The Butter Order, 1951

1951 No. 801

Made - - - - *7th May*, 1951
Laid before Parliament *7th May*, 1951
Coming into Operation on the dates specified in Article 17 *of the Order*

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.

" Butter " includes whey butter.

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

" Catering business " includes the business or undertaking of an inn, public house, hotel, restaurant, buffet, coffee stall, or of any place of refreshment open to the public, or of any club, boarding house, refreshment contractor or canteen, and the expression " caterer " shall be construed accordingly.

" Farm butter " means any butter manufactured by a farmer on his farm premises from milk produced by him.

" Manufacturer " means any person who uses butter for the purposes of his trade or business (other than a catering business) in the composition, manufacture or preparation of any other article.

" National Butter " means butter which has or shall have been requisitioned, bought or otherwise acquired by the Minister.

" Pre-pack " means—

(*a*) pack or make up in a wrapper (for the purposes of sale) in any quantity of 1 lb. or less, but does not include the packing or making up—

(i) of butter by a retailer for the purposes of retail sale by him on the premises on which the butter is so packed or made up;

(ii) of farm butter;

(*b*) pack or make up in any quantity in a metal container ready for sale for export or for use as ships' stores.

(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.

"Sale by Retail" means 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, but does not include a sale to a manufacturer.

"Sale by wholesale" means any sale other than a first hand sale or a sale by retail.

Licensing

2. Except under and in accordance with the terms of a licence granted under this Article no person shall—

(*a*) manufacture for sale any butter other than farm butter;

(*b*) pre-pack butter, or cause or permit the same to be pre-packed; provided that the restrictions imposed by this sub-paragraph shall not apply in Northern Ireland;

(*c*) buy or sell any butter if the same is situate outside the United Kingdom.

Obtaining and supply of butter for manufacturing purposes

3. Except under and in accordance with the terms of a buying permit or other authorisation issued for the purposes of this Order by or on behalf of the Minister, no person shall obtain or agree or offer or attempt to obtain and no person shall supply or agree or offer or attempt to supply any butter for manufacturing purposes.

Maximum prices

4.—(1) No person shall buy or sell any butter at any price exceeding the maximum price applicable in accordance with the First, Second and Third Schedules to this Order.

(2) In calculating the maximum price on a sale by retail, any fraction of a farthing shall be regarded as one farthing.

Artificial transactions, unreasonable charges

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

Discount

6. On any sale other than a sale by retail. the seller shall allow to the buyer a discount on the selling price to be calculated—

(*a*) where payment is made within seven days of the date of invoice at the rate of 2d. in the £.

(*b*) where payment is made after seven days but within one calendar month of the date of invoice at the rate of 1d. in the £.

Description on invoice

7. A person selling National Butter by wholesale shall furnish to the buyer an invoice describing such butter as National Butter.

National Butter; display of notices

8. A person selling by retail any National Butter or any butter blended with National Butter shall if at the time of retail sale such butter is in bulk (that is to say not wrapped or packed) place on or in close proximity to any such butter which is exposed for sale a notice bearing the words NATIONAL BUTTER, in letters not less than one-half of an inch in height.

National Butter; Marking of wrappers

9.—(1) Subject to the provisions of paragraph (2) of this Article, a person selling by retail any National Butter or any butter blended with National Butter shall not sell any such butter in any wrapper unless such wrapper is clearly and conspicuously marked with the words NATIONAL BUTTER in letters not less than one quarter of an inch in height.

(2) The provisions of paragraph (1) of this Article shall not prohibit the sale in a plain wrapper of such butter if there is placed on or in close proximity to any such butter exposed for sale a notice bearing the words NATIONAL BUTTER in letters not less than one half of an inch in height.

Keeping of records

10.—(1) Every person who carries on any undertaking by way of trade or business in the course of which he sells any butter otherwise than by retail shall—

(*a*) keep or cause to be kept an accurate record of every purchase and sale thereof by him, such record to include the following particulars:—

(i) the date of the purchase or sale;

(ii) the name and address of the person from whom he purchased or to whom he sold the butter in question;

(iii) the quantity of butter bought or sold;

(iv) the price paid or charged and each and every addition to the maximum price permitted under this Order;

(*b*) keep or cause to be kept an accurate record of all stocks of butter held by him from time to time.

(2) Every person who carries on any undertaking by way of trade or business in the course of which he sells butter by retail shall keep or cause to be kept an accurate record of every purchase by him thereof, such record to include the date, name and address of the person from whom the butter was purchased, the quantity purchased, the price paid or charged and each and every addition to the maximum price permitted under this Order.

(3) The retention by any person of an invoice or copy of an invoice shall in relation to the particulars mentioned in such document be a sufficient compliance by that person with the provisions of this Article.

(4) Every person required to keep any record under the provisions of this Article shall retain it for one year from the date of the transaction to which it relates.

11. Every person licensed to manufacture butter under this Order shall keep or cause to be kept at his principal place of business an accurate record of the production by him of butter of every kind together with all books, documents and accounts relating and incidental thereto.

Certificate of public analyst

12.—(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,

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), 1875-1939, and " Government Chemist " means, in relation to Northern Ireland, the Government Chemist for Northern Ireland.

