

1979 No. 408

CONSUMER PROTECTION**Price Marking (Fish) Order (Northern Ireland) 1979**

Made 23rd November 1979

Coming into operation 31st December 1979

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 (Fish) Order (Northern Ireland) 1979 and shall come into operation on 31st December 1979.

Revocation

2. The Price Marking (Meat and Fish) Order (Northern Ireland) 1974(b) is hereby revoked.

Interpretation

3.—(1) In this Order—

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

“pre-packed” means made up in advance ready for retail sale in or on a container.

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

Application of Order

4.—(1) Subject to paragraph (2), goods to which this Order applies are fish of any of the following descriptions, that is to say—

(a) fresh, chilled or frozen herring, mackerel, or sprat (otherwise known as brisling), not being pre-packed;

(b) fresh, chilled, frozen, salted or smoked fillets (including breaded fillets) of cod or codling, haddock, plaice or coley (otherwise known as coal fish or saithe), not being pre-packed.

(a) 1974 c. 24: s. 4 was amended by the Price Commission Act 1977 (1977 c. 33), s. 16
 (b) S.R. 1974 No. 216 (I, p. 924). By virtue of S.R. 1978 No. 60 (I, p. 150) the 1974 Order did not apply to meat offered or exposed for sale after 31st March 1978.
 (c) 1954 c. 33 (N.I.)

(2) This Order does not apply to—

- (a) salted or smoked herring, mackerel or sprat;
- (b) fish, including those specified in sub-paragraph (a), which have been subjected to any treatment or process resulting in a substantial change in the natural state of the fish, other than boning, paring, grinding, mincing, cutting, cleaning or trimming.

Control of sale

5.—(1) No person shall offer or expose for sale by retail goods to which this Order applies unless an indication of the price of the goods is given, being an indication complying with the requirements of the Schedule.

(2) Nothing in paragraph (1) shall apply in relation to fish offered or exposed for sale other than at a market, shop, stall or vehicle.

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

(L.S.)

W. T. McCrory
Assistant Secretary

SCHEDULE

Article 5(1)

1. In this Schedule—

“gross weight”, in relation to any goods, means the aggregate weight of the goods and any container in or on which they are made up;

“selling price”, in relation to any goods, means the price at which the goods are offered or exposed for sale, not being a price expressed by reference to a unit of measurement;

“unit price”, in relation to any goods, means the price per pound weight of those goods.

2. An indication of the price shall be an indication of the unit price.

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

4. Where the indication of the unit price is not adjacent to the goods to which it refers it 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 goods, or, if he would not select the goods himself, where he would, under those conditions, ask for the goods. If there is more than one such indication in relation to any goods it shall be sufficient if one such indication complies with this paragraph.

5. If the indications of the selling price (whether required by this Order or not) and of the unit price are both marked on the container they shall be in close proximity to each other but sufficiently distinct as not to confuse an intending purchaser under normal conditions of purchase.

6. Any indication shall be clear and legible, and easily read by an intending purchaser under normal conditions of purchase.

7. Where the indication of a unit price has been calculated by reference to the gross weight of the goods, that fact shall be clearly shown.

EXPLANATORY NOTE

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

This Order revokes and replaces without modification the provisions of the Price Marking (Meat and Fish) Order (Northern Ireland) 1974 (S.R. 1974 No. 216) relating to fish. The provisions of that Order relating to meat are now contained in separate legislation (S.R. 1978 No. 60).

The Order requires the price of fish of the kinds specified in Article 4 which are offered or exposed for sale by retail to be indicated. Alternative methods of indicating the price are set out in the Schedule.

The unit price (price per pound weight of the fish) is also to be indicated in all cases.

The reason for revoking and re-enacting the 1974 Order is that it was not a statutory rule for the purposes of the Statutory Rules Act (Northern Ireland) 1958. By virtue of section 16(3) of the Price Commission Act 1977 this Order is a statutory rule.