EXPLANATORY NOTE

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

This Order amends the Bananas Order, 1948:—

(1) by abolishing—

(*a*) the provision that bananas may be sold by retail only to persons under 18 years; to persons of 70 years or more, or to expectant mothers;

(*b*) the provision that retailers with bananas for sale must display either the bananas themselves or a notice advertising their presence; and

(2) by increasing—

(*a*) the maximum prices of bananas at all stages of distribution;

(*b*) the maximum amounts of the permitted additions to the maximum prices of bananas, when, at the buyer's request, delivery is given to him by the seller elsewhere than at the seller's premises.

The Dried Fruits Order, 1951

1951 No. 37

Made - - - -	8*th January*, 1951
Laid before Parliament	9*th January*, 1951
Coming into Operation	14*th January*, 1951

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.

"Buy" includes offer or agree to buy and "sell" includes offer or agree to sell.

"British wines" means wines made in the United Kingdom.

"Catering business" includes the business or undertaking of an inn, public house, hotel, restaurant, buffet, coffee stall, or 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.

"Dried fruit" means any of the dried fruits for which a maximum price is prescribed in the First Schedule to this Order.

(**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.

" Excepted product " means any of the following products:—

(i) Pickles, sauces and relishes.
(ii) Mincemeat.
(iii) Any " classified product " within the meaning of the Chocolate, Sugar Confectionery and Cocoa Products Order, 1949, as amended(a).
(iv) Any medicine and any pharmaceutical preparation.
(v) Bread, buns, puddings, cake and flour confectionery and biscuits, and any similar baked or cooked product having flour as a principal ingredient.
(vi) Strained baby-foods.
(vii) Jam.
(viii) Vegetarian products.
(ix) British wines.

" First hand distributor " in relation to a sale of dried fruit means a person who has bought the same from the Minister.

" Manufacturer " in relation to a sale of dried fruit means a person buying the same in connection with any trade or business, other than a catering business, for use in the manufacture or preparation of any other article.

" Mincemeat " means the mixture of fresh or dried fruit with other ingredients commonly known as mincemeat.

" Pre-packed " in relation to any dried fruit means packed or made up in advance ready for retail sale in a wrapper or container.

" 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 sale by retail and " wholesaler " shall be construed accordingly.

" Strained baby-foods " means foods consisting of or containing fruit in a form substantially homogenised and free from coarse particles, and subsequently heat processed to ensure sterility.

" Vegetarian products " means compressed fruit cakes with or without nut kernels, and fruit and nut breakfast foods.

Maximum Prices

2.—(1) No person shall buy or sell or expose for sale any dried fruit at a price exceeding the price applicable in accordance with the First and Second 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.

Supply of currants, muscatels, raisins and sultanas for manufacturing

3.—(1) 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 for manufacturing purposes any currants, muscatels, raisins or sultanas.

(2) Any buying permit or other authorisation issued by or on behalf of the Minister and having effect in accordance with the provisions of the Food Rationing (General Provisions) Order, 1950, as amended(b), and authorising the supply and obtaining for manufacturing purposes of currants, muscatels, raisins or sultanas, shall have effect as though granted or issued under this Order.

(a) S.I. 1949 (Nos. 781 and 1524) II, pp. 295–305; 1950 (Nos. 190, 1430 and 1488) III, pp. 495–7; and 1951 No. 20.
(b) S.I. 1950 (Nos. 790 and 1791) III, pp. 420–38.

Mixing of dried fruit; use of dried fruit for manufacturing

4.—(1) No person shall—

(*a*) buy or sell or expose for sale any dried fruit for which a maximum price is prescribed by this Order mixed with any dried fruit for which a different maximum price is prescribed by this Order;

(*b*) buy or sell or expose for sale any dried fruit mixed with any article other than dried fruit;

(*c*) use or cause or permit to be used in connection with any trade or business other than a catering business any dried fruit as an ingredient in any manufactured product;

(*d*) sell or expose for sale any manufactured product having as an ingredient any dried fruit.

(2) The provisions of paragraph (1) of this Article shall not apply to the manufacture, preparation, sale or purchase of any excepted product.

Keeping of records

5.—(1) Every person who sells dried fruit by wholesale shall keep or cause to be kept an accurate record of all sales and purchases by him of dried fruit, such record to include the date of each sale and purchase, the name and address of the person from or to whom the dried fruit was purchased or sold, as the case may be, the quantity of each description of dried fruit purchased or sold, the prices charged and particulars of each and every addition to the maximum price made in accordance with the provisions of this Order.

