STATUTORY INSTRUMENTS

1975 No. 1244

PRICES

The Cheese Prices (No. 2) Order 1975

Made - - - -	28*th July* 1975
Laid before Parliament	28*th July* 1975
Coming into Operation	18*th August* 1975

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 her powers under subsections (1) and (8) of that section and of all other powers enabling her in that behalf, hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Cheese Prices (No. 2) Order 1975 and shall come into operation on 18th August 1975.

(2) In this Order—

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

"cheese" means cheese of each of the categories of cheese specified in column 1 of the Table set out in article 5(1), and in articles 3, 4 and 9 means also other cheese;

"other cheese" means any cheese, not specified in the Table set out in article 5(1), being Cheddar, Cheshire, Caerphilly, Danbo, Derby, Double Gloucester, Elbo, Esrom, Fynbo, Havarti, Lancashire, Leicester, Maribo, Molbo, St. Paulin, Samsoe, Svenbo, Tybo, Wensleydale or White Stilton;

"weight" means net weight.

(3) References to cheese of any category are references to cheese of a category referred to in column 1 of the Table set out in article 5(1) and references to cheese of any variety are references to cheese 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 Orders hereby revoked were Acts of Parliament.

Revocation

2. The Cheese Prices Order 1975(**d**) and the Cheese Prices (Amendment) Order 1975(**e**) are hereby revoked.

(**a**) 1974 c. 24.
(**b**) 1975 c. 32.
(**c**) 1889 c. 63.
(**d**) S.I. 1975/38 (1975 I, p. 124).
(**e**) S.I. 1975/551 (1975 I, p. 1906).

Maximum prices of cheese and other cheese

3. This Order does not apply to the price for the sale of any cheese by any person who has received a declaration in writing—

(*a*) in the case of imported cheese, by the importer; or

(*b*) in the case of any cheese other than imported cheese, by the manufacturer;

that he has not claimed and will not claim any payment under section 1 of the Act (which makes provision for the payment of food subsidies) in respect of that cheese.

Gross percentage margin for cheese and other cheese

4.—(1) Subject to article 5, any person (other than a person who manufactures cheese or imports cheese into the United Kingdom) shall not sell any cheese at a price which, taken with the prices of all cheese 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 cheese 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 13th August 1974;

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

"special offer price" means the price—

(*a*) at which a person sold cheese during a continuous period of not less than 14 days and not more than 6 months ending not later than 16th January 1975 and including 13th August 1974; and

(*b*) which is lower than the price at which he last sold such cheese before he began selling such cheese at the first mentioned price.

(3) References in paragraph (2) above to 13th August 1974 shall, in relation to a person who sold cheese only at a special offer price on that date, be taken to be reference to the first date thereafter (being a date before 16th January 1975) on which he sold cheese at a price which is not a special offer price.

Maximum price of cheese

5.—(1) A person shall not sell by retail cheese wrapped or packed for retail sale in a flexible wrapping other than metal foil or cardboard at a price which exceeds 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 of the following Table in relation to the category within which cheese of that variety falls.

TABLE

Column 1 Category of cheese	Column 2 Price in pence per 1 lb. weight
Cheddar produced in New Zealand (other than farmhouse or matured)	53
Cheddar (including Dunlop) produced in the United Kingdom (other than farmhouse of matured) ...	53
Farmhouse or matured Cheddar (including Dunlop) produced in the United Kingdom	63
Cheddar produced in a member State (other than the United Kingdom) of the European Economic Community (other than farmhouse or matured) ...	53
Farmhouse or matured Cheddar produced in a member State (other than the United Kingdom) of the European Economic Community	63
Cheshire produced in the United Kingdom (other than farmhouse or matured)	51
Farmhouse or matured Cheshire produced in the United Kingdom	61
Caerphilly, Derby, Double Gloucester, Lancashire, Leicester, Wensleydale and White Stilton produced in the United Kingdom (other than farmhouse or matured)	53
Edam and Gouda (other than farmhouse or matured)...	53

(2) This article does not apply to any cheese prepacked in a package or wrapping marked with an indication of quantity by net weight as part of the same printing as other information including the brand name (if any) where, on 27th January 1975, it was the established practice of the manufacturer to prepack cheese of that description in the same quantity in packages or wrappings so marked: and in this article "prepack" means wrap or pack in advance ready for retail sale and "prepacked" shall be construed accordingly.

(3) This article does not apply to Kosher cheese, that is to say, cheese prepared by the Jewish ritual method.

Display of information relating to cheese

6.—(1) Each person who, in any shop, sells by retail or offers or exposes for sale by retail cheese of any variety to which article 5 applies shall—

(*a*) conspicuously display in a part of the shop to which customers have access for the purpose of buying such cheese, and in such manner that it may easily be read by them, information specifying the maximum price of each such variety of cheese; or

(*b*) keep the information mentioned in (*a*) above available 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 that information;

and any such information shall be printed or written in clear and legible characters and shall be headed with the words—

(i) "Statutory Maximum Prices of Subsidised Food"; or

(ii) "Statutory Maximum Prices of Subsidised Cheese".

(2) Information displayed under paragraph (1)(*a*) above shall be displayed in a position where it may be read by a customer before he pays for cheese of a variety to which this article applies.

(3) In this article, "maximum price" in relation to cheese sold by any person means the highest price at which that person may sell cheese of that category in accordance with article 5(1)(*b*).

7. A person, in addition to displaying or keeping available the information in accordance with article 6, shall, in respect of each of the three varieties of cheese to which article 5 applies of which he has in the three months ending with the date when this Order comes into operation sold the greatest quantity by weight, separately display the same information in the manner specified in article 6(1)(*a*) and (2) but more conspicuously and in larger and bolder characters.

8. Nothing in this Order shall prohibit the display of information under articles 6(1)(*a*) and (2) and 7 in conjunction with information relating to food of the same description required to be displayed under an Order under section 5 of the Act.

Artificial transactions and unreasonable charges relating to cheese and other cheese

9. A person shall not, in connection with the sale of any cheese, 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.

28th July 1975.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order revokes the Cheese Prices Order 1975 and the Cheese Prices (Amendment) Order 1975 and reproduces the provisions of those Orders which regulated the maximum prices which may be charged for the sale of cheese subsidised under section 1 of the Act.

The maximum price which may be charged for the sale of such subsidised cheese is generally the lower of that specified in the Table in article 5(1) and that resulting from the application of the gross percentage margin provided in article 4.

The Order also requires the display, in a shop in which subsidised cheese is sold, of information about the maximum price set for the best selling varieties of cheese in that shop and the separate display, or (as a new provision) the production on request by a customer or officer of a local weights and measures authority, of the maximum prices set for all varieties of subsidised cheese on sale in the shop.

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