FURNITURE

Control

THE FURNITURE (CONTROL OF MANUFACTURE AND SUPPLY) (NORTHERN IRELAND) ORDER, 1945, DATED 16TH FEBRUARY, 1945, MADE BY THE MINISTRY OF COMMERCE FOR NORTHERN IRELAND UNDER REGULATIONS 55, 55AA AND 98 OF THE DEFENCE (GENERAL) REGULATIONS, 1939.

1945. No. 20

The Ministry of Commerce for Northern Ireland (in this Order referred to as " the Ministry ") by virtue and in exercise of the powers under Regulations 55, 55AA and 98 of the Defence (General) Regulations, 1939, delegated to it by, and for the purposes mentioned in, an Instrument of Delegation dated the 15th day of September, 1944, made by the Board of Trade under the said Regulations hereby orders as follows :—

PART I

Controlled Goods

Controlled Goods.

1. This Part of this Order shall relate to the manufacture, and to the supply by the manufacturer, of controlled goods, that is to say, goods of any description specified in the First Schedule hereto.

Licensing of manufacturers.

2. No manufacturer shall manufacture any controlled goods or supply any controlled goods manufactured by him except under the authority of a licence granted by the Ministry under this Article and in accordance with any condition attaching thereto :

Provided that where any controlled goods are submitted for repair to the person who originally manufactured them, this Article shall not restrict the supply of those goods by the manufacturer to the person so submitting them if he has carried out those repairs but has not then carried out any process of manufacture.

Computation of value.

3.—(1) The provisions of this Article shall, in a case where a licence issued under Article 2 of this Order controls the quantity of goods which may be supplied by reference to the value thereof, apply to the computation of such value, but subject to any condition in the licence inconsistent therewith.

(2) In a case where controlled goods are supplied in pursuance of a contract of sale, or for work labour and materials, and the supplier and the person supplied are not associated in business, the value shall, unless the Ministry otherwise direct, be taken to be the price at which the goods are invoiced to the person supplied after deduction of all discounts, commissions and allowances to be credited to that person and any expenses incurred by the supplier in or about the delivery of the goods, and excluding any sum in respect of the Purchase Tax.

(3) In any other case (unless otherwise authorised by the Ministry) the value shall be taken to be the price (excluding any sum payable in respect of the Purchase Tax) which the goods would fetch on a sale in the open market at the date of the supply being a sale where—

(*a*) the goods are to be delivered forthwith at the premises of the seller for payment in cash,

(*b*) the price is the sole consideration for the sale of the goods, and

(*c*) the buyer and the seller are not associated in business.

Relief for composite businesses.

4.—(1) Subject to the provisions of paragraph (2) of this Article, where a person carries on a business which includes—

(*a*) a manufacturing branch and

(*b*) a wholesale branch, a retail branch, or both, in which no manufacture of controlled goods takes place (whether or not in different premises or under different names or styles),

he may give notice in writing to the Ministry that he desires the provisions of this Article to apply to him. Thereupon, if the Ministry consent to his application, the following provisions shall have effect in relation to his business for the purposes of this Order :—

(i) when he transfers any controlled goods manufactured by him from any manufacturing branch to any such wholesale or retail branch, he shall be deemed to supply them,

(ii) when he supplies or transfers any controlled goods manufactured by him from any such wholesale branch or retail branch, he shall not be deemed to supply controlled goods manufactured by him,

(iii) he shall keep the accounts and records of his manufacturing branch separate from those of any such wholesale or retail branch and they shall show clearly the transfer or supply of any goods from the manufacturing branch.

(2) Unless the Ministry otherwise direct, sub-paragraphs (i), (ii) and (iii) of the preceding paragraph shall have effect in relation to the business of any person to whom Article 5 of the Domestic Furniture (Control of Manufacture and Supply) (No. 2) Order, 1942, applied.

Government contracts.

5. Nothing in this Order shall affect the manufacture or supply of controlled goods ordered by or for the purposes of a department of the Imperial Government or of the Government of Northern Ireland.

PART II

Utility and Other Domestic Furniture

Furniture to which Part II applies.

