

# EU Consumer Law Acquis Compendium

## Legislation

United Kingdom (UK) Nr. 8



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### Full name and/or number of the statute (in original language):

Prices Act 1974

### Translation of the name:

Prices Act 1974

### Reference in Official Journal (if appropriate):

### Date of coming into force:

09.07.1974

### Subsequent amendments:

Amended by the Statute Law (Repeals) Act 2004, Sch.1, part 16(2), para.1 as of 22.7.2004

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### Text:

Prices Act 1974

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4 Price marking

(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 business 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 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 or charge is to be indicated;

(b) may require that the price or charge to be indicated on or in relation to any goods or services shall be, or shall include, a price 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 or services subject to value added tax, make provision as to the circumstances in which the price 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 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.

(3) Before making an order under this section the Secretary of State shall consult, in such a 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 appears to him, having regard to those matters, to be appropriate.

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(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 a statutory rule for the purposes of the Statutory Rules Act (Northern Ireland) 1958 and be subject to negative resolution within the meaning of section 41(6) of the 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.

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## 7 Enforcement

The Schedule to this Act shall have effect for the enforcement of orders under section 4 above.

### SCHEDULE Enforcement

#### Food subsidies

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(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 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 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.

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

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Price regulation, price marking and price range notices

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(1) Any person who contravenes an order under section 4 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 the prescribed sum.

(2)...

(3) Section 23 of the 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.

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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.

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

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(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.



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(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 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 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 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.

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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.

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Offences by bodies corporate

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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

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(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 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.