
 STATUTORY INSTRUMENTS

1981 No. 1019

PRICES

The Butter and Concentrated Butter Prices (No. 2) Order 1981

<i>Made</i> - - - -	15th July 1981
<i>Laid before Parliament</i>	15th July 1981
<i>Coming into Operation</i>	21st July 1981

The Secretary of State, after consulting in accordance with section 2 (6) of the Prices Act 1974(a) with the organisations therein referred to, in exercise of his powers under section 2 (1), (4) and (8) of that Act and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation, commencement, interpretation and revocation

1.—(1) This Order may be cited as the Butter and Concentrated Butter Prices (No. 2) Order 1981 and shall come into operation on 21st July 1981.

(2) In this Order—

“the Act” means the Prices Act 1974;

“butter” means salted butter of each of the categories of butter specified in column 1 of the Table set out in Article 4, and in Articles 2, 3 and 7 means also unsalted butter, but does not include concentrated butter;

“concentrated butter” means concentrated butter (otherwise called butteroil for cooking) to which paragraph 1 of Article 5 of Commission Regulation (EEC) 649/78(b) applies;

“price”, in relation to butter, except where the context otherwise requires, means price per 250g weight, except that in the definition of “special offer price” in Article 3(2) and in Article 3(3) it means the price per 8 oz. or 250g weight; and

“weight” means net weight.

(3) The Orders specified in the Schedule hereto are hereby revoked.

Application

2. This Order does not apply to the price charged for the sale of any butter, other than New Zealand butter, by any person who has received a declaration in writing—

(a) in the case of butter imported into the United Kingdom and which is not packed in the United Kingdom, by the importer; or

(b) in the case of any other butter, by the packer;

that he has not claimed and will not claim in respect of that butter any payment the making of which is authorised by any Council Regulation (EEC)(c) which authorises the grant of a subsidy for that butter.

(a) 1974 c.24; section 2 was amended by the Prices Act 1975 (c.32), section 2.

(b) OJ No L86, 1.4.78, p.33.

(c) See Regulation (EEC) 1269/79 (OJ No L161, 29.6.79, p.8), as amended by Regulation (EEC) 1768/79 (OJ No L203, 11.8.79, p.1), Regulation (EEC) 1362/80 (OJ No L140, 5.6.80, p.14), and Regulation (EEC) 854/81 (OJ No L90, 4.4.81, p.14).

Gross percentage margin for butter

3.—(1) Subject to Article 4, no person (other than a person who produces butter or imports butter into the United Kingdom) shall sell any butter at a price which, taken with the prices of all butter sold by him in each period of 7 days beginning on the same day of the week as the base period, may reasonably be expected to give a greater gross percentage margin than the gross percentage margin he obtained for all butter sold by him (other than at a special offer price) in the base period.

(2) In this article—

“base period” in the case of any person means a single period of 7 days including 20th April 1977;

“gross percentage margin” means the excess (expressed as a percentage) of the total of the prices received by any person for butter over the prices paid by him for that butter; and

“special offer price” means—

(a) the price—

(i) at which a person sold butter during a continuous period of not less than 14 days and not more than 6 months ending not later than 4th May 1977 and including 20th April 1977; and

(ii) which is lower than the price at which he last sold butter before the beginning of that period; or

(b) the price (being a price ascertained under paragraph (3)(b) below) at which a person sold butter by retail during a continuous period of 2 months ending on 20th April 1977, notwithstanding, if such be the case, that he sold butter by retail at that price at any other time.

(3) References in the definition of special offer price in paragraph (2) above to—

(a) 20th April 1977 shall, in relation to a person who sold butter only at a special offer price on that date, be taken to be references to the first date thereafter (being a date before 4th May 1977) on which he sold butter at a price which is not a special offer price; and

(b) a price ascertained under this paragraph means a price which does not exceed the price specified in column 2 of the following Table in relation to the category of butter specified in column 1.

TABLE

Column 1 Category of butter	Column 2 Price in pence per 8oz. weight
New Zealand butter.....	26½
Any other butter (other than blended).....	28½
Blended butter of any variety and of any origin.....	27½

Maximum prices of salted butter

4.—(1) A person shall not sell butter packed for retail sale in a rectangular pack (other than a pack the length and breadth of which are equal and the

thickness of which is less than the length) of a weight of not less than 250g or of not more than 500g at a price which exceeds the price specified in paragraph (2) below.

(2) The price referred to in paragraph (1) above is the lower of the following prices, that is to say—

- (a) the price given by Article 3 above, and
- (b) the price specified in column 2 of the following Table in relation to the category of butter specified in column 1.

TABLE

Column 1 Category of butter	Column 2 Price in pence per 250g weight
New Zealand butter.....	57
Any other butter (other than blended).....	60
Blended butter of any variety and of any origin.....	58

Maximum prices of concentrated butter

5. A person shall not sell concentrated butter by retail at a price which exceeds the price specified in column 2 of the following Table in relation to the weight specified in column 1.

TABLE

Column 1 Weight	Column 2 Price in pence
50g	11
125g	24
per 250g	47½

Information relating to maximum prices of concentrated butter

6.—(1) Subject to paragraph (2) below, any person selling by retail any container of concentrated butter shall keep information specifying the maximum price provided by Article 5 available in writing and, on request by a customer or a duly authorised officer of a local weights and measures authority, produce and permit inspection of the document containing the information; and any such information shall be printed or written in clear and legible characters and shall be headed with the words “Statutory Maximum Prices of Concentrated Butter for Cooking”.

(2) Paragraph (1) above shall not apply in any case where the maximum price provided by Article 5 is marked on the container and is stated to be the statutory maximum price.

Artificial transactions and unreasonable charges relating to any butter or concentrated butter

7. A person shall not, in connection with the sale of any butter or concentrated butter, enter, or offer to enter, into any artificial transaction or make or demand any unreasonable charge.

Sally Oppenheim,
Minister of State,
Department of Trade.

15th July 1981.

SCHEDULE

Article 1(3)

REVOCATIONS

Column 1 Orders revoked	Column 2 References
The Butter Prices Order 1978.	S.I. 1978/97.
The Concentrated Butter Prices Order 1978.	S.I. 1978/971.
The Butter and Concentrated Butter Prices (Amendment) Order 1980.	S.I. 1980/4.
The Butter and Concentrated Butter Prices Order 1981.	S.I. 1981/904.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order replaces the Butter and Concentrated Butter Prices Order 1981 and consolidates, with amendments, the Butter Prices Order 1978 and the Concentrated Butter Prices Order 1978, as amended, which regulate the prices which may be charged for the sale of butter subsidised in pursuance of the EEC butter subsidy regulations and concentrated butter produced from butter sold from EEC intervention stocks.

The principal change is that the maximum retail prices of salted butter and concentrated butter are increased. In addition, it is made clear that the exemption given by Article 2 does not apply to New Zealand butter; and that where the statutory maximum price of concentrated butter is marked on the container it must, if Article 6(1) is not to apply, be stated to be the statutory maximum price.

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