

1992 No. 59

**CONSUMER PROTECTION****Price Marking Order (Northern Ireland) 1992***Made* . . . . . 20th February 1992*Coming into operation* . . . . . 1st April 1992

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The Department of Economic Development, in exercise of the powers conferred by section 4 of the Prices Act 1974(a) and now vested in it(b) and of every other power enabling it in that behalf, having consulted(c), 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 Order (Northern Ireland) 1992 and, subject to Article 20, shall come into operation on 1st April 1992.

(2) The Orders specified in Article 6(1) and in Schedule 3 are hereby revoked.

*Interpretation*

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

(2) In this Order—

“advertisement”, in relation to goods, means any form of representation (including a catalogue, a circular and a price list but not a container or a label) which promotes the sale by retail of those goods;

(a) 1974 c. 24; section 4 was amended by the Price Commission Act 1977 (c. 33), section 16(1) to (3)

(b) By S.I. 1982/846 (N.I. 11) Art. 4

(c) See 1974 c. 24 sections 2(6), 4(3) and (5)

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

- “food” has the meaning given by Article 2(2) of the Food Safety (Northern Ireland) Order 1991(a) save that it shall include feeding stuffs for dogs and cats as well as any imitation of any food which is displayed in order to indicate that that food is available for sale by retail;
- “goods” has the meaning given by section 61(1) of the Sale of Goods Act 1979(b), and shall include any imitation of any goods which are displayed in order to indicate that those goods are available for sale by retail and, unless otherwise expressed, includes food but does not include gas supplied through pipes;
- “goods sold from bulk” means goods which are not pre-packed or are not weighed or otherwise measured or counted for sale except in the presence of the buyer, within the meaning of Article 29(4) of the Weights and Measures (Northern Ireland) Order 1981(c), and “food sold from bulk” shall be construed accordingly;
- “goods pre-packed in pre-established quantities” means goods pre-packed in such a way that the quantity of goods in the container corresponds to a previously selected quantity (and shall include whole birds and poultry portions that are pre-packed within defined weight grades, all the birds or portions in each such grade being marked with the same weight); “food pre-packed in pre-established quantities” shall be construed accordingly;
- “goods pre-packed in variable quantities” means goods pre-packed in such a way that the quantity of goods in the container does not correspond to a previously selected quantity, and “food pre-packed in variable quantities” shall be construed accordingly;
- “motor fuel” means fuel of any kind supplied for use in a motor vehicle;
- “motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads;
- “premises” includes any shop, stall, kiosk or barrow and any vehicle, train, aircraft or vessel; and where a person indicates that goods are available for sale by retail from him in a part of larger premises owned or occupied by another, that part of those premises shall be treated as separate premises;
- “sale by retail” does not include sales of goods between private persons nor sales of goods which are bought for the purposes of a trade or commercial activity or which are supplied in the course of the provision of a service;
- “selling price” means, in relation to any goods which are or may be for sale by retail, the aggregate sums that the purchaser is required to pay in order to obtain the goods excluding, in the case of motor vehicles, vehicle excise duty;

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(a) S.I. 1991/762 (N.I. 7)

(b) 1979 c. 54

(c) S.I. 1981/231 (N.I. 10)

“unit price” means, in relation to any goods which are or may be for sale by retail, the price expressed by reference to any one of the units of measurement that are referred to in Article 7 or in Schedule 4; and other expressions used have the same respective meanings as given in the Weights and Measures (Northern Ireland) Order 1981.

(3) For the purposes of any reference in this Order to the sale by retail of any goods where a person (“the ostensible supplier”) supplies goods to another person (“the customer”) under a hire-purchase agreement, conditional sale agreement or credit-sale agreement within the meaning in each case of the Consumer Credit Act 1974(a) and where the ostensible supplier—

(a) carries on the business of financing the provision of goods for others by means of such agreements, and

(b) in the course of that business acquired his interest in the goods supplied to the customer as a means of financing the provision of them for the customer by a further person (“the effective supplier”),

the effective supplier and not the ostensible supplier shall be treated as selling by retail the goods to the customer.

#### *Application of Order*

3.—(1) Subject to the provisions of this Article, this Order applies to—

(a) goods which a person, or someone else on his behalf, indicates are or may be for sale by retail by him, and

(b) advertisements in which he, or someone else on his behalf, indicates the selling price or the unit price of goods which are or may be for sale by retail by him;

and references in this Order to “goods” are references to goods to which this Order applies.

(2) Advertisements to which paragraph (1)(b) applies shall not include those advertisements which do no more than indicate a price at which a person who supplies goods to another person (whether to be sold by retail by that person or by some other person) recommends that they be sold by retail or which give no more than a general indication of the price or a range of prices at which he expects they may be sold by retail.

(3) Where a person uses or adopts an advertisement such as is mentioned in paragraph (2) as a means of indicating the price at which goods are or may be for sale by retail by him, that advertisement shall comply with the provisions of this Order.

(4) In an advertisement to which this Order applies the indication of the selling price or the unit price shall be made in accordance with the provisions of this Order except that in the case of an advertisement which is not a written advertisement (including an advertisement broadcast by radio or television or

transmitted by cable programme service, public address system or displayed by film projection or disseminated by any similar system), such indication need not be given in written or printed form if in all other respects it complies with the provisions of this Order.

(5) This Order shall not apply to—

- (a) food which is sold and consumed in hotels, restaurants, cafes, public houses, hospitals, canteens or similar establishments;
- (b) sales of goods (not being food) by auction and sales of works of art, or
- (c) antiques whether or not of an age exceeding one hundred years.

(6) This Order shall not apply to goods ordered by telephone or post where a purchaser has agreed before or when placing the order that there need be no written indication of the price before the goods are supplied to him.

(7) This Order shall not require a person who is merely demonstrating goods to indicate the selling price or the unit price of those goods, nor shall it require a person who, acting in a market place, is determining the range of prices within which he will invite offers for purchase to indicate the selling price or the unit price of those goods until such time as he has determined the point in that range at which he will invite offers for them.

#### *Obligation to indicate selling price*

4.—(1) Where a person indicates that any goods (being goods other than motor fuel) are or may be for sale by retail, he shall indicate in writing the selling price of those goods in accordance with the following provisions of this Order.

(2) (a) The selling price shall be indicated either—

- (i) in the case of goods sold from bulk, by reference either to a unit of measurement or to a single item or to a specified quantity of the goods, or
- (ii) in the case of other goods, by reference to a single item or to a specified quantity of the goods.

(b) Where the selling prices at which different quantities of goods may be purchased do not vary in the same proportion to each other as the quantity of the goods, the indication of the selling price shall include sufficient information to enable the purchaser to calculate what the selling price of any quantity of the goods is.

#### *Obligation to indicate unit price and exemptions*

5.—(1) Where a person indicates that any of the goods referred to in paragraph (2) are or may be for sale by retail, he shall, except where exempted pursuant to paragraphs (3) and (4), indicate in writing the unit price of those goods in accordance with the following provisions of this Order.

