2. This Order shall come into force on the 10th day of October, 1948, and may be cited as the Food (Restriction on Dealings) Order, 1943 (Amendment No. 4) Order, 1948.

John Strachey,
Minister of Food.

Dated the 5th day of October, 1948.

EXPLANATORY NOTE

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

This amending Order, which is consequential on the Food (Licensing of Retailers) Order, 1948(**a**), exempts from the provisions of the Food (Restriction on Dealings) Order, 1943, sales by persons who sell principally by retail (other than to establishments and manufacturers).

(iii) LICENSING OF ESTABLISHMENTS

The Food (Licensing of Establishments) Order, 1948

1948 No. 368

Made - - - -	*24th February,* 1948
Laid before Parliament	*25th February,* 1948
Coming into Operation	*29th February,* 1948

In exercise of the powers conferred upon him by Regulation 55 of the Defence (General) Regulations, 1939(**b**), as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(**c**) as extended by the Supplies and Services (Extended Purposes) Act, 1947(**d**), 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.

" Catering establishments " includes hotels, restaurants, cafes, tea shops, milk bars, snack bars, fried fish shops, coffee stalls, inns and public houses serving food, clubs regularly serving meals, staff dining rooms, school feeding centres, canteens, hostels, boarding houses, apartment houses and every other place of refreshment serving meals.

" Establishments " means catering establishments and institutions.

" Institutions " includes hospitals, sanatoria, convalescent homes, nursing homes, orphanages, workhouses, infirmaries, mental hospitals, residential educational establishments serving meals, and other similar establishments.

(**a**) S.I. 1948 No. 2234, p. 408 below.
(**b**) *See* Note, p. 15 above.
(**c**) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (Nos. 1611 and 1615–25) II, pp. 39 and 45–56.
(**d**) 10 & 11 Geo. 6. c. 55.

" Licence " includes a provisional licence.

" Rationed food " means any food prescribed as such in any Order of the Minister for the time being in force and " Consumers' ration documents " means any ration documents authorising the holder to obtain any rationed food for household consumption.

2.—(1) No person shall, except under or in accordance with the terms of a licence granted by or on behalf of the Minister authorising him to carry on an establishment, sell or supply any meal in the course of the business or undertaking of an establishment, provided that this restriction shall not apply to:—

(*a*) the sale or supply of any meal in the course of the business of any establishment in which rationed foods are obtained for the purpose of that establishment solely by means of consumers' ration documents held by the residents of that establishment;

(*b*) the sale or supply of ice cream.

(2) Any licence or authorisation under this Order or having effect by virtue of Article 7 of this Order, shall, save as the Minister may otherwise authorise or direct, be subject to the conditions set out in the Schedule to this Order and to such other conditions as may have been or may be attached to the licence or authorisation.

(3) In the event of the transfer of a business or undertaking in respect of which a licence is held under this Order or in the event of the death of the holder of such licence, the transferee or other person succeeding to the business or undertaking shall, on having duly made application for a licence under this Order and pending the decision of the Minister on such application, be deemed to hold a provisional licence under this Order whereby he shall be entitled, unless the Minister shall otherwise direct, to carry on the business or undertaking to which the first mentioned licence applied subject to any conditions contained therein.

(4) No person shall, except under the authority of the Minister, alter or deface any licence granted under or having effect by virtue of this Order, or make any entry in such licence.

3. For the avoidance of doubt it is hereby declared that nothing contained in this Order or in any licence or authorisation granted under this Order shall operate to relieve any person from compliance with the provisions of any other Order or of any Act, Regulation or Bye law for the time being in force.

4.—(1) A person licensed under or by virtue of this Order shall, before ceasing to carry on the business or undertaking to which the licence relates, give to the Food Executive Officer for the area in which the premises are situate not less than 14 days notice in writing of his intention to cease carrying on the business or undertaking as aforesaid, and shall return to such Food Executive Officer any licence held by him under or by virtue of this Order in respect of those premises: provided that where in any proceedings a person is charged with a contravention of this Article it shall be a defence for him to prove that it was not practicable for him to give such notice or that he gave notice as soon as it was practicable for him to do so.

