1979 No. 293

CONSUMER PROTECTION

Price Marking (Cheese) Order (Northern Ireland) 1979

Made . . . . . 23*rd August* 1979

Coming into operation . . . 1*st October* 1979

The Department of Commerce, having consulted, in such manner as appeared to it to be appropriate having regard to the subject matter and urgency of this Order, with such organisations representative of interests substantially affected by this Order as appeared to it, having regard to those matters, to be appropriate, in exercise of the powers conferred on it by section 4(**a**) of the Prices Act 1974(**b**) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Price Marking (Cheese) Order (Northern Ireland) 1979 and shall come into operation on 1st October 1979.

Interpretation

2.—(1) In this Order "cheese" means cheese, whether or not containing flavouring or colouring matter, and whether or not coated with or mixed with other food for the purpose of giving the cheese a distinctive appearance or flavour; and includes processed cheese and cheese spread.

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

Control of sale

3.—(1) Subject to paragraph (2), no person shall, in Northern Ireland, offer or expose for sale by retail any cheese unless an indication of the price of the cheese is given, being an indication complying with the appropriate requirements of the Schedule.

(2) Paragraph (1) shall not apply to—

(*a*) cheese in a quantity of less than 25g; or

(*b*) cheese offered or exposed for sale only for consumption at the premises of the seller; or

(*c*) cheese forming part of an assortment of articles of food pre-packed together for consumption together as a meal and ready for such consumption without being cooked, heated or otherwise prepared.

Sealed with the Official Seal of the Department of Commerce for Northern Ireland on 23rd August 1979.

(L.S.)

W. T. McCrory
Assistant Secretary

(**a**) As amended by 1977 c. 33 s. 16
(**b**) 1974 c. 24
(**c**) 1954 c. 33 (N.I.)

SCHEDULE

1. In this Schedule—

"container" includes any form of packaging of cheese for sale as a single item, whether by way of wholly or partly enclosing the cheese or by way of attaching the cheese to some other article, and in particular a wrapper;

"gross weight", in relation to any cheese, means the aggregate weight of the cheese and any container in which it is made up;

"pre-packed" means made up in advance ready for retail sale in or on a container;

"selling price", in relation to any cheese, means the price at which the cheese is offered or exposed for sale, not being a price expressed by reference to a unit of measurement;

"unit price", in relation to any cheese, means the price per pound weight of the cheese.

2.—(1) In the case of pre-packed cheese the indication of price shall consist of—

(*a*) the selling price; and

(*b*) subject to sub-paragraph (2), where the weight of the cheese is marked on the container, the unit price calculated by reference to the selling price and to the weight so marked.

(2) Sub-paragraph (1)(*b*) shall not apply in the case of—

(*a*) a whole cheese the net weight of which is not more than 500g;

(*b*) cheese pre-packed in a container made wholly or mainly of ceramic or other rigid material;

(*c*) processed cheese, cheese spread or natural cheese of a type other than one referred to in sub-paragraph (3), being processed cheese, cheese spread or natural cheese made up in a container marked with an indication of quantity by weight which was so marked, or which bears a label which was so marked, before the cheese to fill the container was selected;

(*d*) natural cheese of a type referred to in sub-paragraph (3) where pre-packed in a quantity of 50g, 100g or a multiple of 100g;

(*e*) natural cheese of a type referred to in sub-paragraph (3)—

(i) before 1st January 1980, where pre-packed in any quantity in a container marked with an indication of quantity by weight which was so marked, or which bears a label which was so marked, before the cheese to fill the container was selected; and

(ii) before 1st January 1981, where pre-packed in a quantity of 150g.

(3) the types of natural cheese which are not excepted by sub-paragraph (2)(*c*) from the requirement that the unit price is to be given are Caerphilly, Cheddar, Cheshire, Derby, Double Gloucester, Dunlop, Edam, Gouda, Lancashire, Leicestershire and Wensleydale.

3. In the case of cheese which is not pre-packed, the indication shall be an indication of the unit price.

4. An indication of the price, if it is not marked on the cheese or on the container, shall be easily recognisable by an intending purchaser under normal conditions of purchase as referring to the cheese in question; but the indication need not be adjacent to the cheese and may be grouped, in the form of a list or otherwise, with other indications of the prices of other cheeses to which this Order applies.