(2) The goods referred to in paragraph (1) are—

- (a) goods sold from bulk;
- (b) goods pre-packed in variable quantities; and
- (c) on or after 7th June 1995, goods pre-packed in pre-established quantities which—

- (i) are specified in column (1) of Part I of Schedule 1 (except goods sold in the ranges of nominal quantities specified in relation to those goods either in column (2) or (3) thereof as the case may be);
  - (ii) are specified in column (1) of Part II of Schedule 1 (except goods sold in the ranges of container capacities specified in column (2) in relation to those goods);
  - (iii) are specified in column (1) of Part I of Schedule 1 when the goods are contained in aerosols, (except as provided in paragraph (4)(b)); or
  - (iv) being intoxicating liquor and other liquids specified in column (1) of Parts I, II and III of Schedule 1 to the Weights and Measures (Intoxicating Liquor) Order (Northern Ireland) 1989(a), are specified in that Schedule in paragraph (b) of column (3) of Part I or paragraph (b) or (c) of column (3) of Part II or in paragraph (b), (c) or (d) of column (3) of Part III if they are not made up in one of the prescribed quantities specified in column (2) of each Part.
- (3) The following goods shall be exempted from the requirement to indicate in writing the unit price in accordance with paragraph (1), namely—
- (a) goods with respect to which—
    - (i) provision has neither been made by or under Part V of the Weights and Measures (Northern Ireland) Order 1981 to ensure that they are sold only by quantity; nor
    - (ii) provision has been made by or under Part V of that Order to ensure that they may be pre-packed in or on a container only if the container is marked with an indication of quantity; nor
    - (iii) is there any duty under Part VI of that Order to ensure that the container in which they are contained is marked with a statement of quantity;
  - (b) goods which are sold by number or in a bunch;
  - (c) an assortment of different items sold in a single pack of goods;
  - (d) goods sold from vending machines;
  - (e) prepared dishes of food or goods contained in a single pack of goods from which a mixture is to be prepared;
  - (f) fancy products being food made in the form of a figurine, animal, cigarette or egg or in any other fancy form;
  - (g) multi-packs made up of two or more individual packs of goods each of which corresponds to one of the values appearing in a range in Schedule 1 or each of which, if sold individually, would be exempt from the requirements of this Article;
  - (h) a portion of meat or poultry cut at the request of, and in the presence of, an intending purchaser;
  - (i) perishable food sold at reduced prices on account of the danger of its deterioration;

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(a) S.R. 1989 No. 164 as amended by S.R. 1990 No. 395

- (j) goods pre-packed in pre-established quantities specified in column (1) of Schedule 1 which are—
- (i) except in the case of goods contained in aerosols, less than the lower limit or more than the upper limit specified in column (2) of Parts I and II of Schedule 1 in relation to the goods specified in column (1);
  - (ii) in the case of goods contained in aerosols, less than the lower limit or more than the upper limit specified in columns (2) to (4) of Part III of Schedule 1 in relation to goods in the containers specified in column (1);
- (k) intoxicating liquor and other liquids referred to in paragraph (2)(c)(iv) in quantities less than the lower limit or more than the upper limit specified in column (2) of Parts I, II and III of Schedule 1 of the Weights and Measures (Intoxicating Liquor) Order (Northern Ireland) 1989;
- (l) food sold in quantities of less than 50g or 50ml or more than 10kg or 10L; and
- (m) motor fuel.
- (4) There shall also be the following exemptions from the requirement to indicate in accordance with paragraph (1), namely—
- (a) in the case of goods described in paragraph (2)(c), goods which are for sale on premises where the number of employees who are each normally required to work there for 16 or more hours per week does not exceed two and which the seller (or his servant or agent) ordinarily himself selects and hands to the purchaser or delivers as the purchaser may direct; and
  - (b) in the case of goods described in paragraph (2)(c)(iii), goods sold in ranges of volume for goods sold in aerosols specified in columns (2) to (4) of Part III of Schedule 1 in relation to goods in the containers specified in column (1).
- (5) Where an indication of quantity for pre-packed goods is marked on the container in or on which those goods are made up, the unit price to be indicated under paragraph (1) shall be calculated by reference to the selling price and to the indicated quantity of those goods.
- (6) Where the unit prices of goods vary with the quantity of goods purchased, an indication complies with this Article if it is an indication of the unit price for a specified quantity of goods, provided that the indication includes sufficient information to enable the purchaser to calculate what the unit price for any quantity of goods is.

*Obligation to indicate unit price for cheese, meat and milk pre-packed in pre-established quantities*

6.—(1) The following Orders are hereby revoked—

The Price Marking (Cheese) Order (Northern Ireland) 1979(a);

The Price Marking (Meat) Order (Northern Ireland) 1978(b);

and in lieu thereof the provisions set out in the following paragraphs shall apply.

- (2) (a) In relation to cheese to which this paragraph applies, the indication of the price thereof shall comply with the requirement stated in sub-paragraph (d).
- (b) In this paragraph "cheese" means any of the following natural cheeses, namely, Caerphilly, Cheddar, Cheshire, Derby, Double Gloucester, Dunlop, Edam, Gouda, Lancashire, Leicestershire and Wensleydale.
- (c) This paragraph shall apply to cheese which is or may be offered or exposed for sale by retail pre-packed in pre-established quantities but not where it is—
- (i) pre-packed in quantities of 50 grams, 100 grams or multiples of 100 grams;
  - (ii) a whole cheese the net weight of which is not more than 500 grams;
  - (iii) pre-packed in a container made wholly or mainly of ceramic or other rigid material;
  - (iv) in a quantity not exceeding 25 grams;
  - (v) 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;
  - (vi) being sold at a reduced price on account of the danger of its deterioration.
- (d) The requirement mentioned in sub-paragraph (a) is that where the weight of the cheese is marked on the container the indication of the price shall include the unit price calculated by reference to the selling price and to the weight so marked.
- (3) (a) In relation to meat to which this paragraph applies, the indication of the price thereof shall comply with the requirement stated in sub-paragraph (d).
- (b) In this paragraph "meat" means any part of any cattle, sheep or swine.
- (c) This paragraph shall apply to meat in the display area of any premises which is or may be offered or exposed for sale by retail pre-packed in pre-established quantities and whether as fresh, chilled or frozen meat, but shall not apply—
- (i) if the piece of meat is offered or exposed for sale, and
    - (a) the weight is less than 25 grams, or
    - (b) the selling price does not exceed 30p and is marked on or in relation to the meat, andif (in either case) any indication of a unit price which might be taken as applying to that piece of meat makes it clear that it does not so apply;



- (ii) to processed meat, including meat which has been cured, smoked and otherwise treated including by the addition of salts, curing agents or other substances, resulting in a change in the natural state of the meat but not including treatment with proteolytic enzymes, boning, paring, grinding, mincing, cutting, cleaning or trimming;
  - (iii) to products commonly known as beefburgers, hamburgers or porkburgers consisting wholly or partly of meat;
  - (iv) to heads, feet and trotters;
  - (v) to bones, waste and scrap;
  - (vi) to meat when offered or exposed for sale as a single item together with other foods;
  - (vii) if the meat is being sold at a reduced price on account of the danger of its deterioration.
- (d) The requirement mentioned in sub-paragraph (a) is that where the indication of weight is marked on the container in or on which the meat is made up, the indication of the price shall include the unit price calculated by reference to the selling price and to the weight so marked.

