

1979 No. 427

CONSUMER PROTECTION

Price Marking (Food and Drink on Premises) Order (Northern Ireland) 1979*Made* 7th December 1979*Coming into operation* 1st March 1980

The Department of Commerce, in exercise of the powers conferred on it by section 4 of the Prices Act 1974(a) 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 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 on Premises) Order (Northern Ireland) 1979 and shall come into operation on 1st March 1980.

Revocation

2. The Price Marking (Drinks on Licensed Premises) Order (Northern Ireland) 1975(b) is hereby revoked.

Interpretation

3.—(1) In this Order—

“eating area” means any part of any premises specifically set aside and equipped for the consumption of food but does not include a supply area;

“food”, subject to Article 4(2), means food and drink for human consumption;

“premises” includes any vehicle or vessel;

“supply area” means any part of any premises specifically set aside and equipped for the supply of food in a case when an intending purchaser—

(i) pays for food for consumption on the premises where it is sold before it is consumed, and

(ii) himself carries the food to the place where it is to be consumed; notwithstanding, in either case, that some other activity may be carried on in the area in question;

“table wine” means any liquor obtained from the alcoholic fermentation of fresh grapes or the must of fresh grapes other than liquor fortified with spirits or flavoured with aromatic extracts.

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

(a) 1974 c. 24: s. 4 was amended by the Price Commission Act 1977 (1977 c. 33), s. 16

(b) S.R. 1975 No. 375 (II, p. 1836)

(c) 1954 c. 33 (N.I.)

Scope of the Order

4.—(1) Subject to paragraph (2), this Order has effect where a person indicates that food is or may be for sale by him by retail for consumption on any premises other than 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 spouse or parent of theirs, in the service of a particular person or of one of a number of particular persons, or
 - (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.

(2) In paragraph (1) “food” does not include food which is supplied—

- (a) at the express request of a purchaser in a case where the seller has not held himself out as prepared to supply food of the same description for consumption in the eating area or supply area in question; or
- (b) at a price agreed in advance pursuant to an order given before the occasion on which the food is consumed.

Obligation to indicate prices for food

5.—(1) Where this Order has effect, a person who indicates that food is or may be for sale by him by retail shall, in accordance with the following provisions of this Order—

- (a) give an indication of the price of that food; and
- (b) where any charge is payable in addition to the price of any food, shall give an indication of that charge.

(2) An indication of price—

- (a) in the case of food other than food which is sold by reference to quantity or to a unit of measurement, shall be of a price for the sale of that food; or
- (b) in the case of food which is sold by reference to a quantity or to a unit of measurement, subject to paragraph (3), shall be of a price for the sale of each quantity or each multiple of units of measurement in which it is for sale.

(3) In the case of food which is or may be for sale in more than one quantity or multiple of a unit of measurement at prices which are in the same proportion to each other as the quantities or numbers of units, nothing in paragraph (2)(b) shall require the indication of more than one price if the quantity or number of units for which that price is appropriate is also indicated.

(4) Where food of any description is supplied with food of one or more different descriptions (other than food supplied as a table d’hôte meal), nothing in this Order shall require an indication to be given of a single price for the sale of all food so supplied if that price is the sum of the prices for food of the descriptions concerned.