(50) MUSICAL INSTRUMENTS AND WIRELESS RECEIVERS

The Pianos and Organs (Manufacture and Supply) Order, 1948

1948 No. 2732

Made - - - -	*16th December,* 1948
Laid before Parliament	*17th December,* 1948
Coming into Operation	*1st January,* 1949

The Board of Trade, in pursuance of the powers conferred upon them by Regulations 55 and 55AA 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), hereby order as follows:—

1. A person shall not in the course of his business manufacture any controlled goods or supply any controlled goods manufactured by him, except under the authority of a licence issued by the Board of Trade hereunder and in accordance with any condition attached thereto: provided that, where any controlled goods are submitted for repair to the person who originally manufactured them, this Article shall not restrict the supply of those goods by the manufacturer to the person so submitting them after he has carried out such repair.

2.—(1) Where a person carries on a business which includes—

(*a*) a manufacturing branch in the course of which he manufactures controlled goods, and

(*b*) a wholesale branch, a retail branch or both in which no manufacture of controlled goods takes place (whether or not in different premises or under different names or styles),

he may give notice in writing to the Board of Trade that he desires the provisions of this Article to apply to him. Thereupon, if the Board of Trade consent to his application, the following provisions shall have effect in relation to his business for the purposes of this Order:—

(i) when he transfers any controlled goods manufactured by him from any manufacturing branch to any such wholesale or retail branch, he shall be deemed to supply them ;

(ii) when he supplies or transfers any controlled goods manufactured by him from any such wholesale branch or retail branch, he shall not be deemed to supply controlled goods manufactured by him ; and

(iii) he shall keep the accounts and records of his manufacturing branch separate from those of any such wholesale or retail branch and they shall show clearly the transfer or supply of any goods from the manufacturing branch.

(2) The provisions of heads (i), (ii) and (iii) of paragraph (1) of this Article shall have effect in relation to any such business as is therein referred to, if the corresponding provisions of the Musical Instruments and Wireless Receivers Order, 1944(d), had effect in relation to that business immediately before the coming into operation of this Order.

(a) *See* Note, p. 15 above.
(b) 9 & 10 Geo. 6. c. 10; S.R. & O. 1945 (No. 1618) II, p. 48.
(c) 10 & 11 Geo. 6. c. 55.
(d) S.R. & O. 1944 (No. 658) II, p. 1338.

3.—(1) The provisions of this Order shall not apply to the manufacture of goods intended for supply, or to the supply of any goods—

(*a*) to, or to the order of, a Government Department ;

(*b*) to any person against a declaration in writing, signed and dated by him, stating that they are required for the purpose of supplying them to, or to the order of, a Government Department, in pursuance of a contract then subsisting, or of incorporating them in other goods to be so supplied ; or

(*c*) to any person against a declaration in writing, signed and dated by him, stating that a declaration in the terms aforesaid has been surrendered to him and that he requires those goods for the purpose of supplying them to the person who surrendered that declaration to him.

(2) A person who has acquired any controlled goods against a declaration in the terms set out in head (*b*) or (*c*) of paragraph (1) of this Article shall not use those goods otherwise than for the purpose of supplying them in accordance with the terms of the declaration surrendered by him, except under the authority of a direction given to him by the Government Department concerned or under the authority of a licence issued by the Board of Trade hereunder, and in accordance with any condition attached thereto.

(3) A person who supplies controlled goods under the authority of this Article against a declaration shall retain it for a period of eighteen months from the date on which he received it.

4. Where a licence issued under this Order authorises the supply of any controlled goods for supply against a declaration that they are required for supply or use in any manner, a person acquiring such controlled goods from the licensee with knowledge that the declaration was required for the purposes of this Order shall not otherwise supply or use them except with the approval in writing of the Board of Trade. Any person who supplies controlled goods against such a declaration shall keep the declaration for a period of eighteen months from the date on which he received it.

5.—(1) The provisions of this Article shall, in a case where a licence issued under this Order controls the quantity of goods which may be supplied by reference to the value thereof, apply to the computation of such value, but subject to any conditions in the licence inconsistent therewith.

(2) In a case where goods are supplied in pursuance of a contract of sale, or for work and labour (with or without the provision of materials) and the supplier and the person supplied are not associated in business, the value shall, unless the Board of Trade otherwise direct, be taken to be the price at which the goods are invoiced to the person supplied after deduction of all discounts, commissions and allowances to be credited to that person and any expenses incurred by the supplier in or about the delivery of the goods and excluding any sum in respect of purchase tax.

(3) In any other case (unless otherwise authorised by the Board of Trade) the value shall be taken to be the price (excluding any sum payable in respect of purchase tax) which the goods would fetch on a sale in the open market at the date of the supply being a sale where—

(*a*) the goods are delivered at the premises of the seller for payment in cash,

(*b*) the price is the sole consideration for the sale of the goods, and

(*c*) the buyer and the seller are not associated in business.

(4) For the purposes of this Article two persons shall be deemed to be associated in business with one another if, whether directly or indirectly, either of them has any interest in the business or property of the other, or both have a common interest in any business or property, or some third person has an interest in the business or property of both of them.

6.—(1) In this Order—

(*a*) " controlled goods " means goods of any description specified in the Schedule to this Order ;

(*b*) " manufacture ", in relation to any controlled goods, includes the carrying out of any process in the manufacture of any such goods, but does not include the carrying out of a process in the manufacture of a component or part of any article except a part which is itself an article of controlled goods ;

(*c*) " supply " means supply in pursuance of a contract of sale, work and labour (with or without the provision of materials), sale or return, hire, hire purchase, barter or a contract of any other description and supply as a gift.

(2) A person disposing by way of liquidation of the assets of any business which comprised the supply of controlled goods shall be deemed to be carrying on that business.

7.—(1) The Musical Instruments and Wireless Receivers Order, 1944(**a**), and the Musical Instruments and Wireless Receivers (No. 2) Order, 1947(**b**), are hereby revoked.

(2) This Order may be cited as the Pianos and Organs (Manufacture and Supply) Order, 1948, and shall come into operation on the 1st day of January, 1949.

Dated this 16th day of December, 1948.

Arthur G. Bottomley,
Parliamentary Secretary to the Board of Trade.

SCHEDULE

Controlled Goods

(i) Pianos, player pianos, electronic, pipe and reed organs, and organ blowers.

(ii) Parts of organs other than the following:—

tapped, shaped or eyed prepared wires, punched or cut prepared discs or buttons, pneumatic valves and pallets, wire action springs, pedal springs, electric action wire contacts, organ action magnets, tracker action squares, trackers and stickers, metal tuning bands and key ivories.

EXPLANATORY NOTE

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

This Order replaces the Musical Instruments and Wireless Receivers Order, 1944.

The principal change is that the manufacture and supply of musical instruments, other than pianos and the organs and parts of organs specified in the Schedule, are no longer controlled.

(**a**) S.R. & O. 1944 (No. 658) II, p. 1338.
(**b**) S.R. & O. 1947 (No. 225) II p. 1136.