EXPLANATORY NOTE

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

This Order supersedes the General Apparel, Furnishings and Textiles (Manufacturers' Maximum Prices and Charges) Order, 1949.

The following are the principal changes :—

The Order no longer applies to :—

(*a*) Cloth of any description.

(*b*) Household textiles.

(*c*) Bedding, blankets or travelling rugs.

(*d*) Garments (other than handwear) made wholly or mainly of fur skins.

(*e*) Women's and maids' outerwear.

(*f*) Overalls and aprons.

(*g*) Headwear.

(*h*) Handkerchiefs.

(*i*) Haberdashery.

(*j*) Accessories for apparel.

(ii) UTILITY APPAREL

The Utility Apparel (Maximum Prices and Charges) Order, 1949

1949 No. 1132

Made - - - -	17*th June*, 1949
Laid before Parliament	20*th June*, 1949
Coming into Operation	27*th June*, 1949

The Board of Trade in pursuance of the powers conferred upon them by Sections 1, 2 and 18 of the Goods and Services (Price Control) Act, 1941(**a**), as amended by the Defence (Price Control) Regulations, 1945(**b**), hereby order as follows :—

PART I

MAXIMUM PRICE FOR UTILITY APPAREL DESCRIBED IN THE FIRST SCHEDULE

1. The maximum price to be charged in the course of businesses of the following classes, namely, wholesaler and retailer, in respect of utility goods, being apparel described in column 1 of the First Schedule hereto, shall be the appropriate amount specified in column 2 of that Schedule.

(**a**) 4 & 5 Geo. 6. c. 31.
(**b**) S.R. & O. 1945 (No. 1613) II, p. 81

PART II

MAXIMUM PRICES FOR OTHER UTILITY APPAREL

2. The maximum prices to be charged in the course of businesses of the following classes, namely, wholesaler and retailer, in respect of utility goods, being apparel to which Article 1 does not apply (hereinafter referred to as "goods"), shall be computed in such manner and by reference to such matters as are hereinafter provided.

Wholesaler

3.—(1) The maximum price to be charged in the course of the business of a wholesaler, who, in respect of goods, conducts a regular selling organisation for supplying the retail trade and who carries, in a warehouse or other storage premises, stocks which are substantial in relation to his turnover, shall be :—

(i) on a sale otherwise than by retail, the purchase price paid or agreed to be paid to the manufacturer by the first purchaser, and the appropriate percentage thereof specified in column 2 of the Second Schedule hereto :

Provided that in respect of goods described in column I of the Third Schedule hereto, the maximum price of goods of a description specified in column 1 of the appropriate Part of the relevant Related Schedule shall not exceed the appropriate amount specified in column 2 of such Related Schedule ;

(ii) in respect of goods sold by retail, computed in accordance with the provisions of Article 4 as if such wholesaler were a retailer.

(2) The maximum price to be charged in the course of the business of any other wholesaler shall be:—

(i) on a sale otherwise than by retail, the purchase price paid or agreed to be paid to the manufacturer by the first purchaser, and 5 per cent. thereof:

Provided that in respect of goods described in column I of the Third Schedule hereto, the maximum price of goods of a description specified in column 1 of the appropriate Part of the relevant Related Schedule shall not exceed the appropriate amount specified in column 2 of such Related Schedule ;

(ii) in respect of goods sold by retail, computed in accordance with the provisions of Article 4 as if such wholesaler were a retailer.

Retailer

4. The maximum price to be charged in the course of the business of a retailer shall be the purchase price paid or agreed to be paid to the manufacturer or wholesaler by the first purchaser, being a retailer, and the appropriate percentage thereof specified in column 3 of the Second Schedule hereto :

Provided that in respect of goods described in column I of the Third Schedule hereto, the maximum price of goods of a description specified in column 1 of the appropriate Part of the relevant Related Schedule shall not exceed the appropriate amount specified in column 3 of such Related Schedule.

