



# Prices Act 1974

## 1974 CHAPTER 24

An Act to authorise the payment of food subsidies; to confer on the Secretary of State power to regulate the price of food and certain other goods and on the Price Commission additional powers for preventing or restricting increases in prices and charges; to make provision for requiring prices to be indicated on or in relation to goods offered or exposed for sale by retail and for requiring information as to the range within which food and certain other goods are commonly being sold by retail within the United Kingdom to be displayed by retailers dealing in those goods; to confer power to abolish the Pay Board; and for purposes connected with those matters. [9th July 1974]

### Commencement Information

II Act wholly in force at Royal Assent.

1 .....<sup>F1</sup>

### Textual Amendments

F1 Ss. 1, 6, 8(2), Sch. paras. 1, 2, 4 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. II

## 2 Power of Secretary of State to regulate price of food and certain other goods.

(1) The Secretary of State may by order—

- (a) regulate the prices to be charged for the sale of such subsidised food or fresh food as may be specified in the order and for the sale by retail of such other food or of such other goods to which this section applies as may be so specified;
- (b) require persons selling by retail food or other goods in relation to which an order under paragraph (a) above is in force to display such information with respect to the effect of the order as may be so specified [<sup>F2</sup>or to keep

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that information available in writing in accordance with the order under this paragraph and on request in accordance with the order to produce and permit inspection of the document containing the information;]

[<sup>F3</sup>(c) require persons selling, or who have after the coming into force of this paragraph sold, such food or other goods as are mentioned in paragraph (b) above to keep such records as may be specified in the order as being records which the Secretary of State considers are needed for the efficient enforcement of an order under paragraph (a) above.]

(2) In subsection (1) above—

“subsidised food” means food specified in or under subsection (2) of section 1 above, including bread and, if an order under paragraph (b) of that subsection describes the food to which it applies by reference to its use for the manufacture of any product, that product;

“fresh food” means food produced in the course of agriculture, horticulture or fishing which has not been incorporated in any processed product and to which no process has been applied except—

- (a) cleaning, sterilising, breaking down of bulk supplies or packaging; and
- (b) in the case of any carcasses or parts of carcasses of livestock or poultry or of any product of fishing, chilling, freezing, curing, cutting up or boning and, in the case only of bacon and ham, cooking.

(3) The goods, other than food, to which this section applies are articles which appear to the Secretary of State to be necessities normally the subject of recurrent expenditure by, and significantly affecting the cost of living for, persons with small incomes.

(4) Without prejudice to the generality of subsection (1) above—

- (a) an order under paragraph (a) of that subsection may make provision whereby the price to be charged by a person is not to exceed his buying price as determined in accordance with the order by more than a margin so determined;
- (b) an order under paragraph (b) of that subsection may make provision as to the place and manner in which any information is to be displayed;
- (c) an order under [<sup>F4</sup>any] paragraph of that subsection may make different provision in relation to different circumstances and may contain such supplementary provisions as the Secretary of State thinks necessary or expedient.

(5) ..... <sup>F5</sup>

(6) Before making an order under subsection (1)(a) [<sup>F6</sup>or (c)] above the Secretary of State shall consult, in such manner as appears to him 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 appear to him, having regard to those matters, to be appropriate.

(7) In determining whether and in what manner to exercise the powers conferred by subsection (1)(a) above the Secretary of State shall have regard to the circumstances of the food trade and the trade in other goods to which this section applies and to the effect of the exercise of those powers on the profitability of those trades.

(8) The power to make an order under this section shall be exercisable by statutory instrument and, in the case of an order under subsection (1) above, includes power to vary or revoke a previous order; and—

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(a) a statutory instrument containing an order under subsection (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament;

(b) ..... F7

(9) Nothing in this section applies to the sale of food for consumption on the premises where it is sold.

