STATUTORY INSTRUMENTS

1978 No. 97

PRICES

The Butter Prices Order 1978

Made - - - -	*25th January* 1978
Laid before Parliament	*26th January* 1978
Coming into Operation	*16th February* 1978

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 and interpretation

1.—(1) This Order may be cited as the Butter Prices Order 1978 and shall come into operation on 16th February 1978.

(2) In this Order—

"the Act" means the Prices Act 1974 as amended;

"butter" means salted butter of each of the categories of butter specified in column 1 of the Table set out in article 5, and in articles 3, 4 and 6 means also unsalted butter;

"price", except where the context otherwise requires, means price per 8 oz. or 250g, weight;

"weight" means net weight.

(3) References to butter of any category are references to salted butter of a category referred to in column 1 of the Table set out in article 5 and references to butter of any variety are references to butter of any variety within any such category.

(4) The Interpretation Act 1889(c) 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 Order hereby revoked were Acts of Parliament.

Revocation

2. The Butter Prices Order 1977(d) is hereby revoked.

Application

3. This Order does not apply to the price for the sale of any 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

(a) 1974 c. 24. (b) 1975 c. 32. (c) 1889 c. 63. (d) S.I. 1977/786.

(*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 Council Regulations (EEC) No. 880/77(**a**) which authorises the grant of a subsidy for butter.

Gross percentage margin for salted butter and unsalted butter

4.—(1) Subject to article 5, any person (other than a person who produces butter or imports butter into the United Kingdom) shall not 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;

"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 such butter before the beginning of that period; or

(*b*) the price (being a price ascertained under paragraph (3)(*b*) below) 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 such butter by retail at that price at any other time.

(3) References in the definition of special offer price in paragraph (2) above to—

(*a*) 20th April 1977 shall, in relation to a person who sold butter only at a special offer price on that date, be taken to be references to the first date thereafter (being a date before 4th May 1977) on which he sold butter at a price which is not a special offer price; and

(*b*) a price ascertained under this paragraph means—

(i) in the case of Lurpak butter, a price which is at least $4\frac{1}{2}$p, and

(ii) in the case of any other butter, a price which is at least $3\frac{1}{2}$p,

below the price per 8 oz. weight given by article 5(2)(*b*).

(**a**) O.J. No. L 106, 29.4.77, p. 31.

Maximum prices of salted butter

5.—(1) A person shall not sell 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 weight—

(*a*) where that butter is sold in imperial units of weight, of not less than 8 oz. or of not more than 1 lb.; or

(*b*) where that butter is sold in metric units of weight, of not less than 250g or of not more than 500g,

at a price which exceeds the price stipulated in paragraph (2) below.

(2) The price referred to in paragraph (1) above is the lower of the following prices, that is to say—

(*a*) the price given by article 4 above, and

(*b*) the price specified in column 2 or column 3, as the case may require, of the following Table in relation to the category within which butter of the variety in question falls.

TABLE

Column 1 Category of butter	Column 2 Price in Pence per 8 oz. weight	Column 3 Price in Pence per 250 grammes weight
Lurpak butter	33	36½
New Zealand butter (other than blended)	30	33
Any other variety of butter (other than blended) of any origin	32	35½
Blended butter of any variety and of any origin	31	34

Artificial transactions and unreasonable charges relating to any butter

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

Robert Maclennan,
Parliamentary Under Secretary of State,
Department of Prices and Consumer Protection.

25th January 1978.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order revokes the Butter Prices Order 1977 and reproduces with modifications the provisions of that Order which regulated the maximum prices which may be charged for the sale of butter subsidised in pursuance of the EEC butter subsidy regulation.

The maximum price which may be charged for the sale of such subsidised butter is generally the lower of that specified in the Table in article 5 and that resulting from the application of the gross percentage margin provided in article 4.

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