(2) On a sale by wholesale the amount of each and every addition to the maximum price, made in accordance with the provisions of this Order, shall be shown as a separate item on an invoice to be furnished by the seller to the buyer within seven days of the delivery of the dried fruit.

(3) Every person who sells dried fruit by retail shall keep or cause to be kept an accurate record of all purchases by him of dried fruit, such record to include in respect of each purchase the date thereof, the name and address of the person from whom the dried fruit was purchased, the quantity of each description of dried fruit purchased, the price paid and particulars of each and every addition to the maximum price made in accordance with the provisions of this Order.

(4) The retention by any person of an invoice or of a copy of an invoice shall, as respects the particulars mentioned in such document, be a sufficient compliance by him with the provisions of this Article.

(5) Every person shall retain every record kept pursuant to this Article for a period of one year from the date of the transaction to which it relates.

Pre-packed dried fruit; provisions as to weight; legal proceedings

6. In any proceedings which are taken in respect of an infringement of this Order on the occasion of a sale by retail of any pre-packed dried fruit, the Court may disregard any inconsiderable deficiency in the weight of the dried fruit contained in a single wrapper or container, and may have regard to the average weight of dried fruit contained in a reasonable number of wrappers or containers of the same kind (if any) sold or delivered by the defendant or in his possession for the purpose of sale or delivery on the same occasion, and generally to all the circumstances of the case.

Certificate of public analyst or Government Chemist

7.—(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.

Artificial transactions, unreasonable charges

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

Exemption for caterers

9. This Order shall not apply to the sale of any dried fruit as a meal or part of a meal served by a caterer in the course of his catering business.

Directions, licences and authorisations

10.—(1) The provisions of this Order are subject to any directions which may at any time be given by or on behalf of the Minister and to any licence or authorisation which may be granted under this Order by or on behalf of the Minister.

(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 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.

Revocation

11.—(1) The Dried Fruits Order, 1949, as amended(**c**), is hereby revoked but without prejudice to any proceedings in respect of any contravention therof:

Provided that any licence granted under that Order and subsisting immediately before the coming into force of this Order shall continue to have effect as though granted under this Order.

(a) 1 & 2 Geo. 6. c. 56. (b) 18 & 19 Geo. 5. c. 31.
(c) S.I. 1949 (No. 2366) II, p. 406; and 1950 Nos. 844 and 1070.

(2) Every person shall, notwithstanding the revocation of the said Order, retain any record required to be kept by him thereunder for one year from the date of the transaction to which it relates.

Offences

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

Commencement and citation

13. This Order shall come into operation on the 14th day of January, 1951, and may be cited as the Dried Fruits Order, 1951.

By Order of the Minister of Food.

F. T. Willey,
Parliamentary Secretary.

Dated the 8th day of January, 1951.

THE FIRST SCHEDULE

[New First Schedule substituted by S.I. 1951 No. 771, *see* p. 277 below.]

THE SECOND SCHEDULE

Additions to the Maximum Price

Transport

1. 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 and no additional charge shall be made on any such sale in respect of transport or delivery.

Breaking Bulk

2. Where on any sale by wholesale there is sold a lesser quantity than that contained in the package in which the dried fruit was delivered to the seller, the maximum price may be increased by a sum at a rate not exceeding 2s. 4d. per cwt., provided that the consent of the buyer shall have been obtained previously.

Pre-packing

3. No addition shall be made to the maximum prices on any sale of dried fruit in respect of packing.

Cleaning

4.—(1) Where any dried fruit is sold cleaned, the maximum price shall be calculated on the weight of the fruit after cleaning.

(2) On a sale by wholesale of any dried fruit which has been machine-cleaned,

(*a*) if the fruit has been machine-cleaned by the seller, a charge at a rate not exceeding 3s. per cwt. may be made in addition to the maximum price;

(*b*) if the seller bought the fruit machine-cleaned the amount not exceeding a sum at the rate of 3s. per cwt., properly paid by him in respect of such cleaning to the person from whom he bought the fruit, may be added to the maximum price;

but, except as provided in this paragraph, no addition shall be made to the maximum price on any sale of dried fruit in respect of such cleaning.

EXPLANATORY NOTE

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

This Order replaces the Dried Fruits Order, 1949, as amended.

The principal changes are:—

(1) The prices of currants, raisins and sultanas are increased.

(2) The restrictions on the use of dried fruit in the manufacture of vegetarian products and British wines are removed.

(3) The Order contains a revised definition of mincemeat.