EXPLANATORY NOTE

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

This Order amends the Canning of Food and Feeding Stuffs (Control) Order, 1942, by:—

(1) deleting the provision which requires cans to be marked with various particulars; and

(2) providing that certain old canning licences shall remain in effect without the condition that the holders shall continue to be members of the Canners' (War-Time) Association.

(iii) LICENSING OF WHOLESALERS

The Food (Licensing of Wholesalers) Order, 1949

1949 No. 2241

Made - - - -	*2nd December*, 1949
Laid before Parliament	*3rd December*, 1949
Coming into Operation	*11th December*, 1949

In exercise of the powers conferred upon him by Regulation 55 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.

"Establishment" means a catering establishment or institution licensed or deemed to be licensed as such under the Food (Licensing of Establishments) Order, 1948, as amended(c).

"Manufacturer" means a person carrying on a business, not being an establishment, in the course of which food is processed or preserved, or used in the composition, manufacture or preparation of any article.

"Sale by wholesale" in relation to any specified food means any sale to a person buying for resale and includes any sale of such food to an establishment or manufacturer, and "sell by wholesale" shall be construed accordingly.

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

"Specified food" means any food specified in the First Schedule to this Order and, unless this Order otherwise provides, where any specified food is described or defined in any Order of the Minister for the time being in force, such description or definition shall apply for the purposes

(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. 1948 (Nos. 368 and 2584) II, pp. 404–7.

of this Order, provided that where any such description or definition is contained in more than one Order of the Minister the description or definition, as the case may be, which is contained in any Order regulating maximum, minimum or fixed prices for any such food shall apply for the purposes of this Order.

2. Except under and in accordance with the terms of a licence granted under this Order, no person shall sell any specified food by wholesale, and no person shall buy any specified food by wholesale, except from a holder of such a licence granted in respect of that food:

Provided that—

(*a*) any person holding a licence under any Order specified in the Second Schedule to this Order, authorising him to engage in the manufacture or canning of any specified food, may, unless such licence otherwise provides, sell and any person may buy from him any specified food manufactured or canned by him;

(*b*) any person engaged in the canning of any food or feeding stuff who by reason of the proviso to Article 2 of the Canning of Food and Feeding Stuffs (Control) Order, 1942, as amended(**a**), does not require a licence under that Article, may sell and any person may buy from him any food or feeding stuff canned by him;

(*c*) every person who on the 14th day of November, 1942, was the holder of a licence under Article 2 of the Canned Fish (Control) Order, 1941, as amended(**b**), to sell canned fish by wholesale, may sell and any person may buy from him canned fish.

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

4.—(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.

5.—(1) Nothing in this Order shall, except as otherwise provided, operate to affect the provisions of any other Order of the Minister for the time being in force.

(2) This Order shall not apply in respect of the sale by wholesale of any specified food by any person who sells principally to persons (other than establishments or manufacturers) buying otherwise than for resale.

6. The Food (Restriction on Dealings) Order, 1943, as amended(**c**), is hereby revoked but without prejudice to any proceedings in respect of any contravention thereof, provided that any licence or authorisation granted or having effect 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) S.R. & O. 1942 (No. 2186) II, p. 861; and S.I. 1949 No. 2133, p. 252 above.
(b) S.R. & O. 1941 (Nos. 975 and 2040) II, p. 833; and 1942 (No. 2187) II, p. 1190.
(c) S.R. & O. 1943 (No. 1769) II, p. 748; 1945 (No. 410) II, p. 877; 1946 (No. 1729) II, p. 722; 1947 (No. 2420) II, p. 398; and S.I. 1948 (No. 2235) II, p. 403.

7. This Order shall come into operation on the 11th day of December, 1949, and may be cited as the Food (Licensing of Wholesalers) Order, 1949.

Dated the 2nd day of December, 1949.

John Strachey,
Minister of Food.

THE FIRST SCHEDULE

Biscuits, rusks and crispbreads.
Canned fish.
Canned fruit.
Canned meat and canned meat products, other than meat paste.
Cheese as defined in the Fats, Cheese and Tea (Rationing) Order, 1949, as amended(a).
Chocolate, chocolate confectionery and chocolate couverture.
Condensed milk.
Dried fruits.
National butter.
Rice.
Sugar.
Sugar confectionery.
Syrup and treacle.
Table Jellies.

THE SECOND SCHEDULE

Title of Order	*Specified Food*
The Biscuits (Licensing and Control) Order, 1943, as amended(b).	Biscuits, rusks and crispbreads.
The Butter (Control and Maximum Prices) Order, 1947, as amended(c).	National butter.
The Canning of Food and Feeding Stuffs (Control) Order, 1942, as amended(d).	Any canned specified food.
The Cheese (Control and Maximum Prices) Order, 1948, as amended(e).	Cheese.
The Chocolate, Sugar Confectionery and Cocoa Products Order, 1949, as amended(f).	Sugar confectionery, chocolate and chocolate confectionery; chocolate couverture.

EXPLANATORY NOTE

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

This Order replaces the Food (Restriction on Dealings) Order, 1943. It substantially reduces the number of foods in respect of which a licence to sell by wholesale is required.

(a) S.I. 1949 Nos. 972, 1325, 1720, 2048 and 2180 ; for revocation and replacement, *see* S.I. 1950 Nos. 790 and 796.
(b) S.R. & O. 1943 (No. 1253) II, p. 912; and S.I. 1948 (No. 2612) II, p. 420
(c) S.R. & O. 1947 (Nos. 551 and 1973) II, p. 556–561; and S.I. 1949 No. 878, p. 287 below.
(d) S.R. & O. 1942 (No. 2186) II, p. 861; and S.I. 1949 No. 2133, p. 252 above.
(e) S.I. 1948 (No. 1062) II, p. 516; and 1949 Nos. 879, 971 and 1721, pp. 291–3 below.
(f) S.I. 1949 Nos. 781 and 1524, pp.295–305 below.