(4) For the purposes of paragraph (3)(c), “display area” in relation to any premises on which the meat is offered or exposed for sale, means windows, including the beds thereof, and display rails in windows, and cabinets, counters and shelves for the display of the meat to an intending purchaser.

(5) In relation to milk to which the Price Marking (Pre-packed Milk in Vending Machines) Order (Northern Ireland) 1979(a) applies—

- (a) the following amendment shall be made to that Order, namely, in Article 3(1) in the definition of “unit price” after the word “pint” there shall be added the words “or the price per litre.”;
- (b) the unit price shall be expressed by reference to the same unit of quantity by capacity measurement (pint or litre) as appears in the indication which is required to be displayed on or in the vending machine by virtue of Article 12(3)(a) of the Weights and Measures (Miscellaneous Foods) Order (Northern Ireland) 1989(b).

*Units of measurement to be used for unit pricing*

7. The unit price required to be indicated under Article 5 and Article 6(2) and (3) shall be expressed in the following terms, that is to say in relation to—

- (a) any item of food that is included in Part I of Schedule 4, by reference to the kilogram or the pound;
- (b) any item of food that is not included in Part I of Schedule 4, by reference to any one of the units of measurement specified in Part II of that Schedule;

(a) S.R. 1979 No. 405

(b) S.R. 1989 No. 69 to which there is an amendment not relevant to this Order

- (c) any item of goods (not being food) that is included in Part III of Schedule 4, by reference to one of the units of measurement specified opposite that item;
- (d) any item of goods (not being food) that is not included in Part III of Schedule 4, by reference to any of the units of measurement specified in Part IV of that Schedule.

*Special provisions relating to unit prices of food sold by reference to metric units of measurement*

8.—(1) Subject to paragraph (3), an indication of the unit price of any food required to be included under Article 5(2)(a) and (b) and Article 6(2) and (3) by reference to a metric unit measurement shall be accompanied in close proximity by an indication of the unit price by reference to the imperial units of measurement specified in paragraph (2).

(2) The imperial units of measurement referred to in paragraph (1) shall—

- (a) in the case of any item of food that is included in Part I of Schedule 4, be the pound;
- (b) in the case of any item of food that is not included in Part I of Schedule 4 be—
  - (i) either the pound or  $\frac{1}{4}$ lb in cases where the indicated metric unit of measurement of weight is the kilogram or 100 grams, and
  - (ii) either the gallon or pint in cases where the indicated metric unit of measurement of volume or capacity is the litre or 100 millilitres.

(3) The indication to be made under paragraph (1) by reference to an imperial unit of measurement shall be regarded as being in close proximity to the indication of the unit price by reference to the metric unit of measurement if it be made in close proximity to that indication in whichever manner that latter indication is made in relation to the item of food in question pursuant to Article 9(4).

(4) In the case of any food sold from bulk, where any item of such food the unit price of which is required to be indicated under Article 5(1) on any premises is weighed or measured in metric units, all unit prices of such food so sold on those premises shall (subject to paragraph (5)) be indicated by reference to metric units of measurement.

(5) Where all or any of the equipment on the premises used for weighing or measuring any food as is referred to in paragraph (4) is being adapted to measure in metric units of measurement, that paragraph shall not apply for a period of 28 days beginning with the date on which unit prices of any such food are first indicated on such premises by reference to those units.

*Manner of indication of selling price or unit price of goods*

9.—(1) This article applies to goods other than motor fuel.

(2) The indication of price or the display of a statement referred to in this Order shall be—

- (a) unambiguous and easily identifiable by a prospective purchaser as referring to the goods in question; and

(b) clearly legible by a prospective purchaser.

(3) The indication of the selling price referred to in Article 4(1) shall—

(a) where the goods are exposed for sale by retail, be marked in any one or more of the following ways, namely—

- (i) on the goods or, if the goods are pre-packed, on the container;
- (ii) on a ticket or notice displayed on or in close proximity to the goods to which it refers;
- (iii) grouped together with other prices on a list in close proximity to the goods to which it refers;

(b) where the goods are not exposed for sale but where there is an indication that the goods are or may be for sale by retail, be given as follows—

- (i) in any case (including but not limited to cases of sales by way of mail order) where the indication that goods are or may be for sale by retail is given solely by means of advertisement, the indication shall appear in each and every advertisement in which there appears an invitation to purchasers to place an order for the goods; and
- (ii) in other cases, appear on the goods, or if the goods are pre-packed, on the container, or be included in a catalogue or price list, or appear by means of a visual display on a screen (including one forming part of an electronic point of sale system) or unit provided the relevant entry thereon shall have been shown to the purchaser before he offers to purchase the goods.

(4) The indication of the unit price referred to in Article 5(1) shall be marked in one or both of the following ways—

- (a) on or adjacent to the goods or, if the goods are pre-packed, on or adjacent to the container;
- (b) together with other indications of the unit prices of other goods referred to in Article 5(2) in the form of a list or otherwise.

(5) Where the indication of a unit price has been calculated by reference to the gross weight of the goods that fact shall be clearly indicated.

(6) Where any advertisement or catalogue mentions the selling price of any goods that advertisement or catalogue shall also indicate the unit price if those goods are goods in respect of which an indication of the unit price is required to be made under Article 5.

(7) If the selling price at which any goods are or may be for sale by retail is the same as the unit price at which those goods are or may be for such sale, the indication of the selling price that is required to be made under this Order may be made either in accordance with the requirements of paragraph (3) or with those of paragraph (4).

#### *Value added tax and other taxes*

**10.**—(1) This Article applies to goods other than motor fuel.

(2) In this Article “VAT” means the value added tax chargeable on the

supply of the goods or services in question and "other tax" means any other tax or duty to which any goods or services are subject.

(3) Subject to the provisions of Article 9, where a person indicates in accordance with this Order that any goods are or may be for sale by retail, the selling price or the unit price that is indicated on or in relation to those goods shall be indicated in such a manner as to be inclusive of any VAT or other tax relating to those goods.

(4) The indication of price may be indicated exclusive of any VAT or other tax where the sale of goods on any premises or arising out of any advertisement is mainly to persons carrying on business and where, in addition to the indication of price, there is displayed either—

- (a) a statement of the price inclusive of VAT and any other tax payable with equal prominence to the indication of price; or
- (b) a statement of the amount of the VAT or other tax payable expressed as a sum of money with equal prominence to the indication of price; or
- (c) prominent general statements that VAT or other tax is payable in addition to the prices indicated and stating the amount of the VAT or other tax expressed as a percentage.