6. This Part of this Order shall apply to controlled goods of descriptions included in the First Schedule to this Order.

Directions to manufacturers.

7.—(1) A manufacturer shall comply with any Direction issued by or on behalf of the Ministry regulating the manufacture by him of goods to which this Part applies specified in any licence issued to him under Article 2 of this Order, or the supply by him of any such goods notwithstanding anything inconsistent with that Direction in that licence.

(2) Without prejudice to the generality of the foregoing paragraph the Directions issued thereunder may include Directions—

(*a*) regulating the descriptions of goods which may be manufactured from a specified material or prohibiting the manufacture of any description of goods from a specified material,

(*b*) regulating the materials which may be used in the manufacture of any goods or the manner of use thereof, or prohibiting the use of any material therein or such use in any manner,

(*c*) regulating the processes and methods of manufacture which may be employed in the manufacture of any goods or prohibiting the employment of any process or any method of manufacture therein.

Utility Furniture.

8.—(1) Where any licence issued under Article 2 of this Order authorises the manufacture of any goods to which the Part applies referred to therein as " utility furniture ", the manufacturer shall apply to any such goods manufactured by him in pursuance of that licence the mark shown in the Second Schedule hereto (in this Order referred to as " the utility mark "). Any goods to which the utility mark has been applied in pursuance of this paragraph are for the purposes of this Order referred to as " utility furniture ".

(2) Any person required by the last foregoing paragraph to apply the utility mark to any goods shall comply with any Direction issued by the Ministry requiring—

(*a*) any number or other marking to be applied to utility furniture for the purpose of identifying the description or origin thereof, or

(*b*) the utility mark or any such number or other marking to be applied at any time or in any manner specified in the Direction.

(3) Any person who subjects utility furniture to any process of manufacture whereby the utility mark or any such number or other marking as aforesaid thereon is obscured shall apply again thereto in the prescribed manner that mark, number or marking as soon as may be.

(4) No person shall apply the utility mark to any goods of any description whatsoever except in accordance with this Order or any other Order made by the Ministry providing for the application of that mark.

(5) No person shall remove, deface or, with intent to deceive, obscure the utility mark duly applied to any goods to which this Part applies.

(6) No person shall supply, offer to supply or advertise goods not being utility furniture, upon or in relation to which the word "utility" or any word resembling that word is used, without taking sufficient steps to prevent the use thereof from importing a reference to utility furniture.

(7) A person shall comply with any Directions issued by the Ministry requiring the application of the utility mark to any article designed or adapted for use as a component part of any utility furniture, and the preceding provisions of this Article shall apply in relation to any such article in like manner as if that article were utility furniture.

(8) Nothing in this Article shall prevent the doing of any act under the authority of an exemption granted by the Ministry and in accordance with any condition attaching thereto.

Maximum prices for utility furniture.

9. A manufacturer who manufactures any utility furniture under the authority of a licence granted to him under Article 2 of this Order shall not charge in respect of the sale of any article thereof a gross price exceeding such price specified in relation to that article in the second or third column of the Third Schedule hereto as is appropriate to that sale. Provided that where an order for any furniture of a description numbered 22, 23, 24, 25, 26, 27, 34, 35, 46, 47 and 59 in the Schedule was received by the manufacturer

(*a*) from a retail customer before the date of the commencement of this Order, or

(*b*) from a person who is not a retail customer, before the 27th day of February, 1945

the gross price chargeable by the manufacturer in respect thereof shall be computed as if this Order had not been made.

Invoices.

10.—(1) A manufacturer who has supplied any utility furniture manufactured by him, to a person carrying on a business of supplying furniture, in pursuance of a contract of sale shall within seven days of that supply furnish to that person an invoice containing the following particulars, that is to say :—

(*a*) his name and the address of his principal place of business ;

(*b*) the name of the buyer and, if another person, of the person to whom the goods are being or will be sent, and the address to which the goods are being or will be sent ;

(*c*) a description of the goods to which the invoice relates (including such particulars as are specified in the first column of the Third Schedule hereto in relation to each article) and the quantities of each article ;