The General Apparel and Textiles (Distributors' Maximum Prices) (Amendment) Order, 1949

1949 No. 1782

Made - - - - 23*rd September*, 1949
Laid before Parliament 24*th September*, 1949
Coming into Operation 26*th September*, 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 General Apparel and Textiles (Distributors' Maximum Prices) Order, 1949(**c**), shall have effect subject to the amendments that in Article 8, in the definitions of " maximum price " and " purchase price ", for the amount " £10 " there shall be substituted the amount " £2 ".

2. This Order may be cited as the General Apparel and Textiles (Distributors' Maximum Prices) (Amendment) Order, 1949, and shall come into operation on the 26th day of September, 1949.

Dated this 23rd day of September, 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 corrects errors in the General Apparel and Textiles (Distributors' Maximum Prices) Order, 1949.

The General Apparel (Manufacturers' Maximum Prices and Charges) Order, 1949

1949 No. 1702

Made - - - - 13*th September*, 1949
Laid before Parliament 14*th September*, 1949
Coming into Operation 26*th September*, 1949

The Board of Trade in pursuance of the powers conferred upon them by Sections 1, 2 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:—

SCOPE OF ORDER

1.—(1) The maximum price to be charged in the course of the business of a manufacturer in respect of goods to which this Order applies, and the maximum charge to be made in the course of the business of a maker-up in

(a) 4 & 5 Geo. 6. c. 31. (b) S.R. & O. 1945 (No. 1613) II, p. 81.
(c) S.I. 1949 No. 1703, p. 2079 above.

respect of the production of such goods by making up another person's materials, shall be computed in accordance with the following provisions of this Order.

(2) The goods to which this Order applies are all new apparel of any description, not being—

(i) goods to which the utility mark shown in the Second Schedule to the Utility Mark and Apparel and Textiles (General Provisions) Order, 1947(a), has been applied in pursuance of that or any other Order; or

(ii) goods the maximum prices of which are controlled (in relation to the business of a manufacturer in respect of such goods) by orders made by the Board of Trade under Section 1 of the Goods and Services (Price Control) Act, 1941, as so amended, (other than this Order) or under the Defence (General) Regulations, 1939; or

(iii) goods being purchased by or on behalf of a Government Department in respect of which the seller shall have notice in writing, at or before the time of supply, that they were being so purchased; or

(iv) goods sold pursuant to an order placed in the United States of America or in the Dominion of Canada, and upon terms that payment is made in United States or Canadian dollars and that the goods are supplied to a person resident in the United Kingdom; or

(v) apparel (other than handwear) made wholly or mainly of fur skin; or

(vi) knitted, netted or crocheted apparel or apparel made from knitted, netted or crocheted fabrics other than warp knitted rayon fabrics; or

(vii) women's and maids' outerwear; or

(viii) aprons and overalls; or

(ix) headwear; or

(x) braces, handkerchiefs, belts, collars, neckbands, cuffs or accessories to apparel;

and are hereinafter called "goods".

MAXIMUM PRICES

General

2.—(1) Except in the cases specified in Article 3 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 for the smallest quantity of such similar articles was calculated or, if different prices were being charged for such smallest quantity of similar articles in the basic period, the rate at which the lowest of such different prices was calculated;

(a) S.R. & O. 1947 (No. 2624) II, p. 160.

(ii) in any other case, the manufacturer's costs of production and sale and the appropriate percentage thereof specified in column 2 of the First Schedule hereto.

(2) Notwithstanding the foregoing provisions of this Article, on a sale in the course of the business of a manufacturer of industrial gloves made wholly or mainly of hide leather, the appropriate maximum price computed in respect thereof in accordance with paragraph (1) (i) of this Article shall be increased by 17½ per cent. of that price.