Revocation

13.—(1) The Butter (Control and Maximum Prices) Order, 1947, as amended(c), is hereby revoked but without prejudice to any proceedings in respect of any contravention thereof, provided that as respects sales by wholesale it shall continue in operation until and including the 12th day of May, 1951, and as respects sales by retail it shall continue in operation until and including the 19th day of May, 1951, and provided that any licence granted thereunder or having effect by virtue thereof, and subsisting immediately before the coming into operation 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 required to be kept by him thereunder for one year from the date of the transaction.

Directions, licences and authorisations

14.—(1) The provisions of this Order are subject to—

(*a*) any direction which may at any time be given by or on behalf of the Minister, or in respect of Northern Ireland by or on behalf of the Minister or the Ministry of Agriculture for Northern Ireland, in relation to the articles to which this Order applies ; and

(*b*) any licence or authorisation which may be granted under this Order by or on behalf of the Minister, or in respect of Northern Ireland by or on behalf of the Minister or the said Ministry,

and the Minister hereby delegates to the said Ministry the function of giving or granting any such direction, licence or authorisation in respect of Northern Ireland.

(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

(a) 1 & 2 Geo. 6. c. 56. (b) 18 & 19 Geo. 5. c. 31.
(c) S.R. & O. 1947 (Nos. 551 and 1973) II, pp. 556–561; S.I. 1949 (No. 878) II, p. 287; and 1950 Nos. 588 and 1429, III, p. 489.

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.

Offences

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

Exemptions for caterers and sales for ships' stores

16.—(1) This Order shall not apply to the sale of butter as part of a meal.

(2) The maximum prices prescribed by this Order shall not apply to the sale of butter for ships' stores.

Commencement and Citation

17.—(1) This Order shall come into operation—

(*a*) save as respects sales by wholesale and sales by retail, on the 10th day of May, 1951 ;

(*b*) as respects sales by wholesale, on the 13th day of May, 1951 ;

(*c*) as respects sales by retail, on the 20th day of May, 1951.

(2) This Order may be cited as the Butter Order, 1951.

By Order of the Minister of Food.

F. T. Willey,
Parliamentary Secretary.

Dated the 7th day of May, 1951.

THE FIRST SCHEDULE

MAXIMUM PRICES ON SALES OTHER THAN TO A MANUFACTURER

PART I.—Butter packed in rolls, bricks or packets weighing not more than 1 lb. each.

Column 1	Column 2	Column 3
On a first-hand sale	On a sale by wholesale	On a sale by retail
At the rate of— s. d. 249 3 per cwt.	At the rate of— s. d. 257 0 per cwt.	At the rate of— s. d. 2 6 per lb.

PART II.—Butter other than butter packed in rolls, bricks or packets weighing not more than 1 lb. each.

Column 1	Column 2
On any sale other than a sale by retail	On a sale by retail
At the rate of— s. d. 250 6 per cwt.	At the rate of— s. d. 2 6 per lb.

THE SECOND SCHEDULE

Maximum Prices on a Sale to a Manufacturer

On a sale of any description of butter to a manufacturer the maximum price shall be at the rate of 265s. 0d. per cwt.

THE THIRD SCHEDULE

Additions to the Maximum Price

1. The maximum price specified in Column 1 of Part I of the First Schedule includes all costs and charges of and incidental to delivery by the seller at his premises, and no additional charge shall be made by the seller in respect of such delivery.

2. The maximum prices specified in Column 2 of Part I and Column 1 of Part II of the First Schedule and in the Second Schedule include all costs and charges of and incidental to delivery by the seller at the buyer's premises, or, in the case of butter sold for export, all costs and charges of and incidental to delivery f.o.b. United Kingdom port, and no additional charge may be made by the seller in respect of such delivery, provided that where butter (not being butter packed in rolls, bricks or packets weighing not more than 1 lb. each) is sold, or at the request of the buyer, is delivered in a quantity of less than 28 lb. the seller may make a charge at a rate not exceeding 2s. 4d. per cwt.

3. The maximum prices specified in Column 2 of Part I and Column 1 of Part II of the First Schedule and in the Second Schedule include all costs and charges of and incidental to packing and the provision of containers and no additional charge may be made therefor, except that, where butter sold for export from the United Kingdom is packed in a metal container, a reasonable charge may be made by the seller for the provision of such container.

EXPLANATORY NOTE

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

This Order consolidates with amendments the Butter (Control and Maximum Prices) Order, 1947, as amended.

The principal changes are that the price of butter, other than butter sold for manufacturing purposes, is increased and the provision exempting butter, under certain conditions, from the marking requirements of the Merchandise Marks (Imported Goods) No. 1 Order, 1932, has been omitted.

The Butter (Amendment) Order, 1951

1951 No. 2231

Made - - - -	18*th December*, 1951
Laid before Parliament	19*th December*, 1951
Coming into Operation	30*th December*, 1951

The Minister of Food, in pursuance of the powers conferred upon him by Regulations 55 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 the Supplies and Services (Defence Purposes) Act, 1951(c),

(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) 14 & 15 Geo. 6. c. 25.