

1980 No. 337

CONSUMER PROTECTION

Price Marking (Petrol Price Display) Order
(Northern Ireland) 1980*Made* 6th October 1980*Coming into operation* 1st January 1981

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, commencement and revocation

1.—(1) This Order may be cited as the Price Marking (Petrol Price Display) Order (Northern Ireland) 1980 and shall come into operation on 1st January 1981.

(2) The Price Marking (Petrol Price Display) Order (Northern Ireland) 1979(b) is hereby revoked.

Interpretation

2.—(1) In this Order, a grade of petrol means one of the following grades, that is to say, 2 star, 3 star, 4 star or 5 star as mentioned in the British Standard specification for petrol (gasoline) for motor vehicles B.S.4040:1978 published on 29th September 1978.

(2) Where an indication is given on any premises that petrol is or may be for sale by retail there and that such petrol is of one of the grades mentioned in paragraph (1), it shall be treated for the purposes of this Order as being petrol of that grade.

(3) In this Order—

“cash price”, in relation to any grade of petrol on any premises, means the lowest price at which the petrol may be purchased for cash;

“equivalent price per gallon”, in relation to a price per litre, means the price that would be payable if the price were calculated by reference to the gallon on the basis that one litre is equivalent to 0.22 gallon, rounded up to the nearest tenth of a penny;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads;

“petrol” means oil to be delivered by means of a pump, being light oil within the meaning of section 1 of the Hydrocarbon Oil Duties Act 1979(c), derived from petroleum of a kind intended for use as fuel for propelling a motor vehicle;

“price”, except in the next following definition, means a price per gallon or per litre for the sale of petrol;

(a) 1974 c. 24: s. 4 was amended by the Price Commission Act 1977 (1977 c. 33), s. 16

(b) S.R. 1979 No. 294 (II, p. 1355)

(c) 1979 c. 5

“price display premises” means premises on which petrol is or may be for sale by retail and on which is displayed information legible to a person in a motor vehicle on the highway as to or concerning the price of petrol or of any grade of petrol, not being an indication of price given in compliance with Article 3 or displayed by means of a price computing mechanism, price indicator bar or other similar device;

“pump” means a measuring instrument for measuring quantities of petrol delivered by it into the tanks of motor vehicles.

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

Prices for sale of petrol to be indicated on pumps on any premises

3. Subject to Article 4, where a person indicates that petrol is or may be for sale by retail on any premises, he shall give an indication in writing of the price of the petrol which complies with the relevant provisions of Parts I and II of the Schedule.

Special provisions relating to prices of petrol sold by reference to the litre

4.—(1) Subject to paragraph (2), an indication of price of any petrol on any premises by reference to the litre shall not be sufficient compliance with Article 3 unless—

- (a) it is followed by an indication of the equivalent price per gallon, adjacent to the price indicated under that Article, or
- (b) the price of the petrol followed by the equivalent price per gallon are indicated in close proximity.

(2) Paragraph (1) shall not apply where the premises are price display premises and there is displayed in accordance with Article 5 a chart indicating clearly by means of juxtaposed, parallel, straight, linear scales the price per litre for the petrol and the equivalent price per gallon at equally spaced intervals on each scale of not more than one halfpenny.

(3) Subject to paragraph (4) where the price of any petrol is indicated under Article 3 on any premises by reference to the litre, all prices of petrol which is or may be for sale by retail on the premises shall be indicated by reference to the litre.

(4) Where all or any of the pumps on any premises are being adapted to measure in litres paragraph (3) shall not apply for a period of 28 days beginning with the date on which petrol is first delivered from a pump on the premises by reference to the litre.

Particulars required on the litre/gallon price comparison chart.

5. A chart displayed pursuant to Article 4(2) shall—

- (a) indicate prominently in figures comparable prices per litre and per gallon—
 - (i) in multiples of not more than five pence per gallon and one penny per litre, and
 - (ii) on a ground of a different colour in respect of litres to that in respect of gallons; and
- (b) in addition indicate prominently the equivalent amount in gallons of 1 litre, 5 litres and 50 litres.