Exception. Pyjamas and men's and boys' shirts

3. The maximum price to be charged in the course of the business of a manufacturer in respect of the following goods manufactured by him, namely, pyjamas and men's and boys' shirts, shall be—

(1) if similar goods manufactured by him were being sold in the ordinary course of that business during the basic period, the aggregate of the following—

(*a*) an amount equivalent to the manufacturer's costs of production and sale of those similar goods;

(*b*) a percentage thereof equivalent to the percentage of those costs which he added thereto in computing the price to be charged on the sale of those similar goods;

and, where the amount which could be taken into account in respect of the provision of cloth in computing the manufacturer's costs of production and sale of the goods now being sold is greater or smaller than the amount which was taken into account in respect of the provision of cloth in computing such costs of those similar goods, then the said aggregate shall be increased or reduced, as the case may be, by the difference between the said amounts;

(2) in any other case, the manufacturer's costs of production and sale and the appropriate percentage thereof specified in column 2 of the First Schedule hereto.

Computation of the manufacturer's costs of production and sale

4.—(1) For the purposes of this Order and subject to the following provisions of this Article, the manufacturer's costs of production and sale in relation to any goods shall be such amount as is reasonably justified in relation to those goods by reference to the matters specified in the Second Schedule hereto (or such of them as are appropriate to that case) taken as a whole.

(2) The manufacturer shall not include in respect of the costs of the provision of materials under paragraph 1 of the Second Schedule hereto, an amount exceeding the net cost of the materials calculated on the basis of the weighted average of the net cost 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:

provided that, in computing the net cost of stocks in hand in a case in which such stocks comprise materials manufactured by him, being materials in respect of which a maximum price is prescribed in relation to a sale in the course of his business, a manufacturer may take into account in respect of the net cost of those materials an amount equivalent to the appropriate maximum price so prescribed for those materials at the date when they were brought into stock, instead of the actual costs incurred in manufacturing and providing them.

For the purposes of this paragraph a maximum price shall be deemed to be prescribed in respect of any materials if it is fixed by or under the Prices of Goods Act, 1939, the Goods and Services (Price Control) Act, 1941, the Defence (General) Regulations, 1939, or is otherwise prescribed by the Board of Trade.

(3) In computing his costs of production and sale 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 the Second 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,

not being an increase or change to which effect was given by the Dressmaking and Women's Light Clothing Wages Council (England and Wales) Wages Regulation Order, 1948(**a**), or the Dressmaking and Women's Light Clothing Wages Council (Scotland) Wages Regulation (No. 2) Order, 1948(**b**), or the Dressmaking and Women's Light Clothing Wages Council (Northern Ireland) Wages Regulation (No. 1) Order, 1948(**c**).

Composite businesses

5. Where a business consists of a manufacturing branch and one or both of the following, namely, a wholesale branch and a retail branch, and the conditions mentioned in Article 5 of the General Apparel and Textiles (Distributors' Maximum Prices) Order, 1949(**d**), are complied with and accordingly those branches are, for the purposes of the said Order, treated as wholly separate businesses, the maximum price at which goods may be transferred from the manufacturing branch shall be computed in accordance with the provisions of Articles 2 and 3 hereof as though such transfer were a sale.

Discount

6. Nothwithstanding anything contained in this Order, the maximum price computed in respect of the sale of goods (otherwise than to a retail customer) in accordance with the foregoing provisions shall be reduced by 2½ per cent. thereof in any case in which payment therefor is made or tendered before the tenth day in the month immediately succeeding that in which the goods were consigned by the seller to or to the order of the buyer.

(**a**) S.I. 1948 (No. 1999) I, p. 4471.
(**b**) S.I. 1948 (No. 2150) I, p. 4482.
(**c**) S.R. & O. (N.I.) 1948 No. 288.
(**d**) S.I. 1949 No. 1703, p. 2079 above.

MAXIMUM CHARGES

7. The maximum charge to be made in the course of the business of a maker-up (that is to say, a person who produces the goods by making up materials belonging to another person) in respect of the service of making up goods of any description (not being a service for which the maximum charge is fixed by an Order made by the Board of Trade under Section 2 of the Goods and Services (Price Control) Act, 1941, as amended (other than this Order) or under the Defence (General) Regulations, 1939, or a service performed on behalf of a Government Department) shall—

(*a*) if that service was being carried out in relation to goods of that description in the ordinary course of that business in the basic period, be the charge being made therefor in the course of that business in that period ;

(*b*) in any other case, be the charge for which in the ordinary course of a substantially similar business such a service was being carried out in relation to such goods in that period.