(5) The provisions of this Order shall be complied with notwithstanding any change in the rate or coverage of VAT or any other tax, provided that where there is any such change a retailer who adjusts his prices in consequence thereof may—

- (a) by means of a general notice or notices for a period of 14 days from the date any such change takes effect, indicate that any goods subject to that change are not for sale at the price indicated and that such price will be adjusted to take account of the change if, but only if, any such notice is prominently displayed, is unambiguous and easily identifiable as referring to the goods in question and is clearly legible to prospective purchasers;
- (b) continue to distribute any catalogue or sales literature printed or ordered to be printed before a change is announced if, but only if—
  - (i) there is firmly attached thereto a label which prominently states that some or all of the prices printed therein are to be adjusted to reflect the change, and
  - (ii) it includes sufficient information to enable prospective purchasers to establish the adjusted prices of any goods listed, or
  - (iii) it refers to and is accompanied by a supplement which enables them to do so.

#### *Ancillary goods and services*

11.—(1) Where in connection with goods (whether pre-packed or otherwise) which are or may be for sale by retail other goods or services (in this paragraph and in paragraph (3) referred to as "ancillary goods or services") are provided and are required to be paid for in order to obtain those goods, the price of those goods shall be indicated so as to show that it is a price which is either inclusive or exclusive of the ancillary goods or services.

(2) Where in connection with any such sale as is mentioned in paragraph (1) there is an actual or prospective regulated consumer credit agreement under the Consumer Credit Act 1974<sup>(a)</sup> there need not be included in the price any charges included in the total charge for credit to be provided under that agreement.

(3) Where the price is indicated as being exclusive of ancillary goods or services the price of the ancillary goods or services shall be indicated as prominently as the indication of the price of the goods.

(4) In the case of the sale by retail of motor vehicles, if the number plates for the vehicle are excluded from the price there shall be a statement that this is so.

(5) The price indicated in a catalogue or price list may be indicated in such a manner as to be exclusive of any amount required to be paid for postage, packing or delivery, if—

- (a) a statement of any amounts required to be paid for such services expressed as a sum of money is made at the beginning or end of the catalogue or price list; and
- (b) a reference to the effect that an amount is required to be paid for such services, and to the page on which the amount is shown, appears on each page on which a price is indicated exclusive of any amount for such services as prominently as any price indicated on that page.

#### *Price marking and different methods of payments*

**12.** Where a person indicates that any goods (being goods other than motor fuel) are or may be for sale by retail and different prices are to apply for different methods of payment for those goods, the selling price or the unit price required to be indicated may relate to one of those methods only; provided that nothing in this Article shall affect the obligations of that person with regard to differential pricing pursuant to the Price Indications (Method of Payment) Regulations (Northern Ireland) 1991<sup>(b)</sup>.

#### *Special definitions in relation to sales of motor fuel*

**13.** For the purposes of Articles 14 to 17 and Schedule 2—

“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;

“price”, except in the next following definition, means a price per gallon or per litre for the sale of motor fuel and in Article 17(1)(b), Part I and paragraphs 5(3)(b) and 7 of Schedule 2 includes a price the amount of which is calculated by, or is dependent upon, some factor other than the measure of volume of the motor fuel supplied;

“price display premises” means premises on which motor fuel is or may be for sale by retail and on which is displayed information legible to a

(a) 1974 c. 39

(b) S.R. 1991 No: 285

person in a motor vehicle on the highway as to or concerning the price of motor fuel or of any grade or type of motor fuel, not being an indication of price given in compliance with Article 14;

“pump” means a measuring instrument for measuring and delivering quantities of motor fuel primarily into the tanks of motor vehicles; and references in Article 17(1) and in paragraph 5(3) of Schedule 2 to “method of payment” do not include a method of payment which is available only to persons having a pre-existing contractual or other connection with the person indicating the price in question or with some person connected with him, being a connection which relates principally to matters other than payment in respect of transactions between that person and the purchaser, and references in paragraph 5(3) of Schedule 2 to “different circumstances” and in paragraph 9(2) of Schedule 2 to “some condition” do not include an arrangement relating to the amount payable only by such persons.

*Prices for sale of motor fuel to be indicated on pumps*

14. Subject to Article 16, where a person indicates that motor fuel is or may be for sale by retail on any premises, he shall give an indication in writing on the pump of the price of the motor fuel which complies with the relevant provisions of Parts I and II of Schedule 2.

*Prices for sale of motor fuel to be indicated on price display premises*

15.—(1) Where a person indicates that motor fuel is or may be for sale by retail on any price display premises, he shall, in addition to the indication required to be made on the pump under Article 14, give an indication in writing of the price of the motor fuel which complies with the relevant provision of Parts I and III of Schedule 2.

(2) The price indicated under paragraph (1) in respect of any grade or type of motor fuel shall be the price calculated by reference to the same method of payment and the same circumstances as are indicated on the pumps for that grade or type pursuant to Article 14.

*Prices of motor fuel sold by reference to the litre*

16.—(1) Subject to paragraph (2), an indication of price of any motor fuel on any premises by reference to the litre shall not be sufficient compliance with Article 14 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 motor fuel followed by the equivalent price per gallon are indicated in close proximity.

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

(3) Subject to paragraph (4) where the price of any motor fuel is indicated under Article 14 on any premises by reference to the litre, all prices of motor fuel 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 are being adapted to measure in litres paragraph (3) shall not apply for a period of 28 days beginning with the date on which motor fuel is first delivered from a pump on the premises by reference to the litre.

(5) A chart displayed pursuant to paragraph (2) shall—

(a) indicate prominently in figures comparable prices per litre and per gallon—

(i) in multiples of not more than 5 pence per gallon and 1 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.

#### *Price indication for motor fuel at point of payment*

17.—(1) On any premises where motor fuel is for sale by retail, at the point where the payment therefor is made there shall be made available by the person making that sale a statement of—

(a) any method of payment (being a method of payment accepted by that person) to which the price he has indicated pursuant to Article 14 does not apply, and

(b) either—

(i) the price payable under each method mentioned in sub-paragraph (a) or,

(ii) the difference between the price payable by each such method of payment and the price that person has marked on the pumps pursuant to Article 14 and paragraph 5(1) of Schedule 2 expressed (as the case may require) as an addition to, or a deduction from, that price in terms of a percentage thereof or an amount of money.

(2) The statement referred to in paragraph (1) shall comply with Part I of Schedule 2 and shall be—

(a) clear and legible, and

(b) in a prominent position and at all times readily discernible and easily read by the purchaser at that point of payment.

#### *Special provisions relating to jewellery and precious metals*

18.—(1) The obligation to indicate the selling price referred to in Article 4(1) in cases where the goods concerned are items of jewellery or precious metal priced in excess of £2,500 and which are displayed in a window of the premises where they are for sale may, in lieu of the indication required under Article 9(3), be complied with in one of the following ways, namely—

- (a) by indicating on or next to the goods a code number by reference to which the prospective purchaser can by entering that number on an external keypad obtain a visual indication to the price; or
- (b) by showing to the prospective purchaser before he offers to purchase the goods an indication of the price in a catalogue or price list or as a visual display on a screen or unit.

