(ii) ENAMELLED HOLLOW-WARE

The Enamelled Hollow-ware (Maximum Prices) Order, 1949

1949 No. 424

Made - - - -	14*th March*, 1949
Laid before Parliament	14*th March*, 1949
Coming into Operation	28*th March*, 1949

The Board of Trade, in pursuance of the powers conferred upon them by Sections 1, 13 and 18 of the Goods and Services (Price Control) Act, 1941(**a**), as amended by the Defence (Price Control) Regulations, 1945(**b**), Regulation 9 of those Regulations, and all other powers in that behalf enabling them, hereby order as follows :—

Scope of order.

1.—(1) The maximum prices to be charged in the course of businesses of the following classes, namely, manufacturer, importer, wholesaler and retailer, in respect of goods to which this Order applies (hereinafter called " goods ") shall be computed in such manner and by reference to such matters as are hereinafter provided.

(2) The goods to which this Order applies are :—

(*a*) new vitreous enamelled wrought steel hollow-ware, and

(*b*) new tin lids for saucepans, stewpans, stewpan kettles and round pots (whether or not sold therewith), other than tin lids for articles which are not enamelled wrought steel hollow-ware, when sold with such articles.

Maximum prices. Manufacturer.

2. The maximum price to be charged in the course of the business of a manufacturer in respect of goods of any description being sold to any class of customer shall be—

*(i) if similar articles of that description were being sold to that class of customer in the ordinary course of that business during the basic period, an amount calculated at the same rate as that at which the price (before any deduction by way of discount) being charged to that class of customer for the smallest quantity of such similar articles was calculated, or, if different prices were being charged to that class of customer in the basic period for the smallest quantity of such articles, the rate at which the lowest of such different prices was calculated ;

(ii) in any other case, the manufacturer's costs of production and sale and 7½ per cent. thereof.

Aggregation of sales.

3.—(1) The aggregate of the maximum prices chargeable in the course of the business of a manufacturer in respect of all relevant goods (being relevant goods in respect of which the manufacturer's maximum price is, under the foregoing provisions, to be computed by

(a) 4 & 5 Geo. 6. c. 31. (b) S.R. & O. 1945 (No. 1613) II, p. 81.
* *See* amendment, p. 2193 below.

reference to his costs of production and sale) sold by him during any period beginning after the 28th day of March, 1949 (being a period of not less than 4 nor more than 12 months) shall be calculated as follows, that is to say, shall be

(*a*) the manufacturer's costs of production, incurred during that period, of all relevant goods manufactured during that period, adjusted by adding his costs of production of his opening stocks of relevant goods, whether wholly or partly manufactured, and subtracting his costs of production of his closing stocks of such relevant goods, and

(*b*) the manufacturer's other costs of the relevant goods so sold by him during that period, and

(*c*) an amount equal to 7½ per cent. of the sums calculated under the above heads.

(2) If the aggregate of the prices charged in the course of the business of a manufacturer for relevant goods during any such period exceeds the aggregate of the maximum prices calculated as aforesaid, that manufacturer shall be guilty of a single contravention of subsection (1) of Section 1 of the Goods and Services (Price Control) Act, 1941, in respect of those goods.

Computation of (*a*) the manufacturer's costs of production and sale; (*b*) the manufacturer's costs of production and (*c*) the manufacturer's other costs.

4.—(1) For the purposes of this Order and subject to the provisions of paragraph (2) of this Article, the manufacturer's costs of production and sale, the manufacturer's costs of production and the manufacturer's other costs shall, in relation to any goods, be—

(*a*) in the case of the manufacturer's costs of production and sale, such amount as is reasonably justified, in relation to those goods, by reference to the matters set out in Part I of the Schedule to this Order (or such of them as are appropriate to that case) taken as a whole;

(*b*) in the case of the manufacturer's costs of production, such amount as is reasonably justified, in relation to those goods, by reference to the matters set out in Part II of the said Schedule (or such of them as are appropriate to that case) taken as a whole;

(*c*) in the case of the manufacturer's other costs, such amount as is reasonably justified, in relation to those goods, by reference to the matters set out in Part III of the said Schedule (or such of them as are appropriate to that case) taken as a whole.

(2) The manufacturer shall not take into account the amount of any increase in that part of any such costs computed by reference to the relevant matters (other than the cost of the provision of materials) set out in Part I, Part II or Part III, as the case may be, of the Schedule hereto which is due to

(*a*) any increase in the rate or scale of wages, salaries or commission paid or payable by him, agreed after the 4th day of February, 1948, or

(*b*) any change in the terms or conditions of employment of persons employed by him, agreed after that date.

Imported goods. Importer and wholesaler.