(2) Where a business or undertaking licensed under this Order is no longer carried on at any premises owing to the death of the licensee and no notice has been given under the preceding paragraph, the licensee's personal representative shall forthwith give notice to the appropriate Food Executive Officer that such business or undertaking is no longer carried on and shall

return to such Food Executive Officer any licence granted under or by virtue of this Order in respect of such premises.

5.—(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 by or on behalf of the Minister under this Order.

(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 required 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.

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

7.—(1) The Food (Licensing of Establishments) Order, 1943(**a**), is hereby revoked but without prejudice to any proceedings in respect of any contravention thereof, provided that any licence or authorisation granted or deemed to be 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.

(2) Any reference in any Order of the Minister to the Food Control Committees (Registration of Establishments) Order, 1939, as amended(**b**), to the Food Control Committees (Licensing of Establishments) Order, 1941, as amended(**c**), to the Food (Licensing of Establishments) Order, 1943, or to a person licensed thereunder or any such reference in any document issued by or on behalf of the Minister for the purpose of those Orders, or any of them, shall, unless the contrary intention appears, be construed as a reference to this Order or, as the case may be, to a person licensed to carry on an establishment under this Order.

8. This Order shall come into force on the 29th day of February, 1948, and may be cited as the Food (Licensing of Establishments) Order, 1948.

John Strachey,
Minister of Food.

Dated the 24th day of February, 1948.

THE SCHEDULE(**d**)

CONDITIONS

The holder of a licence or provisional licence granted under this Order shall not, except under the authority of the Minister of Food, knowingly permit:—

(*a*) any person who was the holder of a licence granted to him by or on behalf of the Minister or a Food Control Committee but whose licence has been revoked as a result of his being convicted of any of the following offences:—

(i) an offence against any of the Defence (General) Regulations, 1939, or any Order made thereunder, in respect of any article of food;

(**a**) S.R. & O. 1943 (No. 290) II, p. 773.
(**b**) S.R. & O. 1939 (Nos. 1553 and 1890) I, pp. 997–9 and 1940 (No. 323) II, p. 524.
(**c**) S.R. & O. 1941 (No. 1887) II, p. 553 and 1942 (Nos. 437, 885, 1471 and 1730) II, p. 858.
(**d**) Sch. amended, *see* p. 408 below.

(ii) an offence against the Larceny Act, 1916(a), in respect of any article of food;

(iii) an offence against the Sale of Food (Weights and Measures) Act, 1926(b), or any Regulation made thereunder;

(iv) an offence against the Food and Drugs Act, 1938(c) or any Regulation made thereunder; or

(v) in Scotland, an offence against the Food and Drugs (Adulteration) Act, 1928(d);

(vi) In Northern Ireland, an offence against the Sale of Food and Drugs Acts (Northern Ireland), 1875-1939; or

(*b*) any person who was a director or officer of any body corporate whose licence has been revoked for the reason aforesaid, such director or officer having been convicted together with that body corporate in respect of the offence or offences in question; or

(*c*) any person having the control or management of any premises in respect of which an Order under Regulation 42C of the Defence (General) Regulations, 1939, as amended, has been made, at the time of the making of such Order;

to exercise any control, direct, or indirect, financial, managerial or otherwise, over the policy, management or conduct of the business in respect of which such licence has been granted.

EXPLANATORY NOTE

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

This Order re-enacts with modifications the Food (Licensing of Establishments) Order, 1943.

The principal change is that, while a licence is still required to carry on an establishment, no restriction is imposed by this Order on the foods which a licensee may obtain and use in his establishment.

The requirements imposed by other Orders as to permits for rationed and controlled foods are not affected.

The Food (Licensing of Establishments) Order, 1948 (Amendment) Order, 1948

1948 No. 2584

Made - - - -	*26th November*, 1948
Laid before Parliament	*26th November*, 1948
Coming into Operation	*28th November*, 1948

In exercise of the powers conferred upon him by Regulation 55 of the Defence (General) Regulations, 1939(e), as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(f) as extended by the Supplies and

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(a) 6 & 7 Geo. 5. c. 50.
(b) 16 & 17 Geo. 5. c. 63.
(c) 1 & 2 Geo. 6. c. 56.
(d) 18 & 19 Geo. 5. c. 31.
(e) *See* Note, p. 15 above.
(f) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (Nos. 1611 and 1615–25) II, pp. 39 and 45–56.