(2) The obligation to indicate the selling price referred to in Article 4(1) in cases of items the price of which varies from day to day according to the price of the precious metals contained in them may be complied with by indicating, in a manner which complies with Article 9(2), on, or in close proximity to, each of the items—

(a) the weight, type and standard of fineness of each precious metal contained in them, and

(b) any element of the price which is not referable to weight, accompanied by a legible notice stating the price per unit of weight for the type and standard of fineness of each precious metal contained in the items on display.

(3) In this Article “precious metal” means gold, silver or platinum, or any other metal to which by an Order under section 17 of the Hallmarking Act 1973(a) the provisions of that Act are applied and “standard of fineness” means any one of the standards of fineness specified in column (2) of paragraph 2 of Schedule 2 to that Act.

#### *Special provisions relating to general reductions*

**19.** In any case where a retailer is proposing to sell goods to which this Order applies at less than the selling price or the unit price which is marked on those goods in one or more of the ways mentioned respectively in Article 9(3) or (4), he may either—

(a) mark the goods, container, ticket, notice or list (as the case may be) with an indication of the reduced price, or

(b) indicate that the goods (whether they be goods on all or a part of his premises, on or in a specific shelf, counter or table in his premises, or marked with a particular symbol or label) are for sale at a price reduced by reference to a fraction or percentage displayed on a general notice, provided that—

(i) such notice is prominently displayed, is unambiguous and easily identifiable as referring to the goods in question and is clearly legible to prospective purchasers, and

(ii) before purchase of the goods in question prospective purchasers are given (orally or in writing) a statement of what the reduced price is.

#### *Transitional provisions*

**20.** The provisions of this Order shall not apply in relation to an indication given—

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(a) 1973 c. 43



- (a) in a catalogue of which copies have been sent for printing before 1st April 1992;
- (b) in a periodical published before that date, being a periodical ordinarily published at regular intervals of more than 7 days;
- (c) in a direct mail advertisement, circular or price list first issued before that date;
- (d) in a cinematograph film or programme included in a cable programme service first exhibited before that date or in a radio or a television broadcast first broadcast before that date.

Sealed with the Official Seal of the Department of Economic Development on 20th February 1992.

(L.S.)

*A. H. McAlister*

Assistant Secretary

## SCHEDULE 1

Article 5(2),  
(3) and (4)

## Pre-Packed Goods

## PART I

## A: RANGES OF NOMINAL QUANTITIES (LIQUID FOODS)

<i>Goods</i> (1)	<i>Exemptions from Unit Price Marking</i>	
	(2) <i>All bottles</i>	(3) <i>Reusable bottles</i>
1. Non-sparkling fermented beverages (for example, cider, perry and mead) excluding wine of fresh grapes, grape must and liqueur wines	10cl-25cl-37.5cl-50cl-75cl-1L-1.5L-2L-5L	70cl-½ pint-1 pint-1 ⅓ pints-2 pints
2 Vermouths and other wines of fresh grapes flavoured with aromatic extracts; liqueur wines	50cl up to but not including 10cl-10cl-20cl-37.5cl-50cl-75cl-1L-1.5L-3L-5L	70cl
3 Fermented sparkling beverages (for example, cider, perry and mead) excluding wine	10cl-20cl-37.5cl-75cl-1L-1.5L-3L	70cl-½ pint-1 pint-1 ⅓ pints-2 pints
4 Beer made from malt, excluding acid beers	25cl-33cl-50cl-75cl-1L-2L-3L-4L-5L	70cl-½ pint-1 pint-1 ⅓ pints-2 pints
5 Acid Beers, gueuze	25cl-37.5cl-75cl	70cl-½ pint-1 pint-1 ⅓ pints-2 pints
6 Vinegar and substitutes for vinegar	25cl-50cl-75cl-1L-2L-5L	70cl
7 Olive oils, other edible oils	25cl-50cl-75cl-1L-2L-3L-5L-10L	70cl
8 Milk, fresh, not concentrated or sweetened, excluding yoghurt, kephir, curdled milk, whey and other fermented or acidified milk based beverages	20cl-25cl-50cl-75cl-1L-2L	70cl*-½ pint-1 pint-1 ⅓ pints*-2 pints

\*Note: cow's milk in any liquid form other than that of condensed milk (including evaporated milk) or of cream is not permitted to be made up in a quantity of 70cl or 1 ⅓ pints.

9	Waters, including spa waters and aerated waters	12.5cl-20cl-25cl-33cl-50cl-75cl-1L-1.5L-2L	70cl
10	Lemonade, flavoured spa waters and flavoured aerated waters and other non-alcoholic beverages not containing milk or milk fats excluding fruit and vegetable juices and concentrates	12.5cl-20cl-25cl-33cl-50cl-75cl-1L-1.5L-2L	70cl
11	Beverages labelled as alcohol-free aperitifs	10cl	70cl
12	Fruit juices (including grape must) or vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit, fruit nectar	12.5cl-20cl-25cl-33cl-50cl-75cl-1L-1.5L-2L	70cl

#### B: RANGES OF NOMINAL QUANTITIES (SOLID FOODS)

<i>Goods</i> (1)	<i>Exemptions from Unit Price Marking</i> (2)
1 Butter, margarine, emulsified or non-animal and vegetable fats (low fat spreads)	125g-250g-500g-1kg-1.5kg-2kg-2.5kg-5kg
2 Fresh cheeses except "petits suisses" and other cheese put up in the same way	62.5g-125g-250g-500g-1kg-2kg-5kg
3 Table and cooking salt	125g-250g-500g-750g-1kg-1.5kg-5kg
4 Impalpable sugars, red or brown sugars, candy sugars	125g-250g-500g-750g-1kg-1.5kg-2kg-2.5kg-3kg-4kg-5kg
5 Cereal flours, groats, flakes and oatmeal and meal, oatflakes (excluding prepared foods obtained by the swelling or roasting of cereals or cereal products (puffed rice, cornflakes and similar products))	125g-250g-500g-1kg-1.5kg-2kg-2.5kg (not applicable to oatmeal and oatflakes)-5kg-10kg

6 Prepared foods obtained by the swelling or roasting of cereals or cereal products (puffed rice, cornflakes and similar products)	250g-375g-500g-750g-1kg-1.5kg-2kg
7 Pasta products	125g-250g-500g-1kg-1.5kg-2kg-3kg-4kg-5kg-10kg
8 Rice	125g-250g-500g-1kg-2kg-2.5kg-5kg
9 Dried vegetables (excluding potatoes and dehydrated vegetables); dried fruits	125g-250g-500g-1kg-1.5kg-2kg-5kg-7.5kg-10kg
10 Ground or unground roasted coffee, chicory and coffee substitutes	125g-250g-500g-1kg-2kg-3kg-4kg-5kg-10kg
11 Frozen fruit and vegetables and pre-cooked potatoes for chips	150g-300g-450g-600g-750g-1kg-1.5kg-2kg-2.5kg
12 Frozen fish fillets and portions, breaded or not breaded	100g-200g-300g-400g-500g-600g-800g-1kg-2kg
13 Frozen fish fingers	150g-300g-450g-600g-900g-1.2kg-1.5kg-1.8kg
14 Ice-cream in quantities of more than 250ml (excluding any ice-cream whose volume is not determined by the shape of the container)	300ml-500ml-750ml-1L-1.5L-2L-2.5L-3L-4L-5L
15 Dry foods for dogs and cats (products with a moisture content of less than 14%)	200g-300g-400g-500g-600g-800g-1kg-1.5kg-2kg-3kg-5kg-7.5kg-10kg

