STATUTORY INSTRUMENTS

1981 No. 121

TRADE DESCRIPTIONS

The Trade Descriptions (Origin Marking) (Miscellaneous Goods) Order 1981

Made - - - -	*2nd February* 1981
Laid before Parliament	*4th February* 1981
Coming into Operation	*1st January* 1982

Whereas the Secretary of State in accordance with section 38(3)(*a*) of the Trade Descriptions Act 1968**(a)** has consulted with organisations appearing to him to be representative of interests substantially affected by this Order, and published on 12th December 1980 notice of his intention to make the Order and of the place where copies of the proposed Order may be obtained:

And whereas by virtue of section 38(3)(*b*) of the said Act the Order is made with such modifications of the proposed Order as the Secretary of State thinks appropriate having regard to representations received by him:

Now, therefore, the Secretary of State, in exercise of the powers conferred by sections 8 and 9 of that Act and now vested in him**(b)** and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation, commencement, scope and interpretation

1.—(1) This Order may be cited as the Trade Descriptions (Origin Marking) (Miscellaneous Goods) Order 1981 and shall come into operation on 1st January 1982.

(2) This Order applies to goods of a description specified in the Schedule to this Order, other than second-hand goods and goods first supplied in the United Kingdom before 1st January 1982.

(3) In this Order, "origin" means, in relation to any particular goods, the country in which they were manufactured or produced.

Requirements for retail suppliers

2.—(1) No person shall, in the course of any trade or business, supply or offer to supply by retail goods to which this Order applies unless the following requirements of this Article are complied with in relation to those goods:

Provided that this Article shall not apply in any case in which—

(*a*) the person offering to supply the goods intends to supply them without entering into any contract for their supply, or

(*b*) the goods are supplied without any contract having been made for their supply, or

(a) 1968 c. 29. **(b)** S.I. 1970/1537.

(*c*) the goods are supplied or offered for supply for consideration which consists solely of—

(i) the entering by the person to whom the goods are supplied into a contract for the supply to him of other goods or of services, or

(ii) a stamp, coupon, voucher, token or similar device (not being money or a trading stamp within the meaning of the Trading Stamps Act 1964**(a)** or the Trading Stamps Act (Northern Ireland) 1965**(b)**) previously delivered to the person to whom the goods are supplied in connection with the acquisition by that person of other goods or of services.

(2) The said requirements are that, in accordance with the provisions of paragraph (3) below—

(*a*) the goods shall be marked with or accompanied by an indication of origin, and

(*b*) in a case in which the goods are exposed for supply but are supplied in circumstances where the indication referred to in subparagraph (*a*) above would not be conveyed until after delivery, an indication of origin shall also be displayed near the goods:

Provided that in the case of undifferentiated goods it shall be sufficient compliance with this paragraph if the requirements are complied with while the goods are offered for supply; and, for the purposes of this proviso, "undifferentiated goods" of which any part indistinguishable from any other part may be supplied by physically detaching it from the whole in such a quantity as may be specified by the person to whom it is supplied.

(3) Any indication of origin marked on, accompanying or displayed near goods for the purposes of paragraph (2) above shall be given in such a way as to be readily associated with the goods and shall—

(*a*) be clear and legible;

(*b*) in the case of an indication marked on or accompanying goods other than in circumstances falling within paragraph (2)(*b*) above, and in the case of an indication displayed near goods, be in a conspicuous position in which it will be readily discernible and easily read under normal conditions of retail supply by a person intending to acquire the goods:

(*c*) not be interrupted by other written or pictorial matter where such interruption might mislead such a person as to the origin of the goods: and

(*d*) not in any way be hidden or obscured or reduced in conspicuousness by any other matter, whether pictorial or not.

Requirements for non-retail suppliers

3.—(1) No person shall, in the course of any trade or business, supply, other than by retail, goods to which this Order applies unless the requirement of paragraph (2) below is complied with in relation to those goods:

Provided that this Article shall not apply in any case in which—

(*a*) the goods are marked with or accompanied by an indication of origin which complies with Article 2(3) above or satisfies the requirements of the Trade Descriptions Act 1972**(c)**, or

(*b*) the person supplying the goods reasonably believes either that they will not be supplied or offered for supply by retail in the United Kingdom or that, if they are so supplied or offered for supply, the case will be one falling within the proviso to Article 2(1) above.

(a) 1964 c. 71. **(b)** 1965 c. 6 (N.I.). **(c)** 1972 c. 34.

(2) The said requirement is that the person supplying the goods shall, not later than the time of supply, furnish the person to whom they are supplied with a written indication of their origin.

(3) In this Article, "supply" does not include offer to supply.

Advertisements

4.—(1) Every advertisement of goods to which this Order applies, being an advertisement to which this Article applies, shall, in accordance with the provisions of paragraph (2) below, include an indication of origin.

(2) Every indication of origin included in an advertisement for the purposes of paragraph (1) above shall be conspicuous, be given in such a way as to be readily associated with the goods and—

(*a*) in the case of a written or pictorial advertisement (other than an advertisement contained in a cinematograph film or television broadcast), be given in the manner indicated in Article 2(3)(*a*), (*c*) and (*d*) above,

(*b*) in the case of an oral advertisement, be clear and audible, and

(*c*) in the case of an advertisement contained in a cinematograph film or television broadcast, be either written and satisfy the provisions of subparagraph (*a*) above or oral and satisfy the provisions of subparagraph (*b*) above.

