The Utility Woven Cloth (Cotton, Rayon and Linen) Order, 1950

1950 No. 304

Made - - - -	*7th March*, 1950
Laid before Parliament	*7th March*, 1950
Coming into Operation	*27th March*, 1950

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

1.—(1) A person may, in the course of his business, apply the utility mark to goods manufactured by him being—

(*a*) goods complying with a description specified in Part I of Schedule NW3 ; or

(*b*) a nursery square complying with a description specified in that Part in relation to specification number X3070 except in one or more of the following respects, that is to say :—

(i) it has not more than 2 weft bars ;

(ii) it has not more than 2 broken ends ;

(iii) it is of a weight falling short of the weight appropriate to its size by not more than 15 per cent. of that weight.

(2) Goods shall be deemed to comply with a description specified in section 1 of Part I of Schedule NW3 notwithstanding that Egyptian type yarn has been used where American type yarn is specified.

(3) Cloth shall be deemed to comply with a description specified in section 1 or section 2 of Part I of Schedule NW3 notwithstanding that the width differs from the width or widths, as the case may be, specified in that description.

(4) A person, who applies the utility mark under the authority of paragraph (1) of this Article to goods complying with a description specified in Part I of Schedule NW3, shall not supply those goods until he has applied thereto the specification number included in that Schedule in relation to that description.

(5) A person, who applies the utility mark under the authority of paragraph (1) of this Article to goods described in head (*b*) of that paragraph, shall not supply those goods until he has applied thereto—

(*a*) the specification number X3070 ; and

(a) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (Nos. 1618 and 1611) II, pp. 48 and 39.
(b) 10 & 11 Geo. 6. c. 55.

(*b*) in a place adjacent to the utility mark by means of a label attached by machine stitching on each side thereof, a transfer or a stamp, in letters not less than 3/16in. in height, the word "seconds".

(6) The provisions of Part II of Schedule NW3 shall have effect in relation to the interpretation of Part I of that Schedule.

2.—(1) Except as provided in this Article a person shall not apply to any goods to which this Order applies (whether manufactured by him or not), immediately before the specification number thereof, the letter and symbol "R/", "P/" or "E/".

(2) Whenever a person applies a specification number to any utility goods complying with a description specified in section 1 of Part I of Schedule NW3 or to any utility goods described in head (*b*) of paragraph (1) of Article 1 of this Order and in the relevant description specified in that Schedule in relation to that specification number American type yarn is specified but in the manufacture of those goods Egyptian type yarn has been used—

(*a*) for the warp, he may apply thereto, immediately before that specification number, the letter and symbol "R/";

(*b*) for the weft, he may apply thereto, immediately before that specification number, the letter and symbol "P/";

(*c*) for both warp and weft, he may apply thereto, immediately before that specification number, the letter and symbol "E/".

3.—(1) A person may in the course of his business use, in the manufacture of a double texture waterproof cloth, utility goods being any two single texture proofed cloths of different specification numbers, each of which complies with a description specified in Schedule NW3 in relation to specification number X3151, X3153, X3155, X3161, X3165 or X3166.

(2) A person who manufactures such a double texture waterproof cloth shall, when he applies the utility mark thereto, also apply thereto the specification numbers of both of the cloths of which that double texture waterproof cloth is comprised.

4.—(1) The maximum prices for utility goods to which this Order applies shall, subject to the provisions of Article 5 of this Order, be computed in accordance with the following provisions of this Article.

(2) A person shall not, in the course of his business, charge in respect of the sale of any utility goods being cloth complying with a description specified in section 1 or section 2 of Part I of Schedule NW3, manufactured by him whether before or after the commencement of this Order but supplied thereafter, a gross price exceeding the appropriate amount computed in accordance with the provisions of paragraph (3) of this Article.

