STATUTORY INSTRUMENTS

1978 No. 738

CONSUMER PROTECTION

PRICES

The Price Marking (Food) Order 1978

Made - - - -	19*th May* 1978
Laid before Parliament	23*rd May* 1978
Coming into Operation	1*st July* 1978

Whereas the Secretary of State, in accordance with the provisions of section 4(3) of the Prices Act 1974(**a**) has consulted, in such manner as appeared to him appropriate having regard to the subject-matter and urgency of this Order with such organisations representative of interests substantially affected by this Order, as appeared to him, having regard to those matters, to be appropriate:

Now, therefore, the Secretary of State, in exercise of his powers under section 4 of that Act, as amended by section 16 of the Price Commission Act 1977(**b**), hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Price Marking (Food) Order 1978 and shall come into operation on 1st July 1978.

(2)—In this Order—

"food" means food and drink for human consumption;

"premises" includes any shop or stall and any vehicle or vessel; and

"shop" includes, in the case of a vehicle or vessel, any part which persons enter for the purpose of making purchases.

(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.

Scope of Order

2.—(1) Subject to paragraph (2) below, this Order has effect where a person indicates on any premises or at any place that food is or may be for sale by him by retail there—

(*a*) by displaying it, or

(*b*) by giving notice by any means whatsoever that he is willing to sell it or to enter into an agreement for sale of it or of food of the same description.

(**a**) 1974 c. 24. (**b**) 1977 c. 33. (**c**) 1889 c. 63.

(2) This Order does not have effect in the case of an indication relating to food—

(*a*) which is for sale in a shop and which the seller, his servant or agent ordinarily selects and hands to the purchaser or delivers as he may direct; or

(*b*) which is sold for consumption on the premises on which it is sold; or

(*c*) which is carried in, or by a person who accompanies, a vehicle in the course of delivering to domestic premises milk, soft drinks or bread as part of a regular delivery service wholly or mainly devoted to the delivery of such food; or

(*d*) which is bones, waste or scrap and for which a price is specially determined; or

(*e*) in relation to which an order specified in the Schedule (being an order made under section 4 of the Prices Act 1974) provides that an obligation to indicate a price is imposed in circumstances in which apart from this sub-paragraph this Order would have effect.

Obligation to indicate prices for food

3.—(1) Where this Order has effect, a person who indicates that food is or may be for sale by him by retail shall give an indication of the price of that food, being—

(*a*) in the case of food other than food which is sold by reference to quantity or to a unit of measurement, a price for the sale of that food; or

(*b*) in the case of food which is sold by reference to quantity or to a unit of measurement, subject to paragraph (2) below, a price for the sale of each quantity or each multiple of units of measurement in which it is for sale.

(2) In the case of food which—

(*a*) is for sale in more than one quantity or multiple of a unit of measurement at prices which are in the same proportion to each other as the quantities or numbers of units, and

(*b*) is not made up in advance ready for retail sale in or on a container,

nothing in paragraph (1)(*b*) above shall require the indication of more than one price if the quantity or number of units for which that price is appropriate is also indicated.

Manner of indication of prices for food

4.—(1) Subject to the following provisions of this article, an indication of a price required by article 3 shall comply with the following requirements, that is to say—

(*a*) subject to paragraph (2) below, a requirement that an indication of price shall be easily recognisable by an intending purchaser under normal conditions of purchase as referring to the food in question;

(*b*) where the indication of a price is not on or adjacent to the food to which it relates, a requirement that the indication shall be in such a position that it is readily discernible by an intending purchaser from

the place where he would under normal conditions of purchase select the food;

(*c*) a requirement that any indication of a price shall be clear and legible and easily read by an intending purchaser under such conditions; and

(*d*) in the case of food subject to value added tax, a requirement that the price indicated shall be inclusive of the tax.

(2) Nothing in paragraph (1)(*a*) above shall require an indication of price to be on or adjacent to the food to which it relates if it is grouped with indications of prices for the sale of other food in relation to which this Order has effect or to which an obligation referred to in article 2(2)(*e*) above applies.

(3) In the case of premises which persons enter for the purpose of making purchases, an indication of a price which is visible to a person outside the premises shall not satisfy this article unless the indication satisfies the foregoing provisions of this article in relation to an intending purchaser inside the premises.

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

19th May 1978.

(Article 2(2)(e))

SCHEDULE

Order relating to food to which this Order does not apply.

Order	References
The Price Marking (Meat and Fish) Order 1974	S.I. 1974/1368
The Price Marking (Fruits and Vegetables) Order 1975	S.I. 1975/1317
The Price Marking (Pre-packed Milk in Vending Machines) Order 1976	S.I. 1976/796
The Price Marking (Cheese) Order 1977 ...	S.I. 1977/1334
The Price Marking (Meat) Order 1977 ...	S.I. 1977/1412
The Price Marking (Cheese) (Amendment) Order 1978	S.I. 1978/133

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order requires the display of prices for the sale of food and drink for human consumption when an indication is given on any premises or at any place (whether by display or by the giving of any kind of notice) that it is or may be for sale there by retail (article 3).

This Order does not require the display of prices in certain cases set out in article 2(2). The principal exceptions are for most food sold in shops by "counter service" (article 2(2)(*a*)) and food sold for consumption on the premises on which it is sold (article 2(2)(*b*)). The Order does not affect food already covered by orders requiring the display of unit prices for particular foods (article 2(2)(*e*) and the Schedule).

The price to be indicated is a price for the food in question or for the quantities or units of measurement in which it is sold.

Requirements about prominence, legibility and other conditions which the display of prices must satisfy are set out in article 4.

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