1979 No. 414

CONSUMER PROTECTION

Price Marking (Food) Order (Northern Ireland) 1979

Made . . . . . *26th November* 1979

Coming into operation . . . *1st January* 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) Order (Northern Ireland) 1979 and shall come into operation on 1st January 1980.

Interpretation

2.—(1) In this Order—

"food" means food and drink for human consumption;

"premises" includes any shop or stall and any vehicle or vessel; and

"shop" includes, in the case of a vehicle or vessel, any part which persons enter for the purpose of making purchases.

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

Application of Order

3.—(1) Subject to paragraph (2), this Order has effect where a person indicates on any premises or at any place that food is or may be for sale by him by retail there—

(*a*) by displaying it, or

(*b*) by giving notice by any means whatsoever that he is willing to sell it or enter into an agreement for sale of it or of food of the same description.

(2) This Order does not have effect in the case of an indication relating to food—

(*a*) which is for sale in a shop and which the seller, his servant or agent ordinarily selects and hands to the purchaser or delivers as he may direct; or

(*b*) which is sold for consumption on the premises on which it is sold; or

(*c*) which is carried in, or by a person who accompanies, a vehicle in the course of delivering to domestic premises milk, soft drinks or bread as

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

part of a regular delivery service wholly or mainly devoted to the delivery of such food; or

(*d*) which is bones, waste or scrap and for which a price is specially determined; or

(*e*) in relation to which an order specified in the Schedule (being an order made under section 4 of the Prices Act 1974) provides that an obligation to indicate a price is imposed in circumstances in which apart from this sub-paragraph this Order would have effect.

Obligation to indicate prices

4.—(1) Where this Order has effect, a person who indicates that food is or may be for sale by him by retail shall give an indication of the price of that food, being—

(*a*) in the case of food other than food which is sold by reference to quantity or to a unit of measurement, a price for the sale of that food; or

(*b*) in the case of food which is sold by reference to quantity or to a unit of measurement, subject to paragraph (2), a price for the sale of each quantity or each multiple of units of measurement in which it is for sale.

(2) In the case of food which—

(*a*) is 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, and

(*b*) is not made up in advance ready for retail sale in or on a container,

nothing in paragraph (1)(*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.

Manner of indication of prices

5.—(1) Subject to the following provisions, an indication of a price required by Article 4 shall comply with the following requirements, that is to say—

(*a*) subject to paragraph (2) a requirement that an indication of price shall be easily recognisable by an intending purchaser under normal conditions of purchase as referring to the food in question;

(*b*) where the indication of a price is not on or adjacent to the food to which it relates, a requirement that the indication shall be in such a position that it is readily discernible by an intending purchaser from the place where he would under normal conditions of purchase select the food;

(*c*) a requirement that any indication of a price shall be clear and legible and easily read by an intending purchaser under such conditions; and

(*d*) in the case of food subject to value added tax, a requirement that the price indicated shall be inclusive of the tax.

(2) Nothing in paragraph (1)(*a*) shall require an indication of price to be on or adjacent to the food to which it relates if it is grouped with indications of prices for the sale of other food in relation to which this Order has effect or to which an obligation referred to in Article 3(2)(*e*) applies.