5. The maximum price to be charged in the course of the business of an importer, in respect of goods imported into the United Kingdom in the course of that business, or of a wholesaler, in respect of such goods, shall be the landed cost and, on a sale otherwise than to a retail

customer, 33⅓ per cent.(a) thereof or, on a sale to a retail customer, 50 per cent.(a) thereof and the amount of purchase tax (if any) paid or payable in respect thereof.

Other goods. Wholesaler.

6. Subject to the provisions of Article 5—

(i) the maximum price to be charged in the course of the business of a wholesaler who, in respect of goods, conducts a regular selling organisation for supplying the retail trade and who carries, in a warehouse or other storage premises, stocks which are substantial in relation to his turnover, shall be—

(*a*) on a sale, otherwise than to a retail customer, of goods which are dispatched to the buyer from the seller's warehouse or other storage premises, the purchase price paid or agreed to be paid to the manufacturer by the first purchaser and 33⅓ per cent.(a) thereof;

(*b*) on a sale, otherwise than to a retail customer, of goods not dispatched as aforesaid, the purchase price paid or agreed to be paid to the manufacturer by the first purchaser and 16⅔ per cent.(a) thereof;

(*c*) on a sale of goods to a retail customer, computed in accordance with Article 7 as if such wholesaler were a retailer;

(ii) the maximum price to be charged in the course of the business of any other wholesaler shall be—

(*a*) on a sale of goods otherwise than to a retail customer, the purchase price paid or agreed to be paid to the manufacturer by the first purchaser and 5 per cent. thereof;

(*b*) on a sale of goods to a retail customer, computed in accordance with Article 7 as if such wholesaler were a retailer.

Retailer.

7. The maximum price to be charged in the course of the business of a retailer, in respect of goods, shall be the aggregate of the following amounts:—

(*a*) the purchase price paid or agreed to be paid to the manufacturer, importer or wholesaler by the first purchaser, being a retailer, and

(*b*) an amount equal to 50 per cent.(a) of such price, and

(*c*) the amount of purchase tax paid or payable in respect of such goods.

Miscellaneous provisions.

8.—(1) The maximum price of tin lids, bought from a manufacturer of vitreous enamelled wrought steel hollow-ware, shall be computed in accordance with the provisions of this Order as if he were the actual manufacturer thereof, whether or not that is the case.

(2) Notwithstanding anything in this Order, on a sale of goods otherwise than to a retail customer, being goods the maximum price of which is computed in accordance with the provisions of head (*a*) of subparagraph (i) of Article 6 and which are dispatched from the seller's warehouse or other storage premises in Great Britain to the buyer's premises in Northern Ireland, the maximum price shall be increased by an amount equal to 1½ per cent. thereof.

Rounding and discounts.

9. Notwithstanding anything in this Order—

(i) on a sale of goods to a retail customer, the maximum price, computed in accordance with the provisions of this Order, shall

(a) *See* amendments of percentages, p. 2193 below.

be rounded to the nearest penny if that price exceeds the sum of 5s. and to the nearest half-penny if that price does not exceed that sum;

(ii) the maximum price charged in respect of the sale of goods otherwise than to a retail customer shall be reduced by an amount equal to 2½ per cent. thereof in any case in which payment for those goods is made or tendered before the last day in the calendar month next following that in which the goods were consigned by the seller to or to the order of the buyer.

Modifications of the Price-Controlled Goods (Invoices) Order, 1943.

10. In relation to imported goods sold in the course of the business of an importer or a wholesaler and bought in the course of the business of a wholesaler, the Price-Controlled Goods (Invoices) Order, 1943(a), shall have effect as if, in the invoice to be furnished, the seller were required (in addition to the particulars referred to in Article 2 of that Order) to include statements that the goods were imported and of the landed cost thereof.

Interpretation and revocation.

11.—(1) In this Order—

"basic period" means the period of one month which ended on the 28th day of February, 1949;

"landed cost" means, in relation to imported goods, an amount equal to the aggregate of—

(*a*) the price (after all deductions by way of discount other than cash or settlement discount not exceeding 2½ per cent.) paid or agreed to be paid by the importer; and

(*b*) all sums (in so far as they are not included under (*a*) above) paid or payable by the importer in respect of packing, insurance, freight to the port of entry, import duties and customs clearance charges;

"manufacturer" means, in relation to any goods, a person who carries out or procures or permits to be carried out upon materials owned by him a process of manufacture whereby goods are produced;

"maximum price" means the price payable before any deduction by way of discount and, on a sale to a retail customer but not otherwise, inclusive of purchase tax; delivery charges shall be included in the said price except that

(i) in calculating the maximum price to be charged on a sale of any goods to a retail customer, the cost actually paid or incurred of delivering those goods to that retail customer may be excluded, and

(ii) in calculating the maximum price to be charged on a sale of any goods otherwise than to a retail customer, the cost actually paid or incurred of delivering those goods may be excluded, where the price of those goods, or, if the goods are included in a parcel comprising other articles, the price of the parcel (exclusive of purchase tax and such cost of delivering) does not exceed, in the case of a sale by a manufacturer to a wholesaler or to a retailer, the sum of £10, or, in any other case the sum of £2;

(a) S.R. & O. 1943 (No. 604) I, p. 309.

