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. 195 2 per cwt.	At the rate of— s. d. 2 0 per lb.

EXPLANATORY NOTE

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

This amending Order increases the maximum prices of butter on sales other than to a manufacturer.

The Cheese Order, 1950

1950 No. 1069

Made - - - -	*29th June*, 1950
Laid before Parliament	*29th June*, 1950
Coming into Operation	*2nd July*, 1950

In exercise 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 of all other powers him enabling, the Minister of Food hereby makes the following Order:—

1. In this Order—

"The Minister" means the Minister of Food.

"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.

"Cheese" means—

(i) any cheese of the following varieties, whether home produced or imported—Cheddar, Cheshire, Lancashire, Derbyshire, Leicestershire, White Wensleydale and Dunlop;

(ii) any processed cheese, that is to say cheese which after manufacture has been heated and to which an emulsifying agent has been added, including imported pre-packed processed cheese of any of the varieties set out in paragraph (i) of this definition, but excluding any other imported pre-packed processed cheese.

(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.

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

"Pre-packed" means packed or made up in advance ready for retail sale in a wrapper or container.

"Sale by retail" means any sale to a person buying otherwise than for the purpose of resale and includes any sale to a person 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 sale by retail.

2. Except under and in accordance with the terms of a licence granted under this Order no person shall engage in the production of any cheese.

3.—(1) Save as hereinafter provided no person shall buy or sell any cheese at a price exceeding the maximum price applicable in accordance with the Schedule 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.

(3) The provisions of paragraph (1) of this Article shall not apply to—

(*a*) any cheese served as part of a meal or sold for use as ships' stores;

(*b*) any pre-packed processed cheese produced in the United Kingdom.

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

5. On a sale by wholesale of any cheese to which the provisions of paragraph (1) of Article 3 of this Order apply 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 £.

6.—(1) Every person who carries on any undertaking by way of trade or business in the course of which he sells any cheese to which the provisions of paragraph (1) of Article 3 of this Order apply 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 same;

(iii) the quantity of such cheese 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 any such cheese 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 any such cheese by retail shall keep or cause to be kept an accurate record of every purchase by him thereof, such record to include the date, the name and address of the person from whom the same 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.

7. Every person licensed under Article 2 of this Order to engage in the production of cheese shall keep or cause to be kept at his principal place of business an accurate record of the production by him of any such cheese, together with all books, documents and accounts relating and incidental thereto.

8.—(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 to 1939, and "Government Chemist" means, in relation to Northern Ireland, the Government Chemist for Northern Ireland.

9.—(1) The Cheese (Control and Maximum Prices) Order, 1948, as amended(**c**), is hereby revoked but without prejudice to any proceedings in respect of any contravention thereof, provided that any licence, other than

(**a**) 1 & 2 Geo. 6. c. 56.
(**b**) 18 & 19 Geo. 5. c. 31.
(**c**) S.I. 1948 (No. 1062) II, p. 516; 1949 (Nos. 879 and 1721) II, pp. 291–3; and 1950 Nos. 279 and 583.

the Cheese (General Licence and Amendment No. 4) Order, 1950(a) (which is hereby revoked), granted thereunder or having effect by virtue thereof, 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 of any transaction required to be kept by him thereunder for one year from the date of the transaction.

10.—(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.

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

12. This Order shall come into operation on the 2nd day of July, 1950, and may be cited as the Cheese Order, 1950.

By Order of the Minister of Food.

F. T. Willey,
Parliamentary Secretary.

Dated the 29th day of June, 1950.

THE SCHEDULE

PART I

MAXIMUM PRICES OF CHEESE

Column 1	Column 2	Column 3	Column 4
Variety of Cheese	On a sale by wholesale	On a sale by retail	On a sale to a manufacturer
	At the rate of s. d.	At the rate of s. d.	At the rate of s. d.
1. White Wensleydale Cheese	102 10 per cwt.	1 2 per lb.	181 9 per cwt.
2. Any other variety of Cheese	107 8 per cwt.	1 2 per lb.	181 9 per cwt.

(a) S.I. 1950 No. 583.

PART II

1. *Small lots*

Where, at the request of the buyer, on a sale by wholesale of cheese (other than processed cheese) the quantity sold or delivered is—

(i) less than a whole cheese ; or

(ii) less than that contained in the package in which such cheese was delivered to the seller and less than 28 lb.,

an additional charge may be made by the seller at a rate not exceeding 2s. 4d. per cwt. in respect of the total weight of such cheese so sold or delivered.

2. *Containers*

The maximum price on a sale by wholesale includes all costs of and incidental to the provision by the seller of containers and no additional charge shall be made by the seller in respect thereof, provided that—

(*a*) where at the request of the buyer the seller supplies a returnable container the seller may make a reasonable charge by way of deposit ;

(*b*) where cheese is packed in a special container for export from the United Kingdom the seller may make a reasonable charge for the provision of such container.

3. *Delivery*

The maximum prices on a sale by wholesale include all costs and charges of and incidental to delivery by the seller at the buyer's premises or in the case of cheese 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 delivery.

EXPLANATORY NOTE

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

This Order replaces the Cheese (Control and Maximum Prices) Order, 1948, as amended.

The principal changes are—

(1) The Order contains a new definition of cheese which sets out the particular varieties of cheese to which the Order applies.

(2) Control of production is confined to cheese as now defined.

(3) Price control is similarly restricted save that it does not apply to pre-packed processed cheese produced in the United Kingdom.