1979 No. 294

CONSUMER PROTECTION

Price Marking (Petrol Price Display) Order (Northern Ireland) 1979

Made . . . . . *23rd August* 1979

Coming into operation in accordance with paragraphs (2) *and* (3) *of Article* 1

The Department of Commerce, having consulted, in such manner as appeared to it to be appropriate having regard to the subject matter and urgency of this Order, with such organisation representative of interests substantially affected by this Order as appeared to it, having regard to those matters, to be appropriate, in exercise of the powers conferred on it by section 4(**a**) of the Prices Act 1974(**b**) and of every other power enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Price Marking (Petrol Price Display) Order (Northern Ireland) 1979.

(2) This Order, except Articles 2, 3 and 4 shall come into operation on 17th September 1979.

(3) Articles 2, 3 and 4 shall come into operation on 12th November 1979.

Revocation

2. The Price Marking (Petrol Price Display) Order (Northern Ireland) 1977(**c**) is hereby revoked.

Interpretation

3.—(1) In this Order, a grade of petrol means one of the following grades, that is to say, 2 star, 3 star, 4 star or 5 star as mentioned in the British Standard specification for petrol (gasoline) for motor vehicles B.S. 4040: 1978 published on 29th September 1978.

(2) Where an indication is given on any premises that petrol is or may be for sale by retail there and that such petrol is of one of the grades mentioned in paragraph (1), it shall be treated for the purposes of this Order as being petrol of that grade.

(3) In this Order—

"motor vehicle" means a mechanically propelled vehicle intended or adapted for use on roads;

"petrol" means oil, being light oil within the meaning of section 1 of the Hydrocarbon Oil (Customs and Excise) Act 1971(**d**), derived from petroleum of a kind intended for use as fuel for propelling a motor vehicle;

"price", except in the next following definition, means a price, per gallon or per litre, as the case may require, for the sale of petrol;

(**a**) As amended by 1977 c. 33 s. 16
(**b**) 1974 c. 24
(**c**) S.R. 1977 No. 293

"price display premises" are premises on which petrol is or may be for sale by retail and on which is displayed information—

(*a*) as to the price of petrol or of any grade or sub-grade of petrol, not being an indication of price given in compliance with Article 4(*a*) or displayed by means of a price computing mechanism, price indicator bar or other similar device; or

(*b*) as to the minimum price of petrol or of any grade or sub-grade of petrol; or

(*c*) indicating that a reduction in the price of petrol or of any grade or sub-grade of petrol is being made, whether or not the price to which or from which it has been reduced or the amount of the reduction is also displayed, and whether or not the reduction is an alternative to some other form of inducement;

and that information is legible to a person in a motor vehicle on the highway;

"pump" means a measuring instrument for measuring quantities of petrol delivered by it into the tanks of motor vehicles.

(4) The Interpretation Act (Northern Ireland) 1954(e) shall apply to this Order as it applies to a Measure of the Northern Ireland Assembly.

Indication of prices

4. Where a person indicates that petrol is or may be for sale by retail on any premises (being petrol to be delivered by means of a pump), he shall—

(*a*) give an indication in writing of the price of the petrol which complies with the relevant provisions of Parts I and II of the Schedule; and

(*b*) where the premises are price display premises, give in addition an indication in writing of the price which complies with the relevant provisions of Parts I, III and IV of the Schedule.

Transitional provision

5. The Price Marking (Petrol Price Display) Order (Northern Ireland) 1977 is hereby varied by the insertion after Article 4 of the following Article—

"**5.** At any time on and after 17th September 1979 and before 12th November 1979 this Order shall have effect in relation to an indication of a price of any petrol which does not comply with the provisions of this Order apart from this Article but would, if it were at that time in force, comply with the provisions of the Price Marking (Petrol Price Display) Order (Northern Ireland) 1979 as if those provisions were substituted for the said provisions of this Order."

Sealed with the Official Seal of the Department of Commerce for Northern Ireland on 23rd August 1979.

(L.S.) *W. T. McCrory*
Assistant Secretary

(d) 1971 c. 12
(e) 1954 c. 33 (N.I.)

SCHEDULE Article 4

PART I

Provisions applicable to any indication of price

1.—(1) In any indication of a price, figures representing whole numbers of the price shall be of the same size and figures other than fractions in any other information required by this Order to be included in the indication shall not be larger than the figures representing whole numbers.

(2) If the indication contains a vulgar fraction, the overall height of any such fraction shall be the same as that of the figures representing whole numbers and if the indication contains a decimal fraction the figures after the decimal marker shall be not less than one half of the height of the figures before the decimal marker.