**Textual Amendments**

- F2 Words inserted by [Prices Act 1975 \(c. 32\), s. 2\(1\)\(a\)](#)
- F3 [S. 2\(1\)\(c\)](#) inserted by [Prices Act 1975 \(c. 32\), s. 2\(1\)\(b\)](#)
- F4 Word substituted by [Prices Act 1975 \(c. 32\), s. 2\(1\)\(b\)](#)
- F5 [S. 2\(5\)](#) repealed by [Prices Act 1975 \(c. 32\), s. 2\(1\)\(c\)](#)
- F6 Words inserted by [Prices Act 1975 \(c. 32\), s. 2\(1\)\(d\)](#)
- F7 [S. 2\(8\)\(b\)](#) repealed by [Prices Act 1975 \(c. 32\), s. 2\(1\)\(c\)](#)

3 ..... F8

**Textual Amendments**

- F8 [S. 3](#) repealed by [Price Commission Act 1977 \(c. 33\), Sch. 3](#)

**4 Price marking.**

[<sup>F9</sup>(1) The Secretary of State may by order make provision for securing—

- (a) that prices are indicated on or in relation to goods which a person indicates are or may be for sale by retail, whether or not the goods are in existence when he does so;
- (b) that charges are indicated for services which a person indicates are or may be provided, except services which he indicates are or may be provided only for the purposes of businesses carried on by other persons;
- (c) that prices of such goods or charges for such services are not indicated in a manner which the Secretary of State considers inappropriate and that no part of a penny except one half-penny is specified in the amount of an indicated price or charge.]

(2) Without prejudice to the generality of subsection (1) above, an order under this section [<sup>F10</sup>may specify the kinds of goods or services to which and the circumstances in which the order applies and]—

- (a) may make provision as to the manner in which any price is to be indicated;
- (b) may require that the price [<sup>F10</sup>or charge] to be indicated on or in relation to any goods [<sup>F10</sup>or services] shall be, or shall include, a price [<sup>F10</sup>or charge] expressed by reference to such unit or units of measurement as may be specified in the order;
- (c) may, in relation to goods [<sup>F10</sup>or services] subject to value added tax, make provision as to the circumstances in which the price [<sup>F10</sup>or charge] to be indicated may or may not be exclusive of the tax and as to the indication to be given of the tax included in, or payable in addition to, the price [<sup>F10</sup>or charge];

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- (d) may make different provision in relation to different circumstances and may contain such supplementary provisions as the Secretary of State thinks necessary or expedient.
- (3) Subsection (6) of section 2 above shall apply to an order under this section as it applies to an order under subsection (1)(a) of that section.
- (4) The power to make an order under this section shall be exercisable by statutory instrument and includes power to vary or revoke a previous order; and a statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In the application of this section to Northern Ireland for any reference to the Secretary of State there shall be substituted a reference to the Department of Commerce for Northern Ireland and any order made by the Department under this section shall be [<sup>F11</sup>a statutory rule for the purposes of the <sup>M1</sup>Statutory Rules Act (Northern Ireland) 1958 and be] subject to negative resolution within the meaning of section 41(6) of the <sup>M2</sup>Interpretation Act (Northern Ireland) 1954 as if it were a statutory instrument within the meaning of that Act; and subsection (4) above shall not apply to any such order except in so far as that subsection confers a power to vary or revoke a previous order.

#### Subordinate Legislation Made

- P1** [S. 4](#) power exercised by [S.I.1991/206](#).  
[S. 4](#): for exercises of this power see Index to Government Orders.

#### Textual Amendments

- F9** [S. 4\(1\)](#) substituted by [Price Commission Act 1977 \(c. 33\)](#), [s. 16\(1\)](#)  
**F10** Words inserted by [Price Commission Act 1977 \(c. 33\)](#), [s. 16\(2\)\(a\)](#)  
**F11** Words inserted by [Price Commission Act 1977 \(c. 33\)](#), [s. 16\(3\)](#)

#### Marginal Citations

- M1** [1958 c.18 \(N.I.\)](#)  
**M2** [1954 c. 33 \(N.I.\)](#)