INTERPRETATION

8. In this Order—

" apparel " means garments, gloves and other handwear, but does not include boots, shoes, overshoes, slippers or clogs ;

" basic period " means, in relation to the sale of any articles or the performance of any service—

(*a*) if those articles were being sold or that service was being performed in the period of two months which ended on the 31st day of January, 1948, that period ;

(*b*) if those articles were not being so sold or that service was not being so performed but those articles were being sold or that service was being performed in the ten months which ended on the 30th day of November, 1947, then the period of two months which ended on the day next following the date on which those articles were last sold or that service was last performed ;

" industrial gloves " means gloves indelibly marked with the word " industrial " on the outside of the back of each glove between the wrist and the fingers not more than 2 inches from the base of the fingers, in letters not less than ½ inch high in a colour contrasting with that of the gloves ;

" manufacture " which includes " making up ", means, in relation to any person, the carrying out by that person in the course of his business of any process in the production of goods or the procuring by him in the course of his business of the carrying out of such a process in pursuance of a contract of work and labour (with or without the provision of materials) ;

" maximum price " means the price payable before any deduction by way of discount and exclusive of purchase tax ; and 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 the 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 £10;

"purchase price" means the price after all deductions by way of discount, other than cash or settlement discount not exceeding 5 per cent., and inclusive 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) did not exceed £10;

"retail customer" means a person to whom goods are offered for sale by retail;

"women's and maids' outerwear" does not include such articles of a kind suitable for young children's wear as are exempt from purchase tax.

REVOCATION

9. The General Apparel, Furnishings and Textiles (Manufacturers Maximum Prices and Charges) Order, 1949(a), is hereby revoked.

CITATION AND COMMENCEMENT

10. This Order may be cited as the General Apparel (Manufacturers' Maximum Prices and Charges) Order, 1949, and shall come into operation on the 26th day of September, 1949.

Dated this 13th day of September, 1949.

Harold Wilson,
President of the Board of Trade.

FIRST SCHEDULE

Column 1	Column 2
Description of Goods	Manufacturer's percentage of costs of production and sale
Men's and Youths' made to measure shirts	6
Gloves and other handwear (other than knitted goods):	
(i) being such goods in the manufacture of which any process was carried out on commission for the manufacturer by any other person ...	4
(ii) being goods not described in (i) above ...	6
Oilskin garments	6
Goods not described above	5

(a) S.I. 1949 No. 89.

SECOND SCHEDULE

MANUFACTURER'S COST OF PRODUCTION AND SALE

Matters to be regarded in ascertaining costs

1. Costs of the provision of materials (including allowances for waste).

2. Costs of labour being all wages directly incurred in the production of the article.

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. Costs of the provision of designs, rollers, cards, and other materials which indirectly enter into manufacture.

5. 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 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.

6. 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 executive, 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.

7. 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 supersedes the General Apparel, Furnishings and Textiles (Manufacturers' Maximum Prices and Charges) Order, 1949.

The following are the principal changes :—

The Order no longer applies to :—

(*a*) Cloth of any description.

(*b*) Household textiles.

(*c*) Bedding, blankets or travelling rugs.

(*d*) Garments (other than handwear) made wholly or mainly of fur skins.

(*e*) Women's and maids' outerwear.

(*f*) Overalls and aprons.

(*g*) Headwear.

(*h*) Handkerchiefs.

(*i*) Haberdashery.

(*j*) Accessories for apparel.

(ii) UTILITY APPAREL

The Utility Apparel (Maximum Prices and Charges) Order, 1949

1949 No. 1132

Made - - - -	17*th June*, 1949
Laid before Parliament	20*th June*, 1949
Coming into Operation	27*th June*, 1949

The Board of Trade in pursuance of the powers conferred upon them by Sections 1, 2 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 :—

PART I

MAXIMUM PRICE FOR UTILITY APPAREL DESCRIBED IN THE FIRST SCHEDULE

1. The maximum price to be charged in the course of businesses of the following classes, namely, wholesaler and retailer, in respect of utility goods, being apparel described in column 1 of the First Schedule hereto, shall be the appropriate amount specified in column 2 of that Schedule.

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