1980 No. 263

CONSUMER PROTECTION

Price Marking (Bargain Offers) Order (Northern Ireland) 1980

Made	*1st August 1980*
Coming into operation . . .	*1st October 1980*

The Department of Commerce, in exercise of the iowers conferred on it by section 4 of the Prices Act 194(**ak**) and of every other power enabling it in that behalf, having consulted, in such manner as appeared to it to be appropriate having regard to the subject matter 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, commencement and interpretation

1.—(1) This Order may be cited as the Price Marking (Bargain Offers) Order (Northern Ireland) 1980 and shall come into operation on 1st October 1980.

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

Scope of Order

2.—(1) This Order does not apply in relation to an indication of a price for the sale of pre-packed goods which are pre-packed before 1st November 1980 or to a statement relating to such goods and to which Article 3 applies where the indication or statement—

(*a*) is given in such a manner that it is integral with the container in which the goods are pre-packed; or

(*b*) is printed on a label which is attached to the container in which the goods are pre-packed and which carries a similarly printed description of the goods in the container, being a description which is necessary to enable the goods to be identified without the container being opened;

and in this paragraph "pre-packed" in relation to any goods means made up in advance ready for retail sale in or on a container.

(2) This Order shall not apply in relation to an indication of a price—

(*a*) in a catalogue or work of reference of more than 30 printed pages of which copies are first made available for publication in the ordinary course of business before 1st October 1980; or

(*b*) in a periodical published before that date, being a periodical ordinarily published at regular intervals of more than 7 days; or

(*c*) in a direct mail advertisement first issued before that date; or

(*d*) in a cinematograph film or radio or television broadcast first exhibited or broadcast before that date.

(**a**) 1974 c. 24 s. 4 was amended by the Price Commission Act 1977 (1977 c. 33), s. 16(1)
(**b**) 1954 c. 33 (N.I.)

Regulation of bargain offers

3.—(1) Subject to paragraph (2), a person who indicates that—

(*a*) any goods are or may be for sale by retail; or

(*b*) any services (except services which he indicates are or may be provided only for the purposes of businesses carried on by other persons) are or may be provided,

shall not, on or in relation to those goods, indicate a price for their sale or, in relation to those services, indicate a charge for their provision, in such a manner that the indication includes a statement to which this Article applies.

(2) Nothing in this Article applies—

(*a*) to a person who gives an indication of a price or charge only as—

(i) a compiler of a report or survey relating to prices or charges comprising that price or charge and other prices or charges, or

(ii) as a publisher or distributor of a publication or as an exhibitor or broadcaster of a cinematograph film or radio or television broadcast comprising the indication,

not being a manufacturer or supplier of any goods to which, or a person who provides service to which, the indication relates; or

(*b*) to a statement relating to a maximum permitted price or charge which is indicated pursuant to any enactment or Community obligation (whenever passed or created).

Bargain offers relating to goods

4.—(1) Subject to the following provisions of this Order, Article 3 applies, in relation to a price, to any statement (however framed and whether express or implied) that the price indicated is lower than—

(*a*) a value ascribed to goods, not being the amount of such a price as is mentioned in sub-paragraph (*b*), or

(*b*) the amount of another price for the sale of goods of the same description (whether that price is, or is not, specified or quantified or is, or is not, a price which has been charged, indicated or proposed by any person).

(2) Paragraph (1)(*b*) does not apply—

(*a*) to a particular price which the person giving the indication—

(i) proposes to charge or has charged in the ordinary course of business on the same or on other identified premises, or

(ii) has reasonable cause for believing has been charged in the ordinary course of business by another identified person in identified circumstances and has no reason for believing has ceased to be a price at which that person is prepared to do business in those circumstances,

including in each case a price for the sale of goods of the same description in a specified different condition or quantity;

(*b*) to a particular price applicable to the sale by the person giving the indication of goods of the same description—

(i) upon specified different terms as to the time or manner of payment (including the provision of credit by any person either generally or to persons of a specified class or description),

(ii) in specified different circumstances,

(iii) in a specified different condition or quantity, or

(iv) to any person who is not within a class or description of persons for sales to whom the indicated price is expressed to apply; or

(*c*) in a case where the indicated price applies to goods when supplied with other specified goods or with specified services, to a particular price for the sale of the goods without those other goods or services or with other specified goods or services.

Bargain offers relating to services

5.—(1) Subject to the following provisions of this Order, Article 3 applies, in relation to a charge, to any statement (however framed and whether express or implied) that the charge indicated is lower than—

(*a*) a value ascribed to the provision of services, not being the amount of such a charge as is mentioned in sub-paragraph (*b*); or

(*b*) the amount of another charge for the provision of services of the same description (whether that charge is, or is not, specified or quantified or is, or is not, a charge which has been made, indicated or proposed by any person).

(2) Paragraph (1)(*b*) does not apply—

(*a*) to a particular charge which the person giving the indication—

(i) proposes to make or has made in the ordinary course of business in circumstances with which a comparison may reasonably be made, or

(ii) has reasonable grounds for believing has been made in the ordinary course of business by another identified person in identified circumstances with which a comparison may reasonably be made and has no reason for believing has ceased to be a charge at which that person is prepared to do business in those circumstances,

including in each case a charge for the provision of services of the same description in specified different circumstances or a specified different number of times;

(*b*) to a particular charge applicable to the provision by the person giving the indication of services of the same description—

(i) upon specified different terms as to the time or manner of payment (including the provision of credit by any person either generally or to a specified class or description of persons),

(ii) in specified different circumstances,

(iii) a specified different number of times, or

(iv) to any person who is not within a class or description of persons for the provision of services to whom the indicated charge is expressed to apply; or

(*c*) in a case where the indicated charge applies to services when supplied with other specified services or with specified goods, to a particular charge for the provision of the services without those other services or goods or with other specified services or goods.

Recommended and similar prices and charges

6.—(1) In relation to any goods or services, other than goods or services of a description specified in the Schedule, Article 4(1)(*b*) does not apply to the amount of