

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.

General obligations

6.—(1) Subject to Article 4, where in any eating area or supply area—

- (a) not more than thirty descriptions of food (other than table wine) are supplied, an indication of price shall be given for food of each description; or
- (b) more than thirty descriptions of food (other than table wine), are supplied, subject to paragraph (2), an indication of price shall be given for not fewer than thirty of those descriptions.

(2) Subject to Article 4, where an indication of price relating to food (other than table wine) supplied in any eating area or supply area is divided (in whatever manner) into parts determined by reference to the categories of food supplied—

- (a) if food of not more than five descriptions within any such category is supplied, an indication of price shall be given for food of each description; or
- (b) if food of more than five descriptions within any such category is supplied, an indication of price shall be given for not fewer than five of those descriptions.

(3) Where, in any eating area or supply area, food (other than drink) and drink are supplied, subject to the preceding provisions of this Article an indication of price shall be given for one or more descriptions of food (other than drink) which is supplied and for one or more descriptions of drink which is supplied.

(4) Where an indication is given that food of a particular description is supplied in any eating area or supply area, whether generally or in any indicated period in any day, for the purposes of the preceding provisions of this Article, food of that description shall be taken to be supplied there if such food is available for supply when the indication is first given or at the beginning of each such period, as the case may be, notwithstanding that it ceases to be available for supply, except that, where the indication is that food of that description is supplied generally, the indication is withdrawn as soon as is reasonably practicable after the food ceases to be so available.

(5) In the case of food which is supplied in any eating area or supply area as a table d'hôte meal, an indication of price shall be given for each such meal and, save in relation to any such food which is supplied otherwise than as part of such a meal, paragraphs (1) to (3) shall not apply to the food comprised in it.

Obligations relating to table wine

7.—(1) Subject to paragraph (2) where, in any eating area or supply area, table wine is supplied for consumption with any other food and—

- (a) not more than six descriptions of table wine are supplied, an indication of price shall be given for each description; or
- (b) more than six descriptions of table wine are supplied, an indication of price shall be given for not fewer than six of those descriptions.

(2) Where, in any eating area or supply area, table wine of more than one of the following kinds, that is to say, red wine, white wine and rosé wine, is supplied for consumption with other food and—

- (a) not more than two descriptions of table wine of any one of those kinds are supplied, an indication of price shall be given for each of those descriptions; or

- (b) more than two descriptions of table wine of any one of those kinds are supplied, an indication shall be given for not fewer than two of those descriptions.

Value added tax

8. In the case of food, or of a service relating to the supply of food, the supply of which is subject to value added tax, the price or charge indicated shall be inclusive of the tax.

Manner of indication of prices and charges

9.—(1) An indication of a price required by the provisions of this Order shall be clear and legible and easily read by an intending purchaser and shall comply with such of the following provisions of this Article as may be applicable.

(2) In the case of an eating area, the indication shall be in such a position at or near the entrance to the eating area that it is readily discernible by an intending purchaser before he enters the eating area, or, in the case of an eating area in a railway passenger vehicle where an intending purchaser requests the supply of food at the place at which it is to be consumed, shall be given in such a position that it is readily discernible by an intending purchaser at that place.

(3) In the case of a supply area, the indication shall be in such a position that it is readily discernible by an intending purchaser at the place where he chooses the food; and, if that indication is not also readily discernible by an intending purchaser before he enters the supply area, a further indication shall be given in such a position that it is readily discernible by an intending purchaser before he enters the supply area.

(4) Where any charge additional to the price of any food is payable and is either—

- (a) expressed as an amount or as a percentage of the price, or
(b) as a minimum price or charge payable in respect of any food sold or service provided relating to the supply of food,

the amount of the minimum price or charge shall be indicated at least as prominently as the price of food to which it relates.

Savings for other enactments

10. Nothing in Article 9 shall have effect to require anything to be done if the doing of it would be a contravention by any person of Regulations(d) made under, or having effect as if made under, Articles 41 and 51. of the Planning (Northern Ireland) Order 1972(e).

Sealed with the Official Seal of the Department of Commerce for Northern Ireland on 7th December 1979.

(L.S.)

W. T. McCrory
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

This Order revokes the Price Marking (Drinks on Licensed Premises) Order (Northern Ireland) 1975 and requires prices to be displayed on any premises where an indication is given that food or drink is or may be for sale for consumption there (Article 5). The display of prices is not required in bona-fide clubs, staff canteens or canteens in educational establishments (Article 4(1)), nor for food prepared by special request or for which a price has been agreed in advance (Article 4(2)).

Provision is made regarding the number of prices to be shown for food and drink (other than table wine (Article 6)) and for table wine (Article 7). Prices are to be indicated inclusive of VAT (Article 8) in the manner set out in Article 9. The requirements differ, depending on whether or not the food or drink is supplied by self service.