"purchase price" means the price after all deduction by way of discount other than cash and settlement discount not exceeding 2½ per cent. and exclusive of purchase tax; and delivery charges may be included in the calculation of the purchase price of any goods except where the price of the goods purchased, or, if the goods were included in a parcel comprising other articles, the price of the parcel (exclusive of purchase tax and delivery charges) does not exceed, in the case of a sale by a manufacturer to a wholesaler or to a retailer, the sum of £10, or, in any other case the sum of £2;

"opening stocks" of a manufacturer in relation to any period means goods manufactured by him but not sold before the beginning of that period; and "closing stocks" of a manufacturer in relation to any period means goods manufactured by him, whether before or during that period, but not sold before the end of it;

"relevant goods" means in relation to a manufacturer, goods manufactured by him (whether before or after the 28th day of March, 1949) being such goods generally or any class of such goods defined by reference to description, type, size or any other matter whatsoever;

"retail customer" means a person to whom goods are sold by retail;

"tin lids" means lids made from tinplate.

(2) The Enamelled Hollow-ware (Maximum Prices) Order, 1948(a), is hereby revoked.

Citation and commencement.

12. This Order may be cited as the Enamelled Hollow-ware (Maximum Prices) Order, 1949, and shall come into operation on the 28th day of March, 1949.

Dated this 14th day of March, 1949.

Harold Wilson,
President of the Board of Trade.

SCHEDULE

PART I

MANUFACTURER'S COSTS OF PRODUCTION AND SALE

Matters to be regarded in ascertaining costs

1. Costs of the provision of materials to be calculated on the basis of a weighted average of:—

(*a*) stocks in hand

(*b*) materials which are the subject of contracts for purchase at fixed prices for delivery during the period for which prices are to be determined.

2. Costs of labour being all wages directly incurred in the production of the article, and the equivalent for the direct labour (if any) of the employer in such production.

3. Costs incurred by way of service charges paid to the manufacturer on commission in the case of goods manufactured wholly or partly on commission.

(a) S.I. 1948 (No. 1733) I, p. 1498.

4. Factory overheads:—
   (*a*) Rent or (where property is owned and occupied) a charge in lieu thereof, not exceeding the net annual value for the purpose of assessment under Schedule A of the Income Tax Acts; and rates.
   (*b*) Maintenance of premises, plant and machinery.
   (*c*) Wear and tear of plant and machinery.
   (*d*) Heat, light and power.
   (*e*) Salaries and wages for supervision and indirect salaries and wages not comprised under 2 above.
   (*f*) Cost of materials and services which indirectly enter into manufacture.
   (*g*) Transport and packing, being the actual cost on account of the factory.
   (*h*) Cost of Air Raid Precautions.
   (*i*) Insurance.
   (*j*) Liability for duties of Customs and Excise.
   (*k*) Levies made and rebates granted for the purpose of raising sums to be used in the maintenance and extension of home and export trade under schemes approved by the Board of Trade.

5. General Overheads (being overheads common to the whole business):—
   (*a*) Rent of premises other than factory premises, or (where property is owned and occupied) a charge in lieu thereof, not exceeding the net annual value for the purpose of assessment under Schedule A of the Income Tax Acts; and rates.
   (*b*) Maintenance and repairs appropriate to the premises referred to in (*a*).
   (*c*) Heat, light and power.
   (*d*) Salaries and wages for executives, accountancy, clerical and general office staffs.
   (*e*) Stationery, postage, telegrams and telephone, insurances, travelling expenses and general office expenses.
   (*f*) Salesmen's salaries and commission, and other appropriate selling expenses.
   (*g*) Transport expenses (other than factory expenses), cost of operating or hiring vehicles, parcel post and carriage, warehouse packing materials and packers' wages.
   (*h*) Advertising expenses limited to such expenses only as will ensure adequate distribution of products in the home market.

6. Cash or settlement discounts customarily allowed.

Part II

Manufacturer's Costs of Production

Matters to be regarded in ascertaining costs

1. Costs of the provision of materials to be calculated on the basis of a weighted average of:—
   (*a*) stocks in hand.
   (*b*) materials which are the subject of contracts for purchase at fixed prices for delivery during the period for which prices are to be determined.

