STATUTORY INSTRUMENTS

1978 No. 1014

PRICES

The Food (Prohibition of Repricing) Order 1978

Made - - - -	24*th July* 1978
Laid before Parliament	24*th July* 1978
Coming into Operation	14*th August* 1978

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 his powers under subsections (1) and (4) of that section and of all other powers enabling him in that behalf, hereby makes the following Order:—

1.—(1) This Order may be cited as the Food (Prohibition of Repricing) Order 1978 and shall come into operation on 14th August 1978.

(2) For the purposes of this Order—

(*a*) "food" means food and drink for human consumption including such food or drink which is made up in advance ready for retail sale in or on a container, and "item of food" shall be construed accordingly; and

(*b*) a price shall be treated as marked on an item of food if it is marked on the food or on its container or on any label or tag attached by any means to the food or its container.

(3) The Interpretation Act 1889(**c**) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

2.—(1) Subject to paragraph (2) below, a person shall not, on any premises, sell by retail an item of food at a price which is higher than a price which he has previously marked on that item at any time when it has been displayed by him on the premises for sale by retail at that price.

(2) Paragraph (1) above shall not apply in a case where, in relation to the item of food in question—

(*a*) the price previously marked on it is a special offer price or an introductory offer price;

(*b*) the price at which the item is sold is the price which the seller has marked on it as the price which immediately supersedes the special offer price or, as the case may be, the introductory offer price; and

(*c*) where the previously marked price is a special offer price, the price at which the item is sold is not higher than the price marked on it immediately before it was first marked with the special offer price.

(**a**) 1974 c. 24. (**b**) 1975 c. 32. (**c**) 1889 c. 63.

(3) For the purposes of paragraph (2) above, a price shall be treated as a special offer price or, as the case may be, an introductory offer price in relation to an item of food if—

(*a*) it is a price at which, on particular premises, the seller has during any continuous period of not more than three months indicated that the item was, or identical items of food were, for sale by him by retail there;

(*b*) in the case of a special offer price, the seller has immediately before the beginning of the period mentioned in (*a*) above (being the period applicable to the price in question) indicated on those premises that the item was, or those items were, for sale by him by retail there at a higher price;

(*c*) in the case of an introductory offer price, the seller has not during any continuous period of not less than three months ending immediately before the beginning of the period mentioned in (*a*) above (being the period applicable to the price in question) indicated on those premises that the item was, or those items were, for sale by him by retail; and

(*d*) the seller has indicated on those premises that that price was a special offer price or, as the case may be, an introductory offer price, in relation to that item or those items at all times while it or they were displayed there for sale at that price.

Robert Maclennan,
Parliamentary Under-Secretary of State,
Department of Prices & Consumer Protection.

24th July, 1978.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order prohibits the repricing of items of food which have been displayed for retail sale marked with a price. An exception is made for the withdrawal of special and introductory offer prices.

SI 1978/1014
ISBN 0-11-084014-3