Prices of petrol to be indicated on price display premises

6. Where a person indicates that petrol is or may be for sale by retail on any price display premises, he shall in addition to the indication required by Article 3 give an indication in writing of the price of the petrol which complies with the relevant provisions of Parts I and III of the Schedule.

(d) 1954 c. 33 (N.I.)

Special provision relating to prices of petrol sold by reference to the litre on price display premises

7. Where the price of any petrol is indicated under Article 6 on any price display premises by reference to the litre, the equivalent price per gallon shall also be indicated adjacent to the price indicated under that Article in the same manner as the price has to be indicated under that Article.

Sealed with the Official Seal of the Department of Commerce for Northern Ireland on 6th October 1980.

(L.S.)

W. T. McCrory

Assistant Secretary

SCHEDULE

Articles 3 and 6

PART I

Provisions applicable to any indication of price

1. In any indication of price—

- (a) figures representing whole numbers of the price shall be of the same size, and figures other than fractions in any other information required by this Order to be included in the indication shall not be larger than the figures representing whole numbers;
- (b) the overall height of any vulgar fraction shall be the same as that of the figures representing whole numbers;
- (c) by reference to the gallon, the figures after the decimal marker of any decimal fraction shall be not less than one half of the height of the figures before the decimal marker;
- (d) by reference to the litre, the figures after the decimal marker of any decimal fraction shall be of the same height as the figures before the decimal marker;
- (e) vulgar fractions and decimal fractions shall be in the same horizontal line as, and shall be given in characters of the same style, boldness and colour as, the whole numbers and shall be given on a ground of the same colour as that on which the whole numbers are given;
- (f) no symbol may be used to indicate the litre other than the symbol 'L'.

2. An indicated price shall include taxes and duties.

3. An indication of price shall show the grade of petrol to which it relates.

PART II

Provisions applicable to indication of price on pumps on any premises

4.—(1) An indication of price required by Article 3 shall be marked on each pump, and—

- (a) where the pump delivers one grade of petrol, shall be of the cash price of that grade; and
- (b) where the pump delivers more than one grade of petrol, shall be of the cash price of each grade.

(2) An indication referred to in sub-paragraph (1) shall identify the grade to which the price relates and shall include a statement of the unit of measurement by reference to which quantities of petrol are delivered from the pump.

(3) Where a person charges a higher price than the cash price in certain circumstances (whether it be for part only of a gallon or of a litre, for a quantity below a minimum quantity calculated by reference to volume or value, for sales otherwise than for cash, for sales at a particular time of the day or in some other circumstances), an indication referred to in sub-paragraph (1) shall include a statement of the nature of the circumstances in question.

(4) Where a person supplies the same grade of petrol from more than one pump and—

- (a) the consideration given for the price relating to the petrol supplied from one or more, but not all, of those pumps includes some additional benefit to the purchaser (otherwise than in relation to the time or manner of payment of the price), and
- (b) the price for the sale of petrol from a pump to which that additional benefit relates is higher than the price for sale from a pump to which it does not relate,

an indication referred to in sub-paragraph (1) marked on each pump to which the additional benefit relates shall include a statement that the price includes that additional benefit and that the price is higher than the price for sale from any pump to which that additional benefit does not relate.

5. An indication of price referred to in paragraph 4(1) shall be—

- (a) clear and legible; and
- (b) in a prominent position and at all times readily discernible and easily read by an intending purchaser at any place where he would under normal conditions of purchase select the grade or amount of the petrol.

6. An indication of a price and of the equivalent price per gallon, and a chart displayed, as mentioned in Article 4(1) and (2) and the information referred to in paragraph 4(2) to (4) shall be—

- (a) clear and legible;
- (b) marked separately from the price required to be marked under paragraph 4(1);
- (c) marked on each pump to which it relates or, to the extent that there is insufficient space on the pump, be grouped together and given on a notice which is in close proximity to, and which clearly relates to, the pump; and
- (d) in a prominent position and at all times readily discernible and easily read by an intending purchaser at any part of the premises where he would take delivery from the pump.

7. A price displayed by means of a price computing mechanism, price indicator bar or other similar device shall not be sufficient compliance with paragraph 4.

PART III

Provisions applicable to indication of price on price display premises

8.—(1) Where on price display premises 4 star petrol is or may be for sale by retail, that grade shall be the grade in respect of which an indication of price given under Article 6 is required to be given.

