
STATUTORY INSTRUMENTS

1991 No. 1382

The Price Marking Order 1991

Obligation to indicate unit price and exemptions

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

(2) The goods referred to above 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 to this Order (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 to this Order (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 to this Order when the goods are contained in aerosols (except as provided in paragraph (4)(b)) below; 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 1988(1), 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) above, namely—

- (da) goods with respect to which—
 - (i) provision has neither been made by or under Part IV of the Weights and Measures Act 1985 to ensure that they are sold only by quantity; nor
 - (ii) has provision been made by or under Part IV of that Act 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 V of that Act 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 to this Order 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;
 - (j) goods pre-packed in pre-established quantities specified in column (1) of Schedule 1 to this Order 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 to this Order 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) above 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 to the Weights and Measures (Intoxicating Liquor) Order 1988;
 - (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) above, namely—
- (a) in the case of goods described in paragraph (2)(c) above, 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) above, goods sold in ranges of volume for goods sold in aerosols specified in columns (2) to (4) of Part III of Schedule 1 to this Order 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) above 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.