### C: RANGES OF NOMINAL QUANTITIES (NON FOODS)

<i>Goods</i> (1)	<i>Exemptions from Unit Price Marking</i> (2)
1 Ready-to-use paints and varnishes (with or without added solvents, excluding dispersed pigments and solutions) with the exception of artists' colours for use in fine arts or teaching	25ml-50ml-125ml-250ml-375ml-500ml-750ml-1L-2L-2.5L-4L-5L-10L
2 Solid or powdered glues and adhesives	25g-50g-125g-250g-500g-1kg-2.5kg-5kg-8kg-10kg

- |    |  |  |
|----|--|--|
| 3  | Cleaning products inter alia products for leather and footwear, wood and floor coverings, ovens and metals including for cars, windows and mirrors including for cars; stain removers, starches and dyes for household use, household insecticides, descalers, household deodorizers, non-pharmaceutical disinfectants | 25-50-75-100-150-200-250-375-500-750-1,000-1,500-2,000-5,000-10,000-<br>(solid and powders in g, liquids and pastes in ml) |
| 4  | Skin and oral hygiene products; shaving creams, all-purpose creams and lotions, hand creams and lotions, sun products, oral hygiene products (excluding toothpaste)  | 15-30-40-50-75-100-125-150-200-250-300-400-500-1,000<br>(Solids and powders in g, liquids and pastes in ml)                |
| 5  | Toothpaste   | 25ml-50ml-75ml-100ml-125ml-150ml-200ml-250ml-300ml   |
| 6  | Hair-care products (except dyes) and bath products; lacquer, shampoos, rinsing products, strengtheners, brilliantines, hair cream (excluding hair lotions referred to in Item 7), "bubble bath" and other foaming products for bath and shower   | 25-50-75-100-125-150-200-250-300-400-500-750-1,000-2,000<br>(Solids and powders in g, liquids and pastes in ml)            |
| 7  | Alcohol-based beauty and toilet products containing less than 3% by volume of natural or synthetic perfume oil and less than 70% by volume of pure ethyl alcohol; aromatic waters, hair lotions, pre-shave and after shave lotions   | 15ml-25ml-30ml-40ml-50ml-75ml-100ml-125ml-150ml-200ml-250ml-300ml-400ml-500ml-750ml-1L                                     |
| 8  | Deodorants and personal hygiene products   | 20-25-30-40-50-75-100-150-200-<br>(Solids and powders in g, liquids and pastes in ml)                                      |
| 9  | Talcum powders   | 50g-75g-100g-150g-200g-250g-500g-1kg   |
| 10 | Solid toilet and household soaps   | 25g-50g-75g-100g-150g-200g-250g-300g-400g-500g-1kg   |
| 11 | Soft soaps   | 125g-250g-500g-750g-1kg-5kg-10kg   |
| 12 | Soap in flakes, chips, etc   | 250g-500g-750g-1kg-3kg-5kg-10kg  |
| 13 | Liquid washing, cleaning and scouring products and auxiliary products and hypochlorite preparations (excluding cleaning products listed in Item 3)   | 125ml-250ml-500ml-750ml-1L-1.25L (for hypochlorites only)-1.5L-2L-3L-4L-5L-6L-7L-10L                                       |

14	Scouring powder	250g-500g-750g-1kg-10kg
15	Pre-wash and soaking products in powder form	250g-500g-1kg-2kg-5kg-10kg
16	Solvents within the meaning given to that expression by regulation 5(4)(b) of the Classification, Packaging and Labelling of Dangerous Substances Regulations (Northern Ireland) 1985(a)	25ml-50ml-75ml-125ml-250ml-500ml-1L-1.5L-2.5L-5L-10L
17	Lubricating oils	125ml-250ml-500ml-1L-2L-2.5L-3L-4L-5L-10L

## PART II

## RANGES OF CONTAINER CAPACITIES

<i>Goods</i> (1)	<i>Exemptions from Unit Price Marking</i> (2)
1 Preserves and semi-preserves in tins and glass containers;	
(a) Vegetable products (fruit, vegetables, tomatoes, potatoes, with the exception of asparagus, soups, fruit or vegetable juices and fruit nectars) for human consumptions (excluding a description mentioned in any of the following items)	106ml-156ml-212ml-228ml-314ml-370ml-425ml-446ml-580ml-720ml-850ml-1.062L-1.7L-2.65L-3.1L-4.25L-10.2L
(b) Truffles	26ml-53ml-71ml-106ml-212ml-425ml-720ml-850ml
(c) Tomatoes:	
– concentrates	71ml-142ml-212ml-370ml-425ml-720ml-850ml-3.1L-4.25L
– peeled or unpeeled	236ml-370ml-425ml-720ml-850ml-2.65L-3.1L
(d) Fruit cocktails, fruits in syrup	106ml-156ml-212ml-228ml-236ml-314ml-370ml-425ml-446ml-580ml-720ml-850ml-1.062L-1.7L-2.65L-3.1L-4.25L-10.2L
2 Moist pet food for cats and dogs	212ml-228ml-314ml-425ml-446ml-850ml-1.062L-1.7L-2.65L

(a) S.R. 1985 No. 81 to which there are amendments not relevant to this Order

3. Washing and cleaning products in powder form	(packet No.)	E0.5-375ml
		E1 -750ml
		E2 - 1.5L
		E3 - 2.25L
		E5 - 3.75L
		E10 - 7.7L
		E15 -11.45L
		E20 -15.2L
		E25 -18.95L
		E30 -22.7L
	(drum No.)	E5 - 3.95L
		E10 - 7.7L
		E15 -11.45L
		E20 -15.2L
	E25 -18.95L	
	E30 -22.7L	

PART III  
RANGES OF VOLUMES FOR GOODS SOLD IN AEROSOLS

<i>Goods</i> (1)	<i>Exemptions from Unit Price Marking</i>		
	(2)	(3)	(4)
1 In metal containers.			Container capacities for:
	Volume of liquid phase	Products propelled by liquid gas	Products propelled by compressed gases alone and products propelled by nitrous oxide or carbon dioxide alone or by mixtures of the two alone when the product has a Bunsen coefficient of 1.2 or less
	25ml	40ml	47ml
	50ml	75ml	89ml
	75ml	110ml	140ml
	100ml	140ml	175ml
	125ml	175ml	210ml
	150ml	210ml	270ml
	200ml	270ml	335ml
	250ml	335ml	405ml
	300ml	405ml	520ml
	400ml	520ml	650ml
	500ml	650ml	800ml
	600ml	800ml	1L
	750ml	1L	—

- 2 In transparent or non-transparent glass or plastic containers:
    - 25ml
    - 50ml
    - 75ml
    - 100ml
    - 125ml
    - 150ml
-



## SCHEDULE 2

Articles 13 to 17

**Motor Fuel**

## PART I

## PROVISIONS APPLICABLE TO ANY INDICATION OF PRICE OF MOTOR FUEL

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. Every indication of, and statement relating to, the price shall be in respect of the price which is applicable to the sale of the motor fuel at the time it is sold and, where that price differs according to the time it is sold, every indication or statement that is required under Articles 14, 15 or 17 shall be varied so as to reflect the appropriate price at that time.
3. An indicated price shall include taxes and duties.
4. An indication of price shall show the grade or type of motor fuel to which it relates.