## 5 Price range notices.

- (1) The Secretary of State may by order make provision for requiring persons selling by retail such goods to which this section applies as may be specified in the order to display such information as may be so specified with respect to the range of prices within which it appears to the Secretary of State that such goods are being commonly sold by retail in the United Kingdom, or in a particular part thereof, at a particular date or during a particular period.
- (2) The goods to which this section applies are food and any such goods as are mentioned in section 2(3) above.
- (3) Without prejudice to the generality of subsection (1) above, an order under this section—
- (a) may make provision as to the place and manner in which any information is to be displayed;

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- (b) may make different provision in<sup>2</sup> relation to different circumstances and may contain such supplementary provisions as the Secretary of State thinks necessary or expedient.
- (4) Subsection (6) of section 2 above shall apply to an order under this section as it applies to an order under subsection (1)(a) of that section except that consultation shall not be required as to the prices to be included in any order as constituting a range of prices applicable to goods of any description.
- (5) The power to make an order under this section shall be exercisable by statutory instrument and includes power to vary or revoke a previous order; and a statutory instrument containing an order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**6** ..... <sup>F12</sup>

**Textual Amendments**

**F12** Ss. 1, 6, 8(2), Sch. paras. 1, 2, 4 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. II

**7 Enforcement.**

The Schedule to this Act shall have effect for preventing abuse in connection with payments under section 1 above and for the enforcement of orders under sections 2, 4 and 5 above.

**8 Financial provisions.**

- (1) There shall be paid out of moneys provided by Parliament—
  - (a) the expenses of any government department in respect of the administration of this Act;
  - (b) any increase attributable to this Act in the sums so payable under any other Act.

(2) ..... <sup>F13</sup>

**Textual Amendments**

**F13** Ss. 1, 6, 8(2), Sch. paras. 1, 2, 4 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. II

**9 Short title and interpretation.**

- (1) This Act may be cited as the Prices Act 1974.
- (2) In this Act “food” means food and drink for human consumption.
- (3) In this Act any reference to any enactment is a reference to that enactment as amended by or under any subsequent enactment.

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- (4) No provision of this Act requiring consultation by the Secretary of State for any purpose shall be construed as requiring further consultation where the Secretary of State is satisfied that there has been sufficient consultation for that purpose before the passing of this Act.

**Modifications etc. (not altering text)**

**C1** S. 9(4) amended by [Prices Act 1975 \(c. 32\), s. 2\(1\)](#)

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## SCHEDULE

Section 7.

### ENFORCEMENT

#### *Food subsidies*

1 ..... F14

#### Textual Amendments

**F14** Ss. 1, 6, 8(2), Sch. paras. 1, 2, 4 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. II

2 ..... F15

#### Textual Amendments

**F15** Ss. 1, 6, 8(2), Sch. paras. 1, 2, 4 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), Sch. 1 Pt. II

- 3
- (1) A duly authorised officer of the Secretary of State or of the Minister of Agriculture, Fisheries and Food may, at all reasonable hours and on production, if required, of his credentials, exercise the powers specified in sub-paragraph (2) below for the purpose of determining—
    - (a) whether any payment is to be, or has been, properly made under any scheme under section 1 of this Act or falls to be repaid in accordance with any conditions subject to which it was made or falls to be made to the Secretary of State by virtue of any order under subsection (7) of that section; or
    - (b) whether any condition required to be observed under paragraph 2 above has been contravened.
  - (2) The said powers are—
    - (a) a power to inspect and take samples of any goods and to enter any land or any premises other than premises used only as a dwelling; and
    - (b) a power to require any person carrying on a business, or employed in connection with a business, to produce any documents relating to the business, and a power of making extracts from, or making copies of, the documents.
  - (3) Any person who—
    - (a) wilfully obstructs an officer acting under this paragraph; or
    - (b) wilfully fails to comply with a requirement imposed under this paragraph,shall be guilty of an offence and liable on summary conviction to a fine not exceeding [F16]level 5 on the standard scale].
  - (4) Any person who, with intent to deceive, produces, in compliance with a requirement under this paragraph, a document which to his knowledge is or may be misleading, false or deceptive in a material particular shall be guilty of an offence and liable on summary conviction to a fine not exceeding [F16]level 5 on the standard scale].
  - (5) Nothing in this paragraph shall be construed as compelling the production by a barrister, advocate or solicitor of a document containing a privileged communication made by or to him in that capacity.

