The Food Rationing (General Provisions) Order, 1948 (Amendment No. 3) Order, 1948

1948 No. 2319

Made - - - -	*18th October,* 1948
Laid before Parliament	*19th October,* 1948
Coming into Operation	*24th October,* 1948

In exercise of the powers conferred upon him by Regulation 55 of the Defence (General) Regulations, 1939(**a**), as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(**b**), as extended by the Supplies and Services (Extended Purposes) Act, 1947(**c**), and of all other powers him enabling, the Minister of Food hereby makes the following Order:—

1. The Food Rationing (General Provisions) Order, 1948, as amended(**d**), shall be further amended as follows:—

(*a*) by substituting in paragraph (1) of Article 1 in Part I thereof—

(i) for the words " the Food Rationing Orders, 1947 " in the first line thereof the words " the Food Rationing Orders, 1948 ";

(ii) for the definition of " retailer " the following definitions:—

" ' Sale by retail ' means any sale to a person buying otherwise than for the purpose of resale and includes any sale to a person for the purposes of a catering establishment carried on by him but does not include a sale to a manufacturer for the purposes of a manufacturing business carried on by him, and the expressions ' sell by retail ' and ' retailer ' shall be construed accordingly.

' Sell ' includes offer or agree to sell or expose for sale.";

(*b*) by inserting in Part II thereof the following Article:—

" 2A. No retailer of any rationed food shall knowingly permit any of the persons set out in the Schedule to this Order to exercise any control, direct or indirect, financial, managerial or otherwise, over the policy, management or conduct of the business.";

(*c*) by adding at the end thereof as a schedule thereto the Schedule to this Order;

(*d*) by inserting in Part V thereof the following Article:—

" 19A.—(1) A retailer of rationed food shall, before ceasing to carry on business as a retailer at any premises, give to the Food Executive Officer for the area in which those premises are situate not less than 14 days' notice in writing of his intention to cease carrying on business as aforesaid, and shall return to such Food Executive Officer any licence, permit, authorisation, voucher or other ration document held by him under or by virtue of this Order in respect of that business; 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.

(**a**) *See* Note, p. 15 above.

(**b**) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (Nos. 1611 and 1615-25) II, pp. 39 and 45-56.

(**c**) 10 & 11 Geo. 6. c. 55.

(**d**) S.I. 1948 Nos. 1631, 1885 and 2197; pp. 427–47 above.

(2) Where the business of a retailer of rationed food is no longer carried on at any premises owing to the death of the retailer and no notice has been given under the preceding paragraph, the retailer's personal representative shall forthwith give notice to the appropriate Food Executive Officer that such business is no longer carried on and shall return to such Officer any licence, permit, authorisation, voucher or other ration document granted under or by virtue of this Order in respect of that business.

(3) For the purposes of this Article 'premises' includes a stall or kiosk.".

2. This Order shall come into operation on the 24th day of October, 1948, and may be cited as the Food Rationing (General Provisions) Order, 1948 (Amendment No. 3) Order, 1948.

John Strachey,
Minister of Food.

Dated the 18th day of October, 1948.

THE SCHEDULE

1. Any person who was the holder of a licence granted to him by or on behalf of the Minister or a Food Control Committee, or any retailer who was the holder of—

(*a*) a ration document granted to him by or on behalf of the Minister,

(*b*) a points banking account,

and whose licence or ration document has been revoked, or whose points banking account has been closed, as a result of his being convicted of an offence—

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

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

(iii) against the Sale of Food (Weights and Measures) Act, 1926(b);

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

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

(vi) in Northern Ireland, against the Sale of Food and Drugs Acts (Northern Ireland), 1875 to 1939.

2. Any person who was a director or officer of any body corporate whose licence or ration document has been revoked or whose points banking account has been closed 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.

3. Any person having the control or management of any premises in respect which an Order under Regulation 42C of the Defence (General) Regulations, 1939, has been made, at the time of the making of such Order(e).

EXPLANATORY NOTE

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

This Order amending the Rationing (General Provisions) Order, 1948, requires that no retailer of rationed food shall knowingly permit any persons set out in the Schedule to the Order to exercise any control, direct or indirect, financial, managerial, or otherwise, over the policy, management, or conduct of his business.

(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) Para. 3 deleted, *see* p. 450 below.

The Order further requires retailers of rationed food to give fourteen days' notice of their intention to cease trading in such food, and the personal representative of a deceased retailer to notify the Food Executive Officer of the death of the retailer concerned.

The Order also makes a correction in Article 1 (1) of the Principal Order, and includes a definition of " sale by retail " in place of that of " retailer ", which referred to the now revoked Food (Licensing of Retailers) Order, 1945.

The Food Rationing (General Provisions) Order, 1948 (Amendment No. 4) Order, 1948

1948 No. 2583

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(**a**), as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(**b**) as extended by the Supplies and Services (Extended Purposes) Act, 1947(**c**), and of all other powers him enabling, the Minister of Food hereby makes the following Order:—

1. The Food Rationing (General Provisions) Order, 1948, as amended(**d**), shall be further amended by deleting paragraph 3 of the Schedule(**e**) thereto.

2. This Order shall come into operation on the 28th day of November, 1948, and may be cited as the Food Rationing (General Provisions) Order, 1948 (Amendment No. 4) Order, 1948.

By Order of the Minister of Food.

Edith Summerskill,
Parliamentary Secretary.

Dated the 26th day of November, 1948.

EXPLANATORY NOTE

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

This amending Order deletes the provision that prohibits a retailer from knowingly permitting any person to exercise control over his business if such person has had control of any premises in respect of which, at the time when he had such control, an Order was made under Regulation 42C (which provides for the closing of undesirable premises by the police) of the Defence (General) Regulations, 1939.

(**a**) *See* Note, p. 15 above.
(**b**) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (Nos. 1611 and 1615–25) II, pp 39 and 45–56.
(**c**) 10 & 11 Geo. 6. c. 55.
(**d**) S.I. 1948 Nos. 1631, 1885, 2197 and 2319, pp. 427–48 above.
(**e**) Schedule added by S.I. 1948 No. 2319 p. 448 above.