(3) Vulgar fractions and decimal fractions shall be in the same horizontal line as, and shall be given in characters of the same style, boldness and colour as the whole numbers and shall be given on a ground of the same colour as that on which the whole numbers are given.

2. All information comprised in an indication of a price shall be easily legible in the circumstances specified in paragraphs 8 or 15, as the case may be, and information other than the amount of the price shall be given, where paragraph 15 has effect (except as provided in paragraph 3) in characters none of which is less than 80 mm in height.

3. Where, on any premises, a person charges a price determined at a higher rate for part only of a gallon or of a litre, as the case may be, a statement indicating the amount of the excess of such higher rate over the price shall be given and in a case where paragraph 15 has effect, subject to paragraphs 1 and 2, in characters none of which is less than 120 mm in height.

4. An indicated price shall include taxes and duties.

5. An indication of price shall show the grade or sub-grade of petrol to which it relates.

PART II

Provisions applicable to indication of price on pumps on any premises

6.—(1) An indication of price required by Article 4(*a*) shall be marked on the pump, and—

(*a*) where the pump delivers one grade of petrol, shall be the price or the highest price of that grade;

(*b*) where the pump delivers more than one grade of petrol, shall be the price or the highest price of each grade; and

(*c*) where the pump delivers more than one sub-grade of a grade of petrol, shall be the price or the highest price of each sub-grade.

(2) An indication referred to in sub-paragraph (1) shall identify the grade or sub-grade to which the price or each such price relates and shall include a statement of the unit of measurement by reference to which quantities are delivered from the pump.

(3) If there is insufficient space on the pump to include all the information required by Part I and this Part, none of the information shall be marked on the pump but shall be given on a notice which is in close proximity to, and which clearly relates to, the pump.

(4) Where a person supplies the same grade or sub-grade of petrol from more than one pump and—

(*a*) the consideration given for the price relating to the petrol supplied from one or more, but not all, of those pumps includes some additional benefit to the purchaser (otherwise than in relation to the time or manner of payment of the price), and

(*b*) the price for the sale of petrol from a pump to which that additional benefit relates is higher than the price for sale from a pump to which it does not relate,

an indication shall clearly be marked on each pump to which the additional benefit relates that the price includes that additional benefit and that the price is higher than the price for sale from any pump to which that additional benefit does not relate.

7.—(1) This paragraph has effect where—

(*a*) the lowest price indicated for the sale of 3 star petrol is higher than the price indicated for the sale of 4 star petrol (or, if more than one price is indicated for the sale of 4 star petrol, the lowest such price), or

(*b*) the lowest price indicated for the sale of 2 star petrol is higher than the price indicated for the sale of 3 star or 4 star petrol (or, if more than one price is indicated for the sale of 3 star or 4 star petrol, the lowest such price).

(2) Where—

(*a*) head (*a*) of sub-paragraph (1) applies, the lowest price indicated for the sale of 3 star petrol, or

(*b*) where head (*b*) of sub-paragraph (1) applies, the lowest price indicated for the sale of 2 star petrol,

shall be marked on the pump from which it is delivered with no less prominence than the price for the sale of the other grade or grades of petrol mentioned in head (*a*) and (*b*) of sub-paragraph (1) respectively.

(3) A statement shall clearly be marked on each pump delivering 3 star petrol (in a case where head (*a*) of sub-paragraph (1) applies) or on each pump delivering 2 star petrol (in a case where head (*b*) of sub-paragraph (1) applies) that the lowest price indicated for the sale of 3 star petrol or the lowest price indicated for the sale of 2 star petrol, as the case may be, is higher than the other price referred to in the said head (*a*) or in the said head (*b*) respectively.

8. The indication of the price or prices mentioned in paragraph 6 and the information referred to in that paragraph and in paragraph 7 shall be easily legible to an intending purchaser from the part of the premises where he would place his motor vehicle to take delivery from the pump.

9. A price displayed by means of a price computing mechanism, price indicator bar or other similar device shall not be sufficient compliance with paragraph 6.

PART III

Provisions applicable to indication of price on price display premises visible from the highway

10.—(1) Where more than two grades of petrol are or may be for sale by retail on price display premises, the indication referred to in Article 4(*b*) shall be given in respect of at least two grades; otherwise it shall be given for the grade or both of the grades which are or may be for such sale there.

(2) Where a reduction in the price is indicated for a grade or sub-grade or grades or sub-grades of petrol, the indication of the price shall be given for that grade or sub-grade or those grades or sub-grades.