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(6) In this paragraph “premises” include any stall, vehicle or vessel.

**Textual Amendments**

**F16** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**, (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G** and (N.I.) by [S.I. 1984/703 \(N.I. 3\)](#), **arts. 5, 6**

**Modifications etc. (not altering text)**

**C2** [Sch. para. 3](#) repealed except as it has effect for the purposes of para. 9 by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), **Sch. 1 Pt. II**

4

F17

**Textual Amendments**

**F17** [Ss. 1, 6, 8\(2\), Sch. paras. 1, 2, 4](#) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), **Sch. 1 Pt. II**

*Price regulation, price marking and price range notices*

- 5 (1) Any person who contravenes an order under section 2, 4 or 5 of this Act shall be guilty of an offence and liable—
- (a) on conviction on indictment, to a fine;
  - (b) on summary conviction, to a fine not exceeding £400.
- (2) A transaction shall not be invalid because it involves a price in excess of that permitted by an order under section 2 of this Act; but the person paying the price shall be entitled to recover the excess over the permitted price unless he is himself liable to punishment by reason of his having aided, abetted, counselled or procured the contravention of the order by the other party to the transaction.
- (3) Section 23 of the <sup>M3</sup>Trade Descriptions Act 1968 (offences due to fault of other person) and section 24(1) and (2) of that Act (defence of mistake, accident, etc.) shall have effect in relation to an offence in respect of an order under section 4 of this Act as they have effect in relation to an offence under that Act.

**Modifications etc. (not altering text)**

**C3** [Para. 5](#) extended by [Price Commission Act 1977 \(c. 33\)](#), **s. 13(5)**; modified by [S.I. 1977/1224](#), **reg. 2**

**Marginal Citations**

**M3** 1968 c.29.

6 It shall be the duty of every local weights and measures authority to enforce within their area any such order as is mentioned in paragraph 5(1) above.

7 A local weights and measures authority may make, or may authorise any of their officers to make, any purchases of goods [<sup>F18</sup>and any contracts for services] for the purpose of determining whether any such order is being complied with.



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### Textual Amendments

**F18** Words inserted by [Price Commission Act 1977 \(c. 33\), s. 16\(2\)\(b\)](#)

- 8 (1) Proceedings for an offence under paragraph 5 above shall not be instituted except by or on behalf of a local weights and measures authority.
- (2) Proceedings for any such offence shall not be instituted—
- (a) unless there has been served on the person charged a notice in writing of the date and nature of the offence alleged, being (except where he is a street trader) a notice served before the expiration of the period of thirty days beginning with that date; or
  - (b) after the expiration of the period of three months beginning with that date.
- (3) Such a notice as is mentioned in sub-paragraph (2)(a) above may be served on any person either by serving it on him personally or by sending it to him by post at his usual or last known residence or place of business in the United Kingdom or, in the case of a company, at the company's registered office.
- (4) Sub-paragraph (1) above does not apply to Scotland.
- 9 (1) A duly authorised officer of a local weights and measures authority may, at all reasonable hours and on production, if required, of his credentials, exercise any of the powers specified in paragraph 3(2) above and any of the powers specified in sub-paragraph (2) below for the purpose of determining whether an offence under paragraph 5 above has been committed.
- (2) The said powers are—
- (a) a power to seize and detain any document or goods which the officer has reason to believe may be required as evidence in proceedings for such an offence; and
  - (b) a power to seize and detain any goods if the officer has reason to believe that their examination is likely to produce evidence of the commission of any such offence.
- (3) Any person who—
- (a) wilfully obstructs an officer acting under this paragraph; or
  - (b) wilfully fails to comply with a requirement imposed under this paragraph; or
  - (c) without reasonable cause fails to give to any officer acting under this paragraph any other assistance or information which the officer may reasonably require for the performance by the officer of his functions under this Schedule,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F19</sup>level 5 on the standard scale].
- (4) Any person who, with intent to deceive, produces or gives, in compliance with a requirement under this paragraph, a document or information which to his knowledge is or may be misleading, false or deceptive in a material particular shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F19</sup>level 5 on the standard scale].
- (5) Nothing in this paragraph shall be construed as requiring a person to answer any question or give any information if to do so might incriminate him or as authorising