Composite Businesses

5.—(1) In relation to a business which, in respect of goods, consists of at least two of the following, namely, a manufacturing branch, a wholesale branch and a retail branch, in relation to which the prescribed conditions

are fulfilled, each such branch may be treated as a wholly separate business, and

(*a*) the maximum price to be charged in respect of goods sold by the wholesale branch shall be computed by adding to the wholesale cost either of the following:—

(i) an amount which is the appropriate percentage thereof specified in column 2 of the Second Schedule hereto, or

(ii) an amount which is the prescribed percentage thereof:

Provided that in respect of goods described in column I of the Third Schedule hereto, the maximum price of goods of a description specified in column 1 of the appropriate Part of the relevant Related Schedule shall not exceed the appropriate amount specified in column 2 of such Related Schedule;

(*b*) the maximum price to be charged in respect of goods sold by the retail branch shall be computed in accordance with the provisions of Article 4, except that for the purchase price paid or agreed to be paid there shall be substituted the retail cost.

(2) The provisions of this Article shall not apply in relation to fur apparel to any business which in respect of fur apparel includes a manufacturing branch.

(3) In this Article—

"prescribed conditions" means—

(i) that separate records and books of account are kept in respect of the manufacturing branch, the wholesale branch and the retail branch of the business (as the case may be), including records showing the transfer of goods from one branch to another branch, and the amount at which such goods were transferred; and

(ii) that where there is a wholesale branch of the business:—

(*a*) there is maintained, in connection with that branch, a warehouse or other storage premises used for carrying stocks of the business which are substantial in relation to the turnover of that branch; and, either—

(*b*) there is conducted, in connection with that branch, a regular selling organisation for supplying the retail trade; or

(*c*) there is conducted in connection with that branch, an organisation for supplying retail branches of the same business from a warehouse of that branch; and

(iii) that a notice in writing in duplicate, signed by a person competent to do so stating that the conditions set out in sub-paragraph (i) and where applicable in (*a*), and (*b*) or (*c*), of sub-paragraph (ii) of this paragraph have been fulfilled is forwarded to, and the duplicate of such notice has been returned by, the Secretary of the Central Price Regulation Committee:

Provided that if a notice in respect of the conditions set out in sub-paragraph (i) and where applicable in (*a*), and (*b*) or (*c*), of sub-paragraph (ii) has been forwarded and a duplicate thereof returned as aforesaid before the date of the coming into operation of this Order, then such notice shall, in respect of the conditions therein referred to, be deemed to be a compliance with the provisions of this Article;

" wholesale cost " means in relation to a wholesale branch—

(*a*) in respect of goods purchased from a manufacturer or a wholesaler, the purchase price paid or agreed to be paid to the manufacturer by the first purchaser,

(*b*) in respect of goods transferred to the wholesale branch by the manufacturing branch, the purchase price at which such goods were so transferred ;

" retail cost " means in relation to a retail branch—

(*a*) in respect of goods purchased from a manufacturer or wholesaler, the purchase price paid or agreed to be paid to the manufacturer or wholesaler by the first purchaser, being a retailer,

(*b*) in respect of goods transferred to the retail branch by the manufacturing branch, the purchase price at which such goods were so transferred,

(*c*) in respect of goods transferred to the retail branch by the wholesale branch (being a branch in which the maximum price chargeable on a sale of goods by that branch is computed by adding the prescribed percentage to the wholesale cost) the wholesale cost of the wholesale branch together with the prescribed percentage thereof,

(*d*) in respect of goods transferred to the retail branch by the wholesale branch (not being a branch referred to in head (*c*) of this definition) the wholesale cost of the wholesale branch:

Provided that in a case in which goods are dispatched from a warehouse of the wholesale branch and a notice in writing in duplicate, signed by a person competent to do so, stating that condition (ii) (*c*) of the prescribed conditions is fulfilled has been forwarded to, and the duplicate thereof returned by the Secretary of the Central Price Regulation Committee, there may be added to the wholesale cost for the purpose of this head of this definition an amount equal to 5 per cent. thereof, and where such addition has been made " wholesale cost " shall, in this head of this definition be deemed to mean the wholesale cost together with that amount ;

" prescribed percentage " means the percentage which bears to the appropriate percentage specified in column 2 of the Second Schedule hereto, the same ratio as the aggregate of—

(*a*) the wholesale cost of goods sold to retailers, and

(*b*) (in the case only of a business having a wholesale branch in which the maximum price is computed by adding the prescribed percentage to the wholesale cost, in relation to which a notice in respect of condition (ii) (c) of the prescribed conditions has been forwarded and the duplicate thereof returned as aforesaid) one quarter of the wholesale cost of goods transferred to the retail branches from the warehouse of the wholesale branch

during the six-monthly accounting period immediately preceding the day on which such goods were sold or transferred, bears to the aggregate of the wholesale cost of

(i) goods sold to retailers, and

(ii) goods transferred to retail branches, during the said period.