(2) Where on price display premises no 4 star petrol is or may be for sale by retail, the highest grade of petrol which is or may be for sale by retail shall be the grade in respect of which an indication of price given under Article 6 is required to be given.

9.—(1) An indication of price given under Article 6 in relation to a grade of petrol shall be of the cash price and shall include a statement of the unit of measurement to which the indication relates.

(2) Where a price indicated under Article 6 is dependent on the fulfilment of some condition (whether it be the purchase of whole gallons or litres of petrol or of a minimum quantity calculated by reference to volume or value, the method of payment, the time of the day in which the petrol is purchased or some other condition) the indication of price shall include the nature of the condition in question.

10. The unit of measurement to which the indication of price given under Article 6 relates shall be the unit by reference to which quantities of petrol are delivered from pumps on the price display premises; provided that where all or any of the pumps on the premises measuring in gallons are being adapted to measure in litres the price given under that Article shall be indicated by reference to the litre during the period referred to in Article 4(4).

11. Any indication of price or other information referred to in paragraph 9 shall be displayed on the premises in such manner that it is—

- (a) clear and legible; and
- (b) in a prominent position and at all times readily discernible and easily read by a person in a motor vehicle on the highway from whichever direction he may lawfully approach and enter the price display premises.

12. Any information referred to in paragraph 9(2) shall be given in characters none of which is less than 80 mm in height.

13. All the information referred to in paragraph 9(2) to be given in respect of a grade of petrol shall be grouped together and given in such manner that it is clear that it relates to that grade and to no other, except that, where it applies to more than one grade, it need only be given once in relation to all the grades to which it is relevant if it is given in such manner that it is clear that it relates to all those grades and to no other.

14.—(1) Any indication of price or other information referred to in paragraph 9, other than that to which sub-paragraph (2) applies, shall be displayed separately from information not required to be given by Article 7 or this Part of this Schedule.

(2) Where any indication of price required by paragraph 8 to be given in respect of a grade of petrol is given in respect of that grade and other grades, the other provisions of this Order shall apply to the indication of price in respect of those other grades as if the indication were given under Article 6.

15. Any information referred to in paragraph 9(2) other than the information repeated on the pump or on a notice in close proximity thereto shall be displayed at least as prominently as any other information designed to promote the sale of petrol, except the brand name.

EXPLANATORY NOTE

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

This Order supersedes the Price Marking (Petrol Price Display) Order (Northern Ireland) 1979 (S.R. 1979 No. 294). The principal changes are in connection with the indication of the price of petrol to be delivered by means of a pump for retail sale by reference to the litre.

The Order prohibits the indication of the price of petrol by reference to the litre unless—

- (a) the indication of the price of the petrol on the pump required to be given by Article 3 is followed by an adjacent indication of the equivalent price per gallon (Articles 2(3) and 4(1)(a)); or
- (b) the price of the petrol followed by the equivalent price per gallon are indicated in close proximity elsewhere on the pump (or near the pump if there is insufficient room on it) (Article 4(1)(b) and paragraph 6 of the Schedule to the Order); or
- (c) where the premises are price display premises, a price equivalent chart is displayed on the pump (or near the pump if there is insufficient room on it) (Article 4(2) and paragraph 6 of the Schedule).

Where the price of any petrol is indicated on any premises by reference to the litre, all prices of petrol for retail sale on the premises must be indicated by reference to the litre subject to a transitional period of 28 days to enable other pumps to be converted to metric sales (Article 4(4)).

The other principal changes are in the Schedule to the Order as follows:—

- (a) instead of indicating for any grade of petrol the highest price on the pump and the lowest price on the voluntary roadside price display, the price indicated at either location is to be the cash price, i.e., the lowest price at which petrol may be purchased for cash (paragraphs 4(1) and 9(1));
- (b) the nature of any circumstances in which more than the cash price is payable is to be indicated (paragraphs 4(3) and (4) and 9(2));
- (c) voluntary roadside price display need not extend beyond 4 star petrol or, if not sold, the highest grade sold (paragraph 8);
- (d) the cash price must be marked in every case on the pump (paragraph 4(1)).