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the taking of possession of any such document as is mentioned in paragraph 3(5) above which is in the possession of a barrister, advocate or solicitor.

#### Textual Amendments

**F19** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**, (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G** and (N.I.) by [S.I. 1984/703 \(N.I. 3\)](#), **arts. 5, 6**

#### Modifications etc. (not altering text)

**C4** [Sch. para. 9\(2\)](#): power of seizure extended (*prosp.*) by [2001 c. 16, ss. 50, 52-54, 68, 138\(2\)-\(4\)](#), [Sch. 1 Pt. 1 para. 18](#)

- 10 Where a local weights and measures authority have made arrangements for the discharge of any of their functions as such by another local authority, the powers conferred by paragraph 9 above shall also be exercisable by a duly authorised officer of that other local authority.
- 11 In relation to any offence in respect of an order under section 2(1)(a) [<sup>F20</sup>or (c)] of this Act, the powers conferred by paragraph 9 above shall also be exercisable by any officer designated for the purposes of this paragraph by the Secretary of State, being an officer of a government department, of any such board, authority or body as is mentioned in paragraph 4 above . . . <sup>F21</sup>.

#### Textual Amendments

**F20** Words inserted by [Prices Act 1975 \(c. 32\)](#), **s. 2(4)**

**F21** Words repealed by [Competition Act 1980 \(c. 21, SIF 124:1\)](#), [Sch. 2](#)

#### *Restriction on disclosure of information*

- 12 (1) This paragraph applies to information given or supplied in pursuance of any scheme under section 1 of this Act or obtained in the course of exercising the powers conferred by paragraph 3 or 9 above.
- (2) No such information shall be disclosed except—
- (a) with the consent of the person by whom or on whose behalf the information was given or supplied or, as the case may be, the owner of the goods or the occupier of the land or premises; or
  - (b) to any Minister of the Crown, or an officer or servant appointed by, or person exercising functions on behalf of, a Minister of the Crown; or
  - (c) in the case of information obtained for the purpose of determining any such matter as is mentioned in paragraph 3(1)(b) above, to any member, officer or servant of any such Board as is mentioned in paragraph 2(7) above; or
  - (d) to, or to any officer of, a local weights and measures authority or any such other local authority as is mentioned in paragraph 10 above; or
  - (e) in the case of information obtained by an officer designated under paragraph 11 above, to any member, officer or servant of any board, authority or other body whose officer he is; or
  - (f) with a view to the institution of, or otherwise for the purposes of, any criminal proceedings pursuant to or arising out of this Act.

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- (3) Any person who contravenes this paragraph shall be guilty of an offence and liable—
- (a) on conviction on indictment, to a fine,
  - (b) on summary conviction, to a fine not exceeding £400.

**Modifications etc. (not altering text)**

**C5** Sch. para. 12(2): disclosure powers extended (14.12.2001) by 2001 c. 24, s. 17, Sch. 4 Pt. I para. 10

*Offences by bodies corporate*

- 13 Where an offence under this Schedule committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

*Northern Ireland*

- 14 (1) In the application of this Schedule to Northern Ireland for any reference to a local weights and measures authority there shall be substituted a reference to the Department of Commerce for Northern Ireland and paragraph 10 above shall be omitted.
- (2) In paragraph 11 above the reference to a government department includes a reference to a Northern Ireland department and in paragraph 12(2)(b) above references to a Minister of the Crown include references to a Northern Ireland department and the head of a Northern Ireland department.

**Status:**

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**Changes to legislation:**

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