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STATUTORY INSTRUMENTS

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**1991 No. 1382**

**The Price Marking Order 1991**

**Citation, commencement, interpretation and revocation**

1.—(1) This Order may be cited as the Price Marking Order 1991 and, subject to article 19 below, shall come into force on 1st September 1991.

(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;

“food” has the meaning given by section 1(1) and (2) of the Food Safety Act 1990<sup>(1)</sup> 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<sup>(2)</sup>, 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 within the meaning given by Part I of the Gas Act 1986<sup>(3)</sup> 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, and section 46 of the Weights and Measures Act 1985<sup>(4)</sup> shall apply for this purpose as it applies for the purposes of Part IV of that Act, 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;

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(1) 1990 c. 16.  
(2) 1979 c. 54.  
(3) 1986 c. 44.  
(4) 1985 c. 72.

“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;

“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 6 below or in Schedule 4 to this Order;

any other expressions used have the same respective meanings as given in the Weights and Measures Act 1985.

(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(5) 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.

(4) The Orders specified in article 5(1) below and in Schedule 3 to this Order are hereby revoked.

### **Application of Order**

2.—(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) above 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) above 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 does not apply to—

- (a) food which is sold and consumed in hotels, restaurants, cafes, public houses, hospitals, canteens or similar establishments;

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(5) 1974 c. 39.

- (b) works of art, or
- (c) antiques whether or not of an age exceeding one hundred years.

(6) This Order does 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) Nothing in this Order shall 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**

**3.—**(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.

- (a) (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**

**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(6), 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.

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

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

The Price Marking (Cheese) Order 1977(7);

The Price Marking (Meat) Order 1977(8);

The Price Marking (Cheese) (Amendment) Order 1978(9);

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

(a) (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) below.

(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.

(a) (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) below.

(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—

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(7) S.I. 1977/1334.

(8) S.I. 1977/1412.

(9) S.I. 1978/133.

- (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, and
 if (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) above 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) above, “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 1976<sup>(10)</sup> applies—
- (a) the following amendment shall be made to that Order, namely, in article 1(2) in the definition of “unit price” after the word “pint” there shall be added “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 11(3)(a) of the Weights and Measures (Miscellaneous Foods) Order 1988<sup>(11)</sup>.

### **Units of measurement to be used for unit pricing**

6. The unit price required to be indicated under article 4 and article 5(2) or (3) above 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 to this Order, by reference to the kilogram or the pound;
  - (b) any item of food that is not included in Part I of Schedule 4 to this Order, by reference to any one of the units of measurement specified in Part II of that Schedule;
  - (c) any item of goods (not being food) that is included in Part III of Schedule 4 to this Order, 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 to this Order, by reference to any of the units of measurement specified in Part IV of that Schedule.

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<sup>(10)</sup> S.I. 1976/796.

<sup>(11)</sup> S.I. 1988/2040.

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

7.—(1) Subject to paragraph (3) below, an indication of the unit price of any food required to be indicated under article 4(2)(a) and (b) and article 5(2) and (3) above by reference to a metric unit of 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) below.

- (2) The imperial units of measurement referred to in paragraph (1) above shall—
- (a) in the case of any item of food that is included in Part I of Schedule 4 to this Order, 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 ¼lb 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) of this article 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 8(4) below.

(4) In the case of any food sold from bulk, where any item of such food required to be indicated under article 4(1) above 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) below) 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) above 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**

- 8.—(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 3(1) above 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 4(1) above 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 4(2) above 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 4 above.

(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) above or with those of paragraph (4) above.

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

9.—(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 8 above, 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**

**10.**—(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) below 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) above there is an actual or prospective regulated consumer credit agreement under the Consumer Credit Act 1974<sup>(12)</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 payment**

**11.** 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 under this Order 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 1991<sup>(13)</sup>.

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

**12.** For the purposes of articles 13 to 16 below and Schedule 2 to this Order—

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<sup>(12)</sup> 1974 c. 39.

<sup>(13)</sup> S.I. 1991/199.

“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 16(1)(b) below, 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 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 13 below;

“pump” means a measuring instrument for measuring and delivering quantities of motor fuel primarily into the tanks of motor vehicles; and

references in article 16(1) below 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**

**13.** Subject to article 15 below, 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 to this Order.

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

**14.—(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 13 above, 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 to this Order.

(2) The price indicated under paragraph (1) above 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 13 above.

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

**15.—(1)** Subject to paragraph (2) below, an indication of price of any motor fuel on any premises by reference to the litre shall not be sufficient compliance with article 13 above 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) above shall not apply where there is displayed in accordance with paragraph (4) below 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) Where the price of any motor fuel is indicated under article 13 above 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: provided that where all or any of the pumps are being adapted to measure in litres this provision 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.

(4) A chart displayed pursuant to paragraph (2) above 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**

16.—(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 13 above does not apply, and
- (b) either
  - (i) the price payable under each method mentioned in (a) above 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 13 above and paragraph 5(1) of Schedule 2 to this Order 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) above shall comply with Part I of Schedule 2 to this Order 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**

17.—(1) The obligation to indicate the selling price referred to in article 3(1) above 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 8(3) above, 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 of 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 3(1) above 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 8(2) above, 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<sup>(14)</sup> 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**

**18.** 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 8(3) or (4) above, 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**

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

- (a) in a catalogue of which copies have been sent for printing before 1st November 1991;
- (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.

3rd June 1991

*E. Leigh*  
Parliamentary Under-Secretary of State,  
Department of Trade and Industry