

1978 No. 1716

PRICES

The Indication of Prices (Beds) Order 1978

<i>Made - - - -</i>	<i>29th November 1978</i>
<i>Laid before Parliament</i>	<i>8th December 1978</i>
<i>Coming into Operation</i>	<i>1st March 1979</i>

Whereas—

- (1) the Secretary of State on 31st August 1978 first published a report made to him by the Price Commission pursuant to section 11(1) of the Price Commission Act 1977(a) on the question of the relationship between recommended retail prices and actual retail prices of beds and the effect of such recommended retail prices on the prices and margins of manufacturers and distributors; and
- (2) the said report includes—
 - (a) an indication of a matter which the Price Commission consider is connected with that question and should be remedied, and
 - (b) advice as to certain matters specified by the Secretary of State as matters on which the Price Commission's advice was required:

Now, therefore, the Secretary of State—

- (a) as respects the provisions of articles 1, 2 and 6 of this Order, after consulting the Director General of Fair Trading in accordance with section 12(3) of the said Act of 1977, in exercise of the powers conferred on him by section 12(3), (4)(a) and (6)(c) of that Act; and
- (b) as respects the provisions of articles 1, 3, 4 and 5 of this Order, after consulting in such manner as appeared to him appropriate having regard to the subject-matter and urgency of those provisions in accordance with section 4(3) of the Prices Act 1974(b), in exercise of the powers conferred on him by section 4(1)(c) of that Act as substituted by section 16(1) of the said Act of 1977,

and in exercise of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Indication of Prices (Beds) Order 1978 and shall come into operation on 1st March 1979.

(a) 1977 c. 33.

(b) 1974 c. 24.

(2) In this Order, "bed" means a bed of any description (other than a camp bed and a bed intended primarily for outdoor use) intended for ultimate sale to private consumers, and includes mattresses and headboards.

(3) The Interpretation Act 1889(a) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Prohibition of the indication of resale prices

2. A person who indicates that a bed is or may be for sale by him shall not indicate a price at which another person buying it may sell it.

Marking of bed prices

3.—(1) Subject to the following provisions of this article, and of article 5, a person who indicates that a bed is or may be for sale by him by retail shall not, on or in relation to it, indicate a price for its sale in such a manner that the indication includes a statement of a description to which this paragraph applies.

(2) Paragraph (1) above applies to any statement (however framed and whether express or implied) that the price indicated is lower than—

- (a) the amount of a price which the same or another person has indicated as being a price at which a bed of the same description might be sold by any person; or
- (b) a value ascribed to a bed of any description; or
- (c) the amount of a price (not being a price referred to in sub-paragraph (a) above or in paragraph (3) below) for the sale of a bed of the same description (whether or not that price is or is not specified or quantified or is or is not a price which has been charged, indicated or proposed by any person).

(3) The prices referred to in sub-paragraph (c) of paragraph (2) above as being prices to which that sub-paragraph does not apply are—

- (a) a particular price which the person giving the indication—
 - (i) proposes to charge in the ordinary course of business or has so charged in identified circumstances, or
 - (ii) has reasonable grounds for believing has been charged in the ordinary course of business by another identified person in identified circumstances,including, in each case, a price for the sale of a bed of the same description in a specified different condition or quantity; or
- (b) a particular price applicable to the sale by the person giving the indication of a bed of the same description—
 - (i) upon different terms as to the time or manner of payment (including the provision of credit by any person),
 - (ii) in specified different circumstances,
 - (iii) in a specified different condition or quantity, or
 - (iv) where the bed is purchased with any other goods.

(4) For the purposes of paragraph (3) above, in relation to an indication of a price—

(a) a person shall be taken to be an identified person, and

(b) circumstances shall be taken to be identified circumstances,

only if the person is, or the circumstances are, identified in the indication.

(5) To the extent to which, apart from this paragraph, an act would be a contravention of any of the foregoing provisions of this article and of any of the provisions of section 11 of the Trade Descriptions Act 1968(a), those provisions of this article shall not have effect.

Provisions supplemental to article 3

4. For the purposes of article 3 above—

(a) a bed shall be taken to be of the same description as another bed if that other bed is by reason of its construction of a description with which the bed may reasonably be compared; and

(b) a person shall at any time be taken to propose a particular price only if before that time he has given notice by display, advertisement or other public notice of his intention to do business at that price at or after a date specified therein or after a period so specified.

5. Article 3 does not apply to any indication of a price in a printed and dated publication which is published after 30th November 1978, being a publication which—

(a) contains at least 50 printed pages,

(b) is a catalogue or work of reference ordinarily published at intervals of 6 months or more, and

(c) is printed before 1st January 1979 or, if first printed before that date, is reprinted without amendment on or after that date;

and in this article “printed and dated publication” means a printed publication which, in a reasonably prominent position, either contains the date of its publication or words which clearly indicate the currency of the publication by reference to a particular calendar or seasonal period.

Enforcement of article 2

6. Article 2 shall be enforced in Great Britain by every local weights and measures authority within their area and, in Northern Ireland, by the Department of Commerce.

29th November 1978.

Roy Hattersley,
Secretary of State,
Department of Prices and Consumer Protection.

EXPLANATORY NOTE

(This Note is not part of the Order.)

In a report to the Secretary of State for Prices and Consumer Protection following a direction by him under section 10 of the Price Commission Act 1977 which related to the use of recommended resale prices and to dual price marking in the retailing of beds, the Price Commission gave advice on certain matters which they considered should be remedied.

This Order, which is made in consequence of that advice, prohibits in respect of beds any indication by a person that beds for sale by him may be sold by a person buying them at a particular price (article 2); and further provides, except in circumstances set out in the Order, that dual price marking of beds shall be prohibited (articles 3 to 5).

The Order is to be enforced by local weights and measures authorities in Great Britain and in Northern Ireland by the Department of Commerce; see, as respects article 2, article 6 of the Order and, as respects articles 3 to 5, paragraphs 6 and 14 of the Schedule to the Prices Act 1974.

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