" warehouse ", in condition (ii) (*c*) of the prescribed conditions, in head (*d*) of the definition of " retail cost " and in the definition of " prescribed percentage ", means a warehouse from which not less than ten retail branches of the same business are supplied, or a warehouse from which

not less than ten retail branches of the same business were being supplied on a date when one or more of such branches were closed down as a direct result of having sustained war damage but such remaining branches continue to be so supplied.

Variations of overriding maximum prices

6. The variations of overriding maximum prices specified in the appropriate Parts of any Related Schedule shall have effect as therein respectively provided.

Rounding and discount

7. Notwithstanding anything contained in this Order:—

(i) on a sale otherwise than by retail of goods, the maximum price of which, computed in accordance with the foregoing provisions of this Order is or exceeds the sum of 3s., the maximum price shall be rounded to the nearest penny;

(ii) on a sale by retail of goods,

(*a*) the maximum price of which, computed in accordance with the foregoing provisions of this Order, does not exceed the sum of 5s., the maximum price shall be rounded to the nearest half-penny;

(*b*) the maximum price of which, computed as aforesaid exceeds the sum of 5s., the maximum price shall be rounded to the nearest penny:

Provided that in respect of goods described in column 1 of the Third Schedule hereto, the maximum price, when rounded, of goods of a description specified in column 1 of the appropriate Part of the relevant Related Schedule shall not exceed the appropriate amount specified in column 2 or 3 (as the case may be) of such Related Schedule;

(iii) the maximum price on a sale of goods otherwise than by retail, computed in accordance with the foregoing provisions of this Order shall be reduced by an amount not less than 2½ per cent. thereof in any case in which payment for those goods is made or tendered before the tenth day in the month immediately succeeding that in which the goods were consigned by the seller to or to the order of the buyer;

Part III

Maximum Charges

8.—(1) The maximum charge to be made in the course of the business of a retailer who performs the service of carrying out or contracting to carry out alterations to a garment, being goods sold by him, within a period of 3 months from the date of the sale thereof, shall be:—

(i) in respect of a garment (not being a made-to-measure garment or a garment made wholly or mainly of fur skin):—

(*a*) the actual cost to the retailer of such alterations, or

(*b*) the sum of 15s.,

whichever shall be the less;

(ii) in respect of a garment made wholly or mainly of fur skin (not being a made-to-measure garment):—

(*a*) the actual cost to the retailer of such alterations, or

(*b*) the sum of £1,

whichever shall be the less;

(iii) in respect of a made-to-measure garment, whether or not made wholly or mainly of fur skin, the sum of 1d.

(2) All alterations to which this Article applies shall be separately charged.

(3) In this Article " a garment " means, in relation to a garment comprising two or more articles, all such articles.

PART IV

GENERAL PROVISIONS

9.—(1) A Related Schedule means a Related Schedule (including any supplement thereto) mentioned in the Third Schedule hereto and issued by the Board of Trade for the purposes of this Order or any Order revoked by this Order.

(2) A number set out in column 1 (*b*) of the First Schedule hereto, or in any Related Schedule in a column headed " specification number of cloth " or " specification number of garment " refers to cloth or a garment (as the case may be) being utility goods described in relation to that number in any Schedule to any Order made by the Board of Trade.

(3) Any reference in any Related Schedule to a specification number shall be deemed to include a reference to that number preceded by the letter " Z ".

(4) The provisions of this Order shall not apply to utility goods being second-hand apparel.

