STATUTORY INSTRUMENTS

1982 No. 1169

PRICES

The Butter and Concentrated Butter Prices Order 1982

Made - - -	12*th August* 1982
Laid before Parliament	20*th August* 1982
Coming into Operation	10*th September* 1982

The Secretary of State, after consulting in accordance with section 2(6) of the Prices Act 1974(**a**) with the organisations therein referred to, in exercise of his powers under section 2(1), (4) and (8) of that Act and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation, commencement, interpretation and revocation

1.—(1) This Order may be cited as the Butter and Concentrated Butter Prices Order 1982 and shall come into operation on 10th September 1982.

(2) In this Order—

"butter" does not include concentrated butter;

"concentrated butter" means concentrated butter (otherwise called butteroil for cooking) to which paragraph 1 of Article 5 of Commission Regulation (EEC) 649/78(**b**) applies; and

"nominal quantity" has the same meaning as it has in Part I of the Weights and Measures Act 1979(**c**).

(3) The Butter and Concentrated Butter Prices (No. 2) Order 1981(**d**) is hereby revoked.

Application

2. This Order does not apply to the price charged for the sale of any butter, other than New Zealand butter, by any person who has received a declaration in writing—

(*a*) in the case of butter imported into the United Kingdom and which is not packed in the United Kingdom, by the importer; or

(*b*) in the case of any other butter, by the packer;

that he has not claimed and will not claim in respect of that butter any payment the making of which is authorised by any Council Regulation (EEC)(**e**) which authorises the grant of a subsidy for that butter.

(**a**) 1974 c.24; section 2 was amended by the Prices Act 1975 (c.32), section 2.
(**b**) OJ No. L86, 1.4.78, p.33. (**c**) 1979 c.45. (**d**) S.I. 1981/1019.
(**e**) *See* Regulation (EEC) 1269/79 (OJ No. L161, 29.6.79, p.8), as amended by Regulation (EEC) 1768/79 (OJ No. L203, 11.8.79, p.1), Regulation (EEC) 1362/80 (OJ No. L140, 5.6.80, p.14), Regulation (EEC) 854/81 (OJ No. L90, 4.4.81, p.14) and Regulation (EEC) 1186/82 (OJ No. L140, 20.5.82, p.5).

Gross percentage margin for butter

3.—(1) Subject to Article 4, no person (other than a person who produces butter or imports butter into the United Kingdom) shall sell any butter at a price which, taken with the prices of all butter sold by him in each period of 7 days beginning on the same day of the week as the base period, may reasonably be expected to give a greater gross percentage margin than the gross percentage margin he obtained for all butter sold by him (other than at a special offer price) in the base period.

(2) In this Article—

"base period" in the case of any person means a single period of 7 days including 20th April 1977, except that in relation to a person who sold butter only at a special offer price during that period, it means a single period of 7 days including the first date after 20th April 1977 (being a date before 4th May 1977) on which he sold butter at a price which is not a special offer price;

"gross percentage margin" means the excess (expressed as a percentage) of the total of the prices received by any person for butter over the prices paid by him for that butter; and

"special offer price" means—

(*a*) the price—

(i) at which a person sold butter during a continuous period of not less than 14 days and not more than 6 months ending not later than 4th May 1977 and including 20th April 1977; and

(ii) which is lower than the price at which he last sold butter before the beginning of that period; or

(*b*) the price (being a price which does not exceed the price specified in column 2 of the Table below in relation to the category of butter specified in column 1) at which a person sold butter by retail during a continuous period of 2 months ending on 20th April 1977, notwithstanding, if such be the case, that he sold butter by retail at that price at any other time.

TABLE

Column 1 Category of butter	Column 2 Price in pence per 8oz. net weight
New Zealand butter	26½
Any other butter (other than blended)	28½
Blended butter of any variety and of any origin	27½

Maximum price of salted butter

4. A person shall not sell salted butter packed for retail sale in a rectangular pack (other than a pack the length and breadth of which are equal and the thickness of which is less than the length) of a nominal quantity of not less than 250 g or of not more than 500 g at a price which exceeds the lower of the following prices, that is to say—

(*a*) the price per 250 g nominal quantity given by Article 3 above; and

(*b*) 65p per 250 g nominal quantity.

Maximum price of concentrated butter

5. A person shall not sell concentrated butter by retail at a price which exceeds 58p per 250 g nominal quantity.

Information relating to maximum price of concentrated butter

6.—(1) Subject to paragraph (2) below, any person selling by retail any container of concentrated butter shall keep information specifying the maximum price provided by Article 5 above available in writing and, on request by a customer or a duly authorised officer of a local weights and measures authority, produce and permit inspection of the document containing the information; and any such information shall be printed or written in clear and legible characters and shall be headed with the words "Statutory Maximum Price of Concentrated Butter for Cooking".

(2) Paragraph (1) above shall not apply in any case where the maximum price provided by Article 5 above is marked on the container and is stated to be the statutory maximum price.

Artificial transactions and unreasonable charges relating to any butter or concentrated butter

7. A person shall not, in connection with the sale of any butter or concentrated butter, enter, or offer to enter, into any artificial transaction or make or demand any unreasonable charge.

Gerard Vaughan,
Minister of State,
Department of Trade.

12th August 1982.

EXPLANATORY NOTE

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

This Order replaces the Butter and Concentrated Butter Prices (No. 2) Order 1981 and regulates the prices which may be charged for the sale of butter subsidised in pursuance of EEC butter subsidy regulations and concentrated butter produced from butter sold from EEC intervention stocks.

The principal change is that the maximum retail prices of salted butter and concentrated butter are increased. For the three maximum retail prices of different categories of salted butter the Order substitutes one maximum price of 65p per 250 g nominal quantity (the expression used in connection with the sale of such products under the average system introduced by the Weights and Measures Act 1979). The maximum retail price of concentrated butter is 58p per 250 g nominal quantity in place of prices varying from 11p per 50 g to 47½p per 250 g according to the size of the pack.

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