



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 ^{F1}

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 paras. 1, 2, 4 repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1 Pt.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

F2 **Power of Secretary of State to regulate price of food and certain other goods.**

Textual Amendments

F2 S. 2 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 16** Group 2

Status: Point in time view as at 22/07/2004.

Changes to legislation: There are currently no known outstanding effects for the Prices Act 1974. (See end of Document for details)

3 F3

Textual Amendments

F3 S. 3 repealed by [Price Commission Act 1977 \(c. 33\)](#), [Sch. 3](#)

4 Price marking.

- [^{F4}(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 [^{F5}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 [^{F5}or charge] to be indicated on or in relation to any goods [^{F5}or services] shall be, or shall include, a price [^{F5}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 [^{F5}or services] subject to value added tax, make provision as to the circumstances in which the price [^{F5} 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 [^{F5}or charge;]
 - (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.
- [^{F6}(3) Before making an order under this section 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.]
- (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 [^{F7}a statutory rule for the purposes of the ^{M1}Statutory Rules Act (Northern Ireland)

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1958 and be] subject to negative resolution within the meaning of section 41(6) of the ^{M2}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: s. 4 power exercised by [S.I. 1991/206](#).
- S. 4: s. 4 power exercised by [S.I. 1991/1382](#)
- S. 4: s. 4 power exercised by [S.I.1991/1690](#)
- S. 4: for exercises of this power see Index to Government Orders.

Textual Amendments

- F4** S. 4(1) substituted by [Price Commission Act 1977 \(c. 33\), s. 16\(1\)](#)
- F5** Words inserted by [Price Commission Act 1977 \(c. 33\), s. 16\(2\)\(a\)](#)
- F6** [S. 4\(3\)](#) substituted (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), Sch. 2 para. 11](#)
- F7** Words inserted by [Price Commission Act 1977 \(c. 33\), s. 16\(3\)](#)

Marginal Citations

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

^{F8}5 Price range notices.

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Textual Amendments

- F8** [S. 5](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), Sch. 1 Pt. 16](#) Group 2

6 ^{F9}

Textual Amendments

- F9** [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 ^{F10}... for the enforcement of orders under sections ^{F10}... 4 ^{F10}... above.

Textual Amendments

- F10** Words in [s. 7](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\), Sch. 1 Pt. 16](#) Group 2

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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) ^{F11}

Textual Amendments
F11 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.

^{F12}(4)

Textual Amendments
F12 S. 9(4) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 16** Group 2

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 F13

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

2 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

- 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 [F15]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 [F15]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

F15 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

F16

Textual Amendments

F16 [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 ^{F17}... 4 ^{F17}... 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.

^{F18}(2)

- (3) Section 23 of the ^{M3}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.

Textual Amendments

F17 Words in [Sch. para. 5\(1\)](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 16** Group 2

F18 [Sch. para. 5\(2\)](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 16** Group 2

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 [^{F19}and any contracts for services] for the purpose of determining whether any such order is being complied with.

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Textual Amendments

F19 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 [^{F20}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 [^{F20}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

F20 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](#)

C5 [Sch. para. 9\(2\)](#) powers of seizure extended (1.4.2003) by [Criminal Justice and Police Act 2001 \(c. 16\)](#), [ss. 50, 138\(2\)](#), [Sch. 1 paras. 18](#) (with [ss. 52-54, 68](#)); [S.I. 2003/708](#), [art. 2\(a\)](#)

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.

^{F21}11

Textual Amendments

F21 [Sch. para. 11](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 16](#) Group 2

Restriction on disclosure of information

^{F22}12

Textual Amendments

F22 [Sch. para. 12](#) repealed (20.6.2003) by [Enterprise Act 2002 \(c. 40\)](#), [ss. 247\(c\), 279](#), [Schs. 26](#); [S.I. 2003/1397](#), [art. 2\(1\)](#), [Sch.](#) (with [art. 6](#))

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.

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- (2) ^{F23} ... 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.

Textual Amendments

- F23** Words in [Sch. para. 14\(2\)](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 16](#) Group 2

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Changes to legislation:

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