2. Costs of labour being all wages directly incurred in the production of the article, and the equivalent for the direct labour (if any) of the employer in such production.

3. Costs incurred by way of service charges paid to the manufacturer on commission in the case of goods manufactured wholly or partly on commission.

4. Factory overheads:—
(*a*) Rent or (where property is owned and occupied) a charge in lieu thereof, not exceeding the net annual value for the purpose of assessment under Schedule A of the Income Tax Acts; and rates.
(*b*) Maintenance of premises, plant and machinery.
(*c*) Wear and tear of plant and machinery.
(*d*) Heat, light and power.
(*e*) Salaries and wages for supervision and indirect salaries and wages not comprised under 2 above.
(*f*) Cost of materials and services which indirectly enter into manufacture.
(*g*) Transport and packing, being the actual cost on account of the factory.
(*h*) Cost of Air Raid Precautions.
(*i*) Insurance.
(*j*) Liability for duties of Customs and Excise.
(*k*) Levies made and rebates granted for the purpose of raising sums to be used in the maintenance and extension of home and export trade under schemes approved by the Board of Trade.

PART III

MANUFACTURER'S OTHER COSTS

Matters to be regarded in ascertaining costs

1. Overheads (being general overheads common to the whole business in the case of a manufacturer):—
(*a*) Rent of premises other than factory premises or (where property is owned and occupied) a charge in lieu thereof, not exceeding the net annual value for the purpose of assessment under Schedule A of the Income Tax Acts; and rates.
(*b*) Maintenance and repairs appropriate to the premises referred to in (*a*).
(*c*) Heat, light and power.
(*d*) Salaries and wages for executive, accountancy, clerical and general office staffs.
(*e*) Stationery, postage, telegrams and telephones, insurances, travelling expenses and general office expenses.
(*f*) Salesmen's salaries and commission, and other appropriate selling expenses.
(*g*) Transport expenses (other than factory expenses), cost of operating or hiring vehicles, parcel post and carriage, warehouse packing materials and packers' wages.
(*h*) Advertising expenses limited to such expenses only as will ensure adequate distribution of products in the home market.

2. Cash or settlement discounts customarily allowed.

EXPLANATORY NOTE

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

This Order re-enacts with amendments the Enamelled Hollow-ware (Maximum Prices) Order, 1948.

The principal changes are—

1. The Order now fixes a manufacturer's maximum price: this is to be computed at the lowest price being charged by him to the same class of customer for the smallest quantity of similar articles in the month of February, 1949, or, if he did not sell similar articles to that class of customer during that month his price is his costs of production and sale and 7½ per cent. thereof.

2. Provision is made in Article 3 that a single contravention of subsection (1) of Section 1 of the Goods and Services (Price Control) Act, 1941, will have been committed by a manufacturer if it be proved that the aggregate of the prices charged by him for goods over a period exceeds the aggregate maximum prices for those goods calculated under the Order.

3. There are new definitions of maximum price and purchase price, and new provisions in relation to delivery charges.

The Enamelled Hollow-ware (Maximum Prices) (Amendment) Order, 1949

1949 No. 1923

Made - - - -	14*th October*, 1949
Laid before Parliament	15*th October*, 1949
Coming into Operation	7*th November*, 1949

The Board of Trade, in pursuance of the powers conferred upon them by Sections 1 and 18 of the Goods and Services (Price Control) Act, 1941(**a**), as amended by the Defence (Price Control) Regulations, 1945(**b**), hereby order as follows:—

1. The Enamelled Hollow-ware (Maximum Prices) Order, 1949(**c**), shall have effect subject to the following amendments:—

(i) at the end of head (i) of Article 2 there shall be added the words "together with 3 per cent. of such amount";

(ii) in Article 5, for the percentages "33⅓" and "50" there shall be substituted the percentages "32" and "47½" respectively;

(iii) in Article 6, for the percentages "33⅓" and "16⅔" there shall be substituted the percentages "32" and "16" respectively;

(iv) in Article 7, for the percentage "50" there shall be substituted the percentage "47½".

2. This Order may be cited as the Enamelled Hollow-ware (Maximum Prices) (Amendment) Order, 1949, and shall come into operation on the 7th day of November, 1949.

Dated this 14th day of October, 1949.

Harold Wilson,
President of the Board of Trade.

EXPLANATORY NOTE

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

This Order amends the Enamelled Hollow-ware (Maximum Prices) Order, 1949, by increasing manufacturers' maximum prices in cases where similar articles were sold in the basic period, and by reducing importers', wholesalers' and retailers' permitted margins.

(**a**) 4 & 5 Geo. 6. c. 31. (**b**) S.R. & O. 1945 (No. 1613) II, p. 81.
(**c**) S.I. 1949 No. 424, p. 2186 above.