(3) The appropriate amount for the purposes of paragraph (2) of this Article in respect of cloth complying with a description specified in section 1 or section 2 of Part I of Schedule NW3 shall be—

(*a*) where the cloth is of a width included in that description, the amount specified in that Part in relation to that description and width;

(*b*) where one width is specified in that description and the width of the cloth differs from that width, the amount specified in that Part in relation to the width in that description varied proportionately to the relation between the width of the cloth and the width specified in that description;

(*c*) where two widths are specified in that description and the width of the cloth differs from both of those widths, the amount specified in that Part in relation to the width in that description nearer to that of the cloth, or, if there is no such nearer width, the lower of such widths, varied proportionately to the relation between the width of the cloth and such nearer or lower width as the case may be ;

(*d*) where more than two widths are specified in that description and the width of the cloth differs from all of the widths so specified, the amount specified in that Part in relation to the width in that description nearest to that of the cloth or, if there is no such nearest width, the next lower of such widths varied proportionately to the relation between the width of the cloth and such nearest or next lower width, as the case may be.

(4) A person shall not, in the course of his business, charge in respect of the sale of any utility goods being cloth complying with a description specified in section 3 of Part I of Schedule NW3, manufactured by him whether before or after the commencement of this Order but supplied thereafter, a gross price exceeding the amount specified in that Part in relation to that description.

(5) A person shall not, in the course of his business, charge in respect of the sale of any utility goods complying with a description specified in Part I of Schedule NW3 in relation to specification number X3070, manufactured by him whether before or after the commencement of this Order but supplied thereafter, a gross price exceeding the amount specified in that Part in relation to that description.

(6) A person shall not, in the course of his business, charge in respect of the sale of any utility goods being goods described in head (*b*) of paragraph (1) of Article 1 of this Order, manufactured by him whether before or after the commencement of this Order but supplied thereafter, a gross price exceeding the appropriate amount specified in Part I of Schedule NW3 in relation to specification number X3070, less 20 per cent. thereof.

(7) A person shall not, in the course of his business, charge in respect of the sale of any utility goods being cloth of a specification number included in Part III of Schedule NW3 manufactured by him whether before or after the commencement of this Order but supplied thereafter, a gross price exceeding the amount specified in that Part in relation to that specification number.

(8) A person shall not, in the course of his business, charge in respect of the sale of any utility goods being such a double texture waterproof cloth as is described in Article 3 of this Order, manufactured by him whether before or after the commencement of this Order but supplied thereafter, a gross price exceeding a price equal to one-half of the aggregate of the amounts computed in accordance with the provisions of paragraph (9) of this Article in respect of the single texture proofed cloths of which that double texture waterproof cloth is comprised.

(9) The amount for the purposes of paragraph (8) of this Article in respect of a single texture proofed cloth of a specification number referred to in Article 3 of this Order and complying with a description specified in Part I of Schedule NW3 in relation to that specification number shall be—

(*a*) where that cloth is of a width included in that description, the amount specified in that Part in relation to the description or, if there is more that one, the corresponding description, of double texture proofed cloth of that specification number ;

(*b*) in any other case, the amount so specified varied in proportion to the relation between the width of the single texture proofed cloth and the width in the description with which that single texture proofed cloth complies.

(10) The price charged by any person in respect of the sale (otherwise than by retail) of any utility goods to which this Order applies, manufactured by him, shall be reduced by an amount not less than 2½ per cent. of the gross price in any case in which payment for those goods is made or tendered before the tenth day in the month immediately succeeding that during which the goods were consigned by the seller to, or to the order of, the buyer.

(11) Any reference in this Article to an amount specified in Part I or Part III of Schedule NW3 shall be deemed to be a reference to that amount with any appropriate modification specified in Part IV of that Schedule.

5. The maximum prices for any utility goods of a description specified in Schedule NW2 being cotton goods, manufactured by any person whether before or after the commencement of this Order, containing yarn spun from raw cotton supplied to the spinner thereof in pursuance of a contract entered into by the spinner before the 19th day of September, 1949, shall be computed in accordance with the provisions of Article 4 of this Order except that for the amounts specified in Parts I and III of Schedule NW3 in relation to those goods there shall be substituted the relevant amounts specified in Parts I and III of Schedule NW2.