Interpretation and revocation

10.—(1) In this Order:—

" manufacturer " has the meaning assigned in the Utility Mark and Apparel and Textile (General Provisions) Order, 1947(**a**), (as amended from time to time);

" maximum price " means the price payable before any deduction by way of discount and exclusive of purchase tax; and delivery charges shall be included in the said price, except that—

(i) in calculating the maximum price to be charged on a sale of any apparel by retail, the cost actually paid or incurred of delivering that apparel may be excluded, and

(ii) in calculating the maximum price to be charged on a sale of any apparel otherwise than by retail, the cost actually paid or incurred of delivering that apparel may be excluded, where the price of that apparel, or, if the apparel is included in a parcel comprising other articles, the price of the parcel (exclusive of purchase tax and such cost of delivering) does not exceed £2;

" purchase price " means the price after all deductions by way of discount other than cash or settlement discount not exceeding 5 per cent. and exclusive of purchase tax; and delivery charges may be included in the calculation of the purchase price of any goods except where the price of the goods purchased, or, if the goods were included in a parcel comprising other articles, the price of the parcel (exclusive of purchase tax and delivery charges) did not exceed £2;

" utility goods " has the meaning assigned in the Utility Mark and Apparel and Textile (General Provisions) Order, 1947(**a**), (as amended from time to time) but does not include footwear;

" wholesaler " includes a manufacturer in respect of the sale of goods not of his own manufacture;

" war damage " has the meaning assigned in sub-sections (1) and (3) of Section 2 of the War Damage Act, 1943(**b**).

(a) S.R. & O. 1947 (No. 2642) II, p. 160.
(b) 6 & 7. Geo. 6. c. 21.

(2) The Utility Apparel (Maximum Prices and Charges) Order, 1945(a), the Utility Apparel (Maximum Prices and Charges) (Amendment) Order, 1948(b), the Utility Apparel (Maximum Prices and Charges) (Amendment) Order, 1949(c), the Utility Apparel (Maximum Prices and Charges) (Amendment) (No. 2) Order, 1949(d), and the Utility Apparel (Maximum Prices and Charges) (Amendment No. 3) Order, 1949(e), are hereby revoked.

Citation and commencement

11. This Order may be cited as the Utility Apparel (Maximum Prices and Charges) Order, 1949, and shall come into operation on the 27th day of June, 1949.

Dated this 17th day of June, 1949.

Harold Wilson,
President of the Board of Trade.

FIRST, SECOND AND THIRD SCHEDULES

[New SCHEDULES substituted, *see* pp. 2102–5 below.]

The Utility Apparel (Maximum Prices and Charges) Order, 1949 (Amendment No. 4) Order, 1949

1949 No. 2154

Made - - - -	21*st November*, 1949
Laid before Parliament	23*rd November*, 1949
Coming into Operation	5*th December*, 1949

The Board of Trade in pursuance of the powers conferred upon them by Sections 1, 2 and 18 of the Goods and Services (Price Control) Act, 1941(f), as amended by the Defence (Price Control) Regulations, 1945(g), hereby order as follows:—

1. The Utility Apparel (Maximum Prices and Charges) Order, 1949(h), as amended(i), shall have effect subject to the amendment that for the First, Second and Third Schedules to that Order there shall be substituted the First, Second and Third Schedules to this Order.

2. The Utility Apparel (Maximum Prices and Charges) Order, 1949 (Amendment No. 2) Order, 1949(j), and the Utility Apparel (Maximum Prices and Charges) Order, 1949 (Amendment No. 3) Order, 1949(k), are hereby revoked.

3. This Order may be cited as the Utility Apparel (Maximum Prices and Charges) Order, 1949 (Amendment No. 4) Order, 1949, and shall come into operation on the 5th day of December, 1949.

Dated this 21st day of November, 1949.

J. Chuter Ede,
One of His Majesty's Principal Secretaries of State in the absence of the President of the Board of Trade.

(a) S.R. & O. 1945 (No. 184) I, p. 444.
(b) S.I. 1948 (No. 2468) I, p. 1405.
(c) S.I. 1949 No. 174.
(d) S.I. 1949 No. 226.
(e) S.I. 1949 No. 966.
(f) 4 & 5 Geo. 6. c. 31.
(g) S.R. & O. 1945 (No. 1613) II, p. 81.
(h) S.I. 1949 No. 1132, p. 2095 above.
(i) S.I. 1949 Nos. 1599 and 1930.
(j) S.I. 1949 No. 1599.
(k) S.I. 1949 No. 1930.