1963 No. 1313

MERCHANDISE MARKS

The Merchandise Marks (Imported Goods) (Raw Cucumbers) Order 1963

Laid before Parliament in draft
Made - - - - 29*th July* 1963
Coming into Operation 30*th October* 1963

At the Court at Buckingham Palace, the 29th day of July 1963

Present,

The Queen's Most Excellent Majesty in Council

Whereas an enquiry in relation to raw cucumbers of the classes or descriptions to which this order applies has, on a reference from the Minister of Agriculture, Fisheries and Food, the Secretary of State for the Home Department and the Secretary of State for Scotland acting jointly (hereinafter called "the appropriate department"), been held by the appropriate committee appointed under the Merchandise Marks Act 1926(a);

And whereas, after taking into consideration the report of the committee, the appropriate department have made a representation to Her Majesty that it is desirable that an Order should be made under section 2 of the said Act requiring the said goods to be marked in manner hereinafter appearing;

And whereas a draft of this Order has lain before Parliament for a period of forty days in accordance with section 7 of the said Act and section 6(2) of the Statutory Instruments Act 1946(b) and neither House of Parliament has resolved that the draft be not submitted to Her Majesty;

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, in pursuance of the powers conferred by section 2 of the Merchandise Marks Act 1926 is pleased to order, and it is hereby ordered, as follows:—

1. This Order applies to raw cucumbers, but does not apply—

(*a*) to gherkins; or

(*b*) to cucumbers not exceeding five inches in length which at the time of importation, sale by wholesale or exposure for sale (whether wholesale or by retail), as the case may be, are described as gherkins.

2. It shall not be lawful to import into the United Kingdom any cucumbers to which this Order applies, nor to sell wholesale or expose for sale (whether wholesale or by retail) in the United Kingdom any such cucumbers so imported, unless they bear an indication of origin applied in accordance with the appropriate requirements of article 3 hereof.

(a) 16 & 17 Geo. 5. c. 53. (b) 9 & 10 Geo. 6. c. 36.

3. The indication of origin shall be applied indelibly in the following manner, that is to say: —

(*a*) on importation, on exposure for sale wholesale and on sale wholesale, by means of printing, stencilling or branding on each outer container, or on a label securely attached thereto, in letters not less than half an inch in height;

(*b*) on exposure for sale by retail, by means of a label or show card placed on, or in close proximity to, the cucumbers to which it relates so as to be clearly visible to intending purchasers and bearing the indication of origin in letters not less than half an inch in height:

Provided that in the case of any cucumber which has been pre-packed individually, it shall be sufficient compliance with this order on exposure for sale by retail if the indication of origin is marked on the individual pack in letters not less than half an inch in height and is clearly visible to intending purchasers.

4. Any provision of this Order which applies on or in relation to exposure for sale wholesale shall so apply whether or not the person exposing the goods for sale is a wholesale dealer.

5. The Interpretation Act 1889(a) shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

6. This Order may be cited as the Merchandise Marks (Imported Goods) (Raw Cucumbers) Order 1963; and shall come into operation at the expiration of three months from the date hereof.

W. G. Agnew.

EXPLANATORY NOTE

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

This Order, which comes into operation on 30th October 1963, requires an indication of origin to be applied to imported raw cucumbers, other than gherkins.

The cucumbers are required to bear the indication of origin on importation, on exposure for sale wholesale (whether or not the person so exposing the cucumbers is a wholesale dealer), on sale wholesale and on exposure for sale by retail.

The manner in which the indication of origin is to be applied is specified in article 3.

(a) 52 & 53 Vict. c. 63.