STATUTORY RULES OF NORTHERN IRELAND

2004 No. 369

CONSUMER PROTECTION

The Price Marking (Food and Drink Services) Order (Northern Ireland) 2004

Made - - - -	*27th August 2004*
Coming into operation	*1st March 2005*

The Department of Enterprise, Trade and Investment(**1**), in exercise of the powers conferred by section 4 of the Prices Act 1974(**2**) and now vested in it(**3**) and of every other power enabling it in that behalf, having consulted(**4**), in such manner as appeared to it to be appropriate having regard to the subject-matter and urgency of the Order, with such organisations representative of interests substantially affected by the Order as appeared to it, having regard to those matters, to be appropriate, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Price Marking (Food and Drink Services) Order (Northern Ireland) 2004 and shall come into operation on 1st March 2005.

Interpretation

2.—(1) In this Order –

"eating area" means any part of any premises specifically set aside and equipped for the consumption of food notwithstanding that some other activity may be carried on in the area in question but does not include a supply area;

"food" means food and drink for human consumption but does not include food which is supplied –

(a) at the express request of a purchaser in a case where the seller has not indicated that food of the same description is or may be for sale by him; or

(b) at a price agreed in advance pursuant to an order made before an intending purchaser enters the eating area, supply area or take-away area in question to obtain or consume the food;

(**1**) Formerly known as the Department of Economic Development; *see*S.I.1999/283 (N.I. 1), Art. 3(5)
(**2**) 1974 c. 24; section 4 was amended by the Price Commission Act 1977 (c. 33), section 16(1) to (3)
(**3**) By S.I. 1982/846 (N.I. 11), Art. 4
(**4**) *See*1974 c. 24; *see* section 2(6) as applied by section 4(3)

"premises" includes any vehicle or vessel;

"soft drink" means any non-alcoholic drink of a kind which is served cold;

"supply area" means any part of any premises specifically set aside and equipped for the supply of food to an intending purchaser for consumption on the premises where the food is sold before it is consumed notwithstanding that some other activity may be carried on in the area in question;

"take-away area" means any part of any premises specifically set aside and equipped for the supply of food prepared or heated at the request of a consumer or supplied as heated meals in each case for consumption off the premises where it is sold notwithstanding in any case that some other activity may be carried on in the area in question; and

"wine" means any drink obtained from the alcoholic fermentation of fresh grapes or the must of fresh grapes other than drink fortified with spirits or flavoured with aromatic extracts.

(2) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to this Order as it applies to an Act of the Northern Ireland Assembly.

Revocation

3. The Price Marking (Food and Drink on Premises) Order (Northern Ireland) 1979(**6**) is hereby revoked.

Application

4.—(1) This Order applies where a person indicates that food is or may be for sale by him by retail –

(a) for consumption on any premises (other than premises to which paragraph (2) applies); or

(b) in a take-away area.

(2) This Order does not apply to premises on which food is ordinarily supplied –

(a) only to members of a bona fide club or their guests; or

(b) only or mainly to members of a group determined by reference to –

(i) their employment, or the employment of a partner, parent or partner of a parent of theirs, in the service of a particular person or of one of a number of particular persons;

(ii) their membership of, or regular attendance at, an educational establishment; or

(c) only to persons for whom sleeping accommodation on those premises is provided.

Obligations to indicate prices for food and other charges

5.—(1) A person who indicates that food is or may be for sale by him shall, subject to the other provisions of this Order, give an indication of –

(a) the price for the sale of that food (except where it is sold by reference to quantity or weight);

(b) where the food is sold by reference to quantity or weight, the price for the sale of each quantity or weight;

(c) any charge which is payable in addition to the price of any food (expressed either as an amount or as a percentage of the price); and

(d) any minimum price or charge which is payable in respect of any food sold or service provided relating to the supply of food.

(**5**) 1954 c. 33 (N.I.)
(**6**) S.R. 1979 No. 427