## PART II

PROVISIONS APPLICABLE TO INDICATION OF PRICE OF MOTOR FUEL ON PUMPS  
ON ANY PREMISES

- 5.—(1) An indication of price required by Article 14 shall be marked on each pump, and—
  - (a) where the pump delivers one grade or type of motor fuel, shall be of the price of that grade or type; and
  - (b) where the pump delivers more than one grade or type of motor fuel, shall be of the price of each grade or type of motor fuel.
- (2) An indication referred to in sub-paragraph (1) shall identify the grade or type of motor fuel to which the price relates and shall include a statement of the unit of measurement by reference to which quantities are delivered from the pump.

(3) Where a person charges a different price in different circumstances (whether it be according to the method by which payment is made, or for part only of a gallon or of a litre, for a quantity below a minimum quantity calculated by reference to volume or value, or in some other circumstances not being for sales at different times), the indication to be marked on the pump under sub-paragraph (1) shall include a statement of—

(a) any method of payment (being a method of payment accepted by the person giving the indication) to which, and any other applicable circumstance in which, the price he has indicated does not apply, and

(b) either—

(i) the price payable under each method of payment and other applicable circumstances mentioned in head (a); or

(ii) the difference between the price payable under each such method of payment and in other applicable circumstances, and the price that person has marked on the pump pursuant to sub-paragraph (1) expressed (as the case may require) as an addition to, or a deduction from, that price in terms of a percentage thereof or an amount of money.

(4) Where a person supplies the same grade or type of motor fuel from more than one pump and—

(a) the consideration given for the price relating to the motor fuel 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 motor fuel 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.

6. An indication of price referred to in paragraph 5(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 type or amount of the motor fuel.

7. An indication of a price and of the equivalent price per gallon, and a chart displayed, as mentioned in Article 16(1) and (2) and the information referred to in paragraph 5(2) to (4) shall be—

(a) clear and legible;

(b) marked separately from the price required to be marked under paragraph 5(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.

PROVISIONS APPLICABLE TO INDICATION OF PRICE OF MOTOR FUEL ON PRICE  
DISPLAY PREMISES

8.—(1) Where on price display premises 4 star petrol is or may be for retail sale, the indication of price required by Article 15 shall be in respect of 4 star petrol.

(2) Where on price display premises no 4 star petrol is or may be for retail sale, the indication of price under Article 15 may be in respect of any other grade or type of motor fuel.

(3) In this Part, “4 star petrol” means motor fuel designated as 4 star petrol in the British Standard Specification for Leaded petrol (gasoline) for motor vehicles BS 4040: 1988 published by the British Standards Institution on 31st May 1988.

9.—(1) An indication of price under Article 15 in relation to a grade or type of motor fuel shall include a statement of the unit of measurement to which the indication relates.

(2) Where a price indicated under Article 15 is dependent on the fulfilment of some condition (whether it be the purchase of whole gallons or litres of motor fuel or of a minimum quantity calculated by reference to volume or value, the method of payment, or some other condition not being for sales at different times), the indication of price shall include the nature of the condition in question; where the condition is the method of payment only one specified method of payment applicable to the price indicated need be included.

10.—(1) Subject to sub-paragraph (2) the unit of measurement to which the indication of price given under Article 15 relates shall be the unit by reference to which quantities of motor fuel are delivered from pumps on the price display premises, and where that motor fuel is delivered—

- (a) by reference to the litre, the indication of price given under Article 15 may include the equivalent price per gallon of the grade or type indicated under that Article;
- (b) by reference to the gallon, the indication of price given under Article 15 may include the equivalent price of the grade or type of motor fuel that is indicated pursuant to Article 15 by reference to the litre:

(2) Where all or any of the pumps on the premises measuring in gallons are being adapted to measure in litres, during the period referred to in Article 16(4) the price given under Article 15—

- (i) shall be indicated by reference to the litre, and
- (ii) may include the equivalent price per gallon.

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 80mm in height.

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

(2) When any such indication of price as is required by paragraph 8 to be given in respect of a grade or type of motor fuel is given in respect of any other grades or types of motor fuel, the provisions of Articles 14 to 17 and this Schedule shall apply to the indication of price in respect of those other grades or types of motor fuel as if the indication were given under Article 15.

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 motor fuel, except the brand name.

**Revocations**

Price Marking (Fish) Order (Northern Ireland) 1979	S.R. 1979 No. 408
Price Marking (Fruits and Vegetables) Order (Northern Ireland) 1979	S.R. 1979 No. 410
Price Marking (Food) Order (Northern Ireland) 1979	S.R. 1979 No. 414
Price Marking (Petrol Price Display) Order (Northern Ireland) 1980	S.R. 1980 No. 337
Price Marking (Petrol Price Display) (Amendment) Order (Northern Ireland) 1989	S.R. 1989 No. 163
Price Marking (Food) (Amendment) Order (Northern Ireland) 1989	S.R. 1989 No. 370
Price Marking (Petrol Price Display) (Amendment) Order (Northern Ireland) 1991	S.R. 1991 No. 284

## SCHEDULE 4

Articles 7 and 8(2)

## Units of Measurement for Unit Pricing

## PART I

## ITEMS OF FOOD TO BE UNIT PRICED IN KILOGRAMS OR POUNDS

- (1) Fruits and vegetables (excluding mushrooms and herbs) either—
- (a) in the state in which they were harvested; or
  - (b) in the said state apart from cleaning or trimming; or
  - (c) in the case of beetroots, in the said state apart from having been cooked; or
  - (d) in the case of peas, in the said state apart from having been shelled; or
  - (e) in the case of fruits (other than nuts) or vegetables which have been divided into pieces or have had part thereof removed or both, any part of those fruits or vegetables which has not been subjected to any further process other than those mentioned in sub-paragraph (b) to (d),

if they are offered or exposed for sale by weight and which are not pre-packed.

(2) Fresh, chilled or frozen meat (being part of cattle, sheep and swine), whether pre-packed or not, but not:

- (a) when offered or exposed for sale as a single item together with goods not so described;
- (b) processed meat;
- (c) products commonly known as beefburgers, hamburgers or porkburgers, consisting wholly or partly of meat so described;
- (d) heads, feet and trotters;
- (e) bones, waste and scrap;
- (f) a piece of meat offered or exposed for sale as a single item, and
  - (i) the weight is less than 25 grams, or
  - (ii) the selling price does not exceed 30p and is marked on or in relation to the meat, and if, in either case, any indication of unit price which might be taken as applying to that piece of meat makes it clear that it does not so apply;

“processed”, in relation to meat, includes curing, smoking and any other treatments including the addition of salts, curing agents or other substances, resulting in a change in the natural state of the meat, but does not include treatment with proteolytic enzymes, boning, paring, grinding, mincing, cutting, cleaning or trimming.

