz. Standard loaf (wrapped) ..	21	21½	23	24	22½
2. 28oz. Standard loaf (not wrapped) ..	20½	21	23	23½	22
3. 14oz. Standard loaf (wrapped) ..	14	14½	15½	15½	14½
4. 14oz. Standard loaf (not wrapped) ..	13½	14	15	15	14
5. 28oz. not within categories 1, 2 or 7(*a*)	26½	26½	26½	26½	25½
6. Bread loaves not within categories 3,4,7(*b*) or 7(*c*)—					
(*a*) 14oz.	19	19	19	19	17½
(*b*) 8 to 10oz.	17½	17½	17½	17½	17
7. Made of milk bread, wholemeal bread, protein bread, high protein bread, gluten bread, starch reduced bread, corn oil bread, or of bread made of flour milled wholly from hard wheat, or of bread made of flour in respect of which there is a registered trade mark which bread is sold under a name or description indicating that it contains such flour——					
(*a*) 28oz.	28½	28½	28½	28½	27½
(*b*) 14oz.	21	21	21	21	19
(*c*) 8 to 10oz.	19	19	19	19	18½

TABLE 2

Discount-related reductions of maximum prices of bread loaves

Column 1		*Column 2*		*Column 3*	
Discount		*Reduction of relevant maximum price under Table 1—*			
		on a sale of a bread loaf within categories 1 to 4 by a person other than a master baker		*on a sale of any bread loaf by a master baker and on a sale of a bread loaf within categories 5 to 7 by a person other than a master baker.*	
Exceeding	*Not exceeding*	28 *oz.*	*Not exceeding* 14 *oz.*	28 *oz.*	*Not exceeding* 14 *oz.*
per cent	*per cent*	*Pence*	*Pence*	*Pence*	*Pence*
—	17½	0	0	0	0
17½	20	½	0	0	0
20	22½	1	½	0	0
22½	25	2	1	0	0
25	27½	3	1½	1	½
27½	30	4	2	2	1
30	32½	5	2½	3	1½
32½	35	6	3	4	2
35	37½	7	3½	5	2½
37½	40	8	4	6	3
40	42½	8½	4	7	3½
42½	45	9	4½	8	4
45	47½	9½	4½	9	4½
47½	50	10	5	10	5
50	55	11	5½	11	5½
55	60	12	6	12	6
60	65	13	6½	13	6½
65	70	14	7	14	7
70	75	15	7½	15	7½
75	80	16	8	16	8
80	85	17	8½	17	8½
85	90	18	9	18	9
90	95	19	9½	19	9½
95	100	20	10	20	10

Artificial transactions etc.

4.—(1) A person shall not, in connection with any sale of a bread loaf, enter or offer to enter into any artificial transaction or make or demand any unreasonable charge.

(2) In connection with any sale of a bread loaf otherwise than by retail—

(*a*) the seller shall not without reasonable cause provide or offer to provide to any person any benefit to which this paragraph applies, and

(*b*) the purchaser shall not without reasonable cause demand any such benefit.

(3) Paragraph (2) above applies to any benefit in money or money's worth—

(*a*) of a description which was not before the date of making of this Order customarily provided by the seller to the person in question, or

(*b*) in a greater amount, quantity or value than that in which it was before that date customarily provided by the seller to the person in question,

other than, in relation to bread loaves, an abatement of price however determined.

Obligation to keep records

5. A person who sells bread loaves by retail shall keep a record of the price paid by him for the purchase of each such bread loaf and of any related abatement or other allowance made to him by the seller and, for a period of not less than six months beginning with the date of sale of the bread loaf, shall retain each such record and any document referred to in, or required to vouch particulars in, the record.

Roy Hattersley,

Secretary of State for
Prices and Consumer Protection.

13th December 1976.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order, which supersedes the Bread Prices Order 1976 as amended, regulates the maximum retail price of most bread loaves of 28oz. or less. The maximum price, given by Article 3, is subject to reduction by reference to the discount received by the retailer.

The Order also prohibits artificial transactions and unreasonable additional benefits given to a retailer by his supplier (Article 4). In addition it requires retailers to keep records of their buying prices (Article 5).

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