(3) This Article applies to any advertisement directed to retail customers (not being an exempt advertisement within the meaning of paragraph (4) below) which—

(*a*) describes goods to which this Order applies in sufficient detail to enable the goods to be ordered by reference only to the description in the advertisement, and

(*b*) is published by or on behalf of a person intending in the course of a trade or business to supply the goods by retail who—

(i) is willing (with or without restrictions) to accept offers made other than by persons who attend for that purpose at his place of business and to send the goods to an address nominated by the person making the offer, or

(ii) is not willing to enable customers to inspect the goods before ordering them.

(4) For the purposes of paragraph (3) above, an exempt advertisement is any of the following:

(*a*) a catalogue advertisement for returnable goods, that is to say, an advertisement contained in a catalogue, being an advertisement or catalogue which indicates conspicuously—

(i) that all goods described in the advertisement, so far as they are goods to which this Order applies and are described in such detail as is specified in paragraph 3(*a*) above, will be marked with or accompanied by an indication of origin, and

(ii) that the person by or on whose behalf the advertisement is published intends to supply the goods upon terms under which, if the person to whom the goods are supplied returns them undamaged within a specified period, being a period of not less than 14 days starting with the date of delivery, the person to whom the goods are supplied will be entitled to receive repayment

of any sums paid for the goods or the delivery thereof, or will cease to be liable to make any payment for the goods or the delivery thereof, as the case may be;

(*b*) an advertisement for the supply of goods in a case falling within the proviso to Article 2(1) above;

(*c*) an advertisement contained in a periodical, price list or catalogue printed and first published before 1st January 1982 or in a cinematograph film or radio or television broadcast first exhibited or broadcast before that date.

(5) For the purposes of this Article—

(*a*) where, by agreement or arrangement with a retailer, an advertisement is published by or on behalf of a dealer, it shall, so far as it is published to persons to whom the retailer seeks to supply the goods described in it, be deemed also to be published on behalf of the retailer, but

(*b*) the showing, giving or sending by a retailer, or a person acting on his behalf, of a copy of an advertisement to any other person shall be deemed not to be publication of the advertisement by or on behalf of the retailer if, without any agreement or arrangement therefor with the retailer, the copy was produced by or on behalf of a dealer;

and in this paragraph, "retailer" means a person intending to supply by retail the goods described in the advertisement in question, and "dealer" means any person from whom the retailer directly or indirectly acquires the goods.

Sally Oppenheim,
Minister of State,
Department of Trade.

2nd February 1981.

Article 1(2) SCHEDULE

GOODS TO WHICH THE ORDER APPLIES

PART I

CLOTHING AND TEXTILE GOODS

Textile yarn.

Knitted, crocheted and woven textile fabrics, including tubular knit fabrics, pile fabrics and open-work fabrics.

Garments of any material, whether or not textile.

Clothing accessories of textile material, including hats, gloves, shawls, scarves, ties, socks, stockings and handkerchiefs.

Bed linen, table linen, toilet and kitchen linen and towels (the expression "linen" not being limited to articles made of cloth woven from flax).

Curtains, bed-spreads, loose covers and other furnishing items of textile material, not (in any such case) being made or adapted for installation in a motor vehicle.

Sleeping bags, quilts, eiderdowns, cushions, pillows and similar articles.

Blankets and travelling-rugs.

Carpets, carpeting, rugs, mats and matting, not (in any such case) being made or adapted for installation in a motor vehicle.

Linoleum and similar floor coverings.

Tarpaulins, sails, awnings, sunblinds, tents and camping goods, being (in any such case) made of textile material and not (in any such case) being made or adapted for installation in a motor vehicle.

Umbrellas and sunshades.

PART II

DOMESTIC ELECTRICAL APPLIANCES

Domestic television or radio-broadcast receivers, domestic gramophones, domestic record players, domestic television-image and sound recorders and reproducers, and domestic cassette and other tape players, not (in any such case) being made or adapted for installation in a motor-vehicle.

Domestic electro-mechanical appliances, including washing machines, dryers, dish-washers, vacuum cleaners, sewing machines, fans, hair-dryers, shavers and food-grinders and mixers.

Domestic electro-thermic appliances, including electric space-heaters, electric water-heaters, electric cookers, electric toasters, electric kettles, electric percolators, electric smoothing-irons, electric blankets, electric hair-tongs and electric hair-curlers.

Domestic electric refrigerators and deep-freezers.

PART III

FOOTWEAR

Footwear.

PART IV

CUTLERY

Knives, forks, spoons, ladles, servers, slicers, sharpening-steels, scissors and other similar articles, being (in any such case) wholly or partially made of metal.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order prohibits the supply or offering for supply by retail of goods specified in the Schedule, other than second-hand goods and goods supplied in certain special circumstances, unless they are marked with or accompanied by an indication of origin. Where the goods are exposed for supply but this indication would not be seen at the time of supply, an indication must also be displayed near the goods. Special provision is made for goods supplied by detaching them from other goods. Provision is made for the manner in which the indication is to be given.

The Order also prohibits the non-retail supply of those goods unless the person supplying them furnishes the person to whom they are supplied with an indication of their origin; but this does not apply where they are marked with or accompanied by an indication of their origin as required for retail supply or for the purposes of the Trade Descriptions Act 1972 or are intended for export.

The Order also requires certain descriptions of advertisements of those goods to include such an indication. This does not apply to advertisements in catalogues which indicate that the goods will be marked with or accompanied by an indication of origin and that they are returnable.

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