Retail Coal Prices

THE RETAIL COAL PRICES (NORTHERN IRELAND) ORDER, 1952.

1952. No. 58

In exercise of the powers under Regulations 55 and 55AA (1) of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945, (**a**) (as extended by the Supplies and Services (Extended Purposes) Act, 1947, (**b**) and the Supplies and Services (Defence Purposes) Act, 1951, (**c**) and continued in force by the Supplies and Services (Continuance) Order, 1951, (**d**)) delegated to it by instruments of delegation made respectively by the Board of Trade on 26th May, 1941, and the Minister of Fuel and Power on 16th October, 1943, under the said Regulations, as having effect as aforesaid, and of all other powers it enabling, the Ministry of Commerce for Northern Ireland (hereinafter in this Order referred to as " the Ministry ") hereby makes the following Order :—

1.—(1) No person shall sell or supply coal retail in any district unless he is a registered merchant.

(2) No registered merchant shall sell or supply retail in any district :—

(*a*) any grade of coal not specified in the Schedule of Prices for that district, or

(*b*) any grade of coal at a price exceeding that specified for that grade in the Schedule of Prices for that district.

2.—(1) The Ministry shall issue as soon as may be a Schedule of Prices for each district. Until the Ministry has issued such Schedule, the Schedule of Prices for each district shall be that in force in that district immediately before the coming into force of this Order.

(2) The Ministry may publish an explanatory memorandum as an addition to any Schedule of Prices for a district containing such information in relation to all or any of the grades of coal specified in that Schedule for that district as it may think fit.

(3) The Schedule of Prices for a district and any explanatory memorandum thereto may be varied or amended by the Ministry as and when it thinks fit.

3.—(1) The Ministry shall cause a copy of any Schedule of Prices which may come into force in any district subsequent to the date of this Order or of any explanatory Memorandum relating thereto, to be sent to each registered merchant in such district.

(**a**) 9 and 10 Geo. 6., c.10 and S.R. & O. 1945 No. 1618. (**b**) 10 and 11 Geo. 6., c.55, (**c**) 14 and 15 Geo. 6., c.25. (**d**) S.I. 1951; No. 2116.

(2) The Ministry shall cause a copy of every variation of the Schedule of Prices for a district and of any explanatory memorandum relating thereto to be sent to every registered merchant in the district and shall cause such variation to be published in such manner as it may think best adapted for informing persons affected and every person who is required by the provisions of this Order to exhibit or produce a copy of the Schedule of Prices for the time being in force for a district shall forthwith, after receipt of such copy, cause every such variation to be incorporated in every copy of the Schedule of Prices for the district to be exhibited or produced by him.

(3) Every registered merchant shall exhibit conspicuously a legible copy of the Schedule of Prices for the time being in force for the district in each office, depot, and other premises from which he carries on the business of selling or supplying coal retail in that district.

(4) The person in charge of any vehicle upon which coal is being carried for sale or supply retail in any district in quantities not exceeding two hundredweights shall on request produce to any person to whom coal is sold or supplied from the vehicle or to any authorised Inspector, a copy of the Schedule of Prices for the time being in force for that district and shall also indicate conspicuously in legible characters on the vehicles upon which coal is being carried for sale or supply retail the grade and price per bag determined in accordance with the Schedule of Prices, (including any explanatory memorandum relating thereto), for the time being in force in that district and applicable to the sale or supply retail of that coal.

4. A registered merchant who has on not less than two occasions been found guilty of an offence against Regulations 55 and 55AA of the Defence (General) Regulations, 1939, or any amendments thereto in respect of the contravention or failure to comply with any of the provisions of this Order or of any of the Coal Supply Orders for the time being in force in Northern Ireland shall cease to be a registered merchant if the Ministry shall so direct.

5. Every registered merchant shall at the time of making each sale or supply of coal of more than two hundredweights deliver to the person to whom the same is sold or supplied a delivery note specifying in legible characters the weight and the grade thereof as specified in the Schedule of Prices for the time being in force in the district and applicable to the sale or supply of that coal.

6. This Order shall not apply to the sale or supply of coal not exceeding five tons in quantity to any person by the occupier (not being a registered merchant) of any premises (not being premises from which the business of selling or supplying coal is carried on) on which that coal is situated.

7. Every registered merchant carrying on the business of selling or supplying coal retail shall in relation to coal sold or supplied or acquired in the course of that business keep records in forms approved by the Ministry.

8.—(1) In this Order unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

" Coal " means bituminous coal, cannel coal, anthracite, coke and manufactured fuel (other than coke) which is carbonised to any extent in the process of manufacture and of which any one of the foregoing is the principal constituent.

" Registered Merchant " means a person —

(*a*) authorised under paragraph (1) of Article 1 of the Coal Supply (Northern Ireland) Order, 1951, to import coal into Northern Ireland ; or

(*b*) authorised under paragraph (1) of Article 2 of the said Order to supply coal retail.

" Schedule of Prices for the time being in force " means the Schedule of Prices subject to any variation thereof for the time being in force made under the provision of this Order as originally enacted or subsequently amended.

" District " means any place named in the Schedule of Prices issued by the Ministry and any place not so named shall be deemed to be included in the district of the nearest named place.

(2) References in this Order to the selling or supplying of coal retail shall be construed as including references to agreeing or offering to sell or supply.

(3) For the purposes of this Order

(*a*) grades of coal in relation to a schedule shall be determined according to any description indicating the size, quality, production, treatment, marketing, market prices, or transport costs, (or any two or more of them) of the coal ;

(*b*) the sale or supply of coal retail does not include the disposal of coal to a person in pursuance of a sale of a quantity exceeding five tons or of any quantity for resale.

9. The Retail Coal Prices (Northern Ireland) Order, 1945, (a) is hereby revoked.

10. This Order shall come into force on the first day of May, 1952, and may be cited as the Retail Coal Prices (Northern Ireland) Order, 1952.

Sealed with the Official Seal of the Ministry of Commerce for Northern Ireland this twenty-sixth day of April, 1952, in the presence of

(L.S.) *Arthur Acheson Farrell*,
Assistant Secretary.

(a) S.R. & O. (N.I.) 1945 No. 9.