(3) Fish of any of the following descriptions—

- (a) fresh, chilled or frozen herring, mackerel, and sprat (otherwise known as brisling), not being pre-packed;
- (b) fresh, chilled or frozen, salted or smoked fillets (including breaded fillets) of cod or codling, haddock, plaice and saithe (otherwise known as coley or coal fish), not being pre-packed;

but not including—

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

(4) Subject to paragraph (5) cheese, being cheese whether or not containing flavouring or coloured matter, whether or not coated with or mixed with other food for the purpose of giving cheese a distinctive appearance or flavour and including processed cheese and cheese spread but not—

- (a) cheese in any quantity not exceeding 25g,
- (b) cheese forming any 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.

(5) In the case of pre-packed cheese only where the weight is marked on the container and not for—

- (a) a whole cheese the net weight of which is not more than 500g,
- (b) cheese pre-packed in a container made wholly of ceramic or other rigid material,
- (c) processed cheese, cheese spread or natural cheese of a type other than one referred to below, being processed cheese, cheese spread or natural cheese made up in a container marked with an indication of quantity 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 below when pre-packed in a quantity of 50g, 100g or in a multiple of 100g.

The types of natural cheese which are referred to in sub-paragraphs (c) and (d) are Caerphilly, Cheddar, Cheshire, Derby, Double Gloucester, Dunlop, Edam, Gouda, Lancashire, Leicestershire and Wensleydale.

## PART II

### METRIC AND IMPERIAL UNITS OF MEASUREMENT TO BE USED IN THE CASE OF OTHER ITEMS OF FOOD

<i>Metric units</i>	<i>Imperial units</i>
kilogram	pound
100 gram (g)	quarter pound (¼lb)
litre	gallon
100 millilitre (ml)	pint

## PART III

### ITEMS OF GOODS (NOT BEING FOOD) PERMITTED TO BE UNIT PRICED IN FRACTIONS OF UNITS

<i>Items of Goods (not being food)</i>	<i>Unit of measurement</i>
Cosmetic products within the meaning given to this expression by the Cosmetic Products (Safety) Regulations 1989(a)	kilogram 100 gram litre 100 millilitre

(a) S.I. 1989/2233, as amended by S.I. 1990/1812

Solid or powdered glues and adhesives	kilogram 100 gram
Cleaning products, stain removers, starches and dyes for household use, household insecticides, descalers, household deodorizers, non-pharmaceutical disinfectants	kilogram 100 gram litre 100 millilitre
Solid toilet and household soaps to extent that they are not included in cosmetic products as defined by the Cosmetic Products (Safety) Regulations 1989	kilogram 100 gram
Scouring powder	kilogram 100 gram
All categories of products when sold in aerosols	litre 100 millilitre

## PART IV

## METRIC AND IMPERIAL UNITS OF MEASUREMENT TO BE USED IN THE CASE OF OTHER ITEMS OF GOODS

<i>Metric units</i>	<i>Imperial units</i>
tonne	pound
kilogram	
litre	gallon
cubic metre	pint
metre	yard
square metre	square yard



## EXPLANATORY NOTE

*(This note is not part of the Order.)*

This Order implements European Community Council Directive 79/581/EEC (O.J. No. L158, 26.6.79, p. 19), as amended by Council Directive 88/315/EEC (O.J. No. L142, 9.6.88, p. 23), and Council Directive 88/314/EEC (O.J. No. L142, 9.6.88, p. 19) on consumer protection in the indication of the prices of foodstuffs and non-food products respectively.

The Order revokes all previous Price Marking Orders relating to food, except for the Price Marking (Pre-Packed Milk in Vending Machines) Order (Northern Ireland) 1979 (S.R. 1979 No. 405) and the Price Marking (Food and Drink on Premises) Order (Northern Ireland) 1979 (S.R. 1979 No. 427), namely the—

Price Marking (Meat) Order (Northern Ireland) 1978	S.R. 1978 No. 60
Price Marking (Cheese) Order (Northern Ireland) 1979	S.R. 1979 No. 293
Price Marking (Fish) Order (Northern Ireland) 1979	S.R. 1979 No. 408
Price Marking (Fruits and Vegetables) Order (Northern Ireland) 1979	S.R. 1979 No. 410
Price Marking (Food) Order (Northern Ireland) 1979	S.R. 1979 No. 414
Price Marking (Food) (Amendment) Order (Northern Ireland) 1989	S.R. 1989 No. 370
(Articles 1 and 6 and Schedule 3)	

The Order applies to goods sold by retail and to advertisements for such goods (Article 3) and with limited exceptions requires that the selling price of such goods, whether sold in shops or through other channels, is indicated in writing (Article 4).

The Order also requires that the unit price must be indicated for goods sold from bulk, goods pre-packed in variable quantities and, from 7th June 1995, for certain goods pre-packed in pre-established quantities (Article 5 and Schedule 1). Special provisions are included to deal with the unit pricing of cheese, meat and milk pre-packed in pre-established quantities (Article 6). The metric and imperial units of measurement to be used for unit pricing of food and other goods are specified (Article 7 and Schedule 4). Special provisions relating to unit prices of food sold by reference to metric units are included in Article 8.

The manner of indicating the price is set out in Article 9. Prices indicated should in general be the final price to the consumer. The Order requires prices to be indicated inclusive of VAT or other taxes (Article 10) and if the

consumer must pay for ancillary goods or services the price of these must be included in the price of the goods or stated separately (Article 11). When different prices are to be charged according to different methods of payment, the price indicated need relate to one of those methods only (Article 12).

Provisions are included in this Order dealing with all motor fuel (Articles 13 to 17 and Schedule 2); these provisions replace those in the Price Marking (Petrol Price Display) Order (Northern Ireland) 1980 and the Price Marking (Petrol Price Display) (Amendment) Orders (Northern Ireland) of 1989 and 1991 (S.R. 1980 No. 337, S.R. 1989 No. 163 and S.R. 1991 No. 284).

Special provisions are also included dealing with sales of jewellery and precious metals (Article 18) and general price reductions, e.g. in sales (Article 19), and transitional provisions deal with price indications contained in catalogues, price lists or in films or television or radio broadcasts (Article 20).

Any person who contravenes this Order shall be guilty of an offence and shall be liable on conviction on indictment, to a fine, or, on summary conviction, to a fine not exceeding the prescribed sum (currently £2,000).

Copies of the British Standard Specification for Leaded petrol (gasoline) for motor vehicles BS 4040: 1988 may be obtained from any of the sales outlets operated by the British Standards Institution (BSI) or by post from the BSI at Linford Wood, Milton Keynes, MK14 6LE.