6. In relation to the supply of any utility goods to which the letter and symbol 'R/', 'P/' or 'E/' has been applied under the authority of paragraph (2) of Article 2 of this Order, the manufacturer thereof shall include in the invoice required to be furnished by virtue of Article 10 of the Utility Mark and Apparel and Textiles (General Provisions) Order, 1947(a), in addition to the matters specified therein, that letter and symbol immediately before the specification number included in that invoice in respect of those goods.

7. Nothing in this Order shall prohibit the doing of anything under the authority of a licence granted by the Board of Trade under this Article and in accordance with any condition attached thereto.

8. The provisions of paragraph (2) of Article 15, and Article 18 of the Utility Mark and Apparel and Textiles (General Provisions) Order, 1947 (as amended from time to time), shall, so far as they are relevant, be incorporated with this Order.

9. In this Order—

"gross price" means the price inclusive of all delivery charges payable either by the buyer or the seller and before any deductions by way of discount have been made:

Provided that no account shall be taken of delivery charges payable by the buyer—

(*a*) on a sale by retail, or

(*b*) on a sale otherwise than by retail of goods to which this Order applies, whether or not the goods are included in a parcel comprising goods to which this Order does not apply, where the total price in respect of such goods or, whether such goods are included in

(a) S.R. & O. 1947 (No. 2642) II, p. 160.

such a parcel, in respect of such parcel (exclusive of the appropriate amount of purchase tax where such tax is chargeable and exclusive of delivery charges), does not exceed £2 ;

" Schedule NW2 " means the Schedule so named of descriptions of utility apparel cloth (cotton, rayon and linen) issued by the Board of Trade for the purposes of the Woven Cloth (Cotton, Rayon and Linen) Order, 1947(a), as amended by the lists of amendments and additions to that Schedule specified in the Schedule to that Order immediately before the commencement of this Order ;

" Schedule NW3 " means the Schedule so named of descriptions of utility apparel cloth (cotton, rayon and linen) issued by the Board of Trade for the purposes of this Order.

10.—(1) The Woven Cloth (Cotton, Rayon and Linen) Order, 1947, the Woven Cloth (Cotton, Rayon and Linen) (Amendment) Order, 1948(b), the Woven Cloth (Cotton, Rayon and Linen) (Amendment No. 7) Order, 1949(c), and the Woven Cloth (Cotton, Rayon and Linen) (Amendment No. 10) Order, 1950(d), are hereby revoked :

Provided that any current licence issued or having effect thereunder shall have effect as if it had been granted under this Order.

(2) This Order may be cited as the Utility Woven Cloth (Cotton, Rayon and Linen) Order, 1950, and shall come into operation on the 27th day of March, 1950.

Dated this 7th day of March, 1950.

Harold Wilson,
President of the Board of Trade.

EXPLANATORY NOTE

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

This Order supersedes the Woven Cloth (Cotton, Rayon and Linen) Order, 1947, as amended.

The principal changes are :—

(*a*) Schedule NW2 and the Lists of amendments and additions thereto are replaced by Schedule NW3. Schedule NW3 contains descriptions of, and maximum prices for, utility non-wool apparel cloths ;

(*b*) manufacturers' maximum prices are increased for most cotton and cotton/rayon mixture goods ; these increases, which are indicated by plus (+) signs in Schedule NW3, do not apply to goods referred to in Article 5 of this Order ;

(*c*) invoices to be furnished by manufacturers in respect of utility goods marked with the letter and symbol 'R/', 'P/' or 'E/', indicating that in the manufacture of the goods Egyptian type yarn has been used in the place of American type yarn, must now, in addition to the specification number, contain a reference to that letter and symbol ; and

(*d*) provision is made for the manufacture of cotton and rayon cloths in widths differing from those specified in Schedule NW3, with appropriate changes in the manufacturers' maximum prices.

(a) S.R. & O. 1947 (No. 2645) II, p. 171.
(b) S.I. 1948 (No. 200) II, p. 339.
(c) S.I. 1949 No. 1640.
(d) S.I. 1950 No. 27.