(3) Where on price display premises 4 star petrol is or may be for sale by retail, that grade shall be the grade or one of the grades in respect of which an indication of price is given, and where sub-grades of that grade are or may be for sale by retail, the indication of price to be given shall be that relating to the most expensive sub-grade, whether or not a reduction in price is displayed for that grade or sub-grade.

(4) Where the indication relates to sub-grades of petrol, the indication of price shall be that relating to the most expensive sub-grade.

11.—(1) Except in the case of a grade or sub-grade for which a reduction in price is displayed, the indication of price in relation to a grade or the most expensive sub-grade shall be of the lowest price at which that grade or sub-grade is or may be for sale on the price display premises.

(2) In the case of a grade or sub-grade for which a reduction in price is displayed, the indication of price to be given shall be the price from which the reduction is made and the amount of the reduction which gives the lowest price for that grade or sub-grade, and that lowest price.

12. Where a price or a reduction in a price is dependent on the fulfilment of some condition (whether it be the purchase of a minimum quantity calculated by reference to volume or value, the method of payment or some other condition) the nature of the condition shall be given.

13. The unit of measurement to which the indication of price, or the amount of a reduction in a price, relates shall be the unit by reference to which quantities of petrol are delivered from pumps on the price display premises.

PART IV

Provisions applicable to manner of indicating the price mentioned in Part III

14. Information specified in Part III shall comply with the following provisions of this Part and shall be given only in a manner which so complies.

15. The information referred to in paragraph 14 shall be displayed on the premises in such manner that it is easily legible to a person in a motor vehicle on the highway from whichever direction he may lawfully approach and enter the price display premises and the information shall also be given on each pump delivering petrol to which the information relates:

Provided that if (after taking account of the space needed for the information required by Parts I and II) not all such information can be given on the pump, none of it shall be given on the pump, but it shall be given on a notice which is in close proximity to and which clearly relates to, the pump.

The requirements of paragraphs 2 and 3 as to the height of characters in which information is given do not apply to any information which is given on a pump in pursuance of this paragraph or on a notice in accordance with the proviso to this paragraph.

16. Where information is to be given by virtue of paragraph 11(2), the information shall be given in such manner as to link clearly the reduction and the price from which it is made and the amount to which the price is reduced.

17. All the information referred to in paragraphs 3 and 14 to be given in respect of a grade of petrol shall be grouped together and given in such manner that it is clear that it relates to that grade and to no other; except that, where such a statement as is referred to in paragraph 3 or a condition of a kind referred to in paragraph 12 applies to more than one grade of petrol, that statement or condition need only be given once in relation to all the grades to which it is relevant if it is given in such manner that it is clear that it relates to all those grades and to no other.

18. The information referred to in paragraph 14 shall be displayed separately from information not required by Part III except that—

(*a*) where information complying with Part III and the other provisions of this Part is given in respect of more grades than are required by Part III, information given in respect of all such grades shall be treated for the purposes of this paragraph as being required by Part III; and

(*b*) the unit of measurement by reference to which quantities of petrol are delivered from pumps on the price display premises may but need not be given.

19. The information referred to in paragraph 14 other than the information repeated on the pump or on a notice in close proximity thereto shall be displayed at least as prominently as any other information designed to promote the sale of petrol, except the brand name.

EXPLANATORY NOTE

(This note is not part of the Order, but is intended to indicate its general purport.)

This Order supersedes the Price Marking (Petrol Price Display) Order (Northern Ireland) 1977 and replaces its provisions with modifications. The principal changes are—

(i) Where decimal fractions are used in a price indication they must, in addition to being at least half the height of the figures representing whole numbers (paragraph 1(2) of the Schedule), satisfy additional requirements as to their style, boldness and colour, and all figures in an indication of price must be shown against ground of the same colour (paragraph 1(3));

(ii) Where an indication of price is legible from the highway, all information other than the amount of the price must be given in characters at least 80 mm high (paragraph 2);

(iii) Where part gallons or litres are charged at a higher rate than full gallons or litres, any price indication must include a statement of the excess of the higher rate and, where legible from the highway, must be indicated in characters at least 120 mm high (paragraph 3); and

(iv) Where an additional benefit is offered at some but not all of the petrol pumps in a garage and a higher price is charged at those pumps, each such pump must bear an indication that the price includes that benefit and is higher than the price charged at the pumps at which the benefit is not available (paragraph 6(4)).

The Order also makes a number of drafting amendments, and contains a transitional amendment in Article 5.