

1952 No. 103

THE TEA (PRICES) (BAILLIWICK OF GUERNSEY) ORDER, 1952.

REVOKED S.I. 170 (1952)

As Competent Authorities as regards the Bailiwick of Guernsey excluding the Island of Alderney and as regards the Island of Alderney respectively in relation to Regulation 55 of the Defence (General) (Guernsey) Regulations, 1945, we hereby made the following Order:-

1. (1) In this Order -

"The Committee" means the States of Guernsey Committee for the Control of Essential Commodities.

"Current price" means, in relation to any tea sold, agreed to be sold or offered for sale by any persons, the price at which, in the ordinary course of business in the course of which that tea was sold, agreed to be sold or offered for sale, tea of a substantially similar description, quality and quantity was lawfully being offered for sale by that person on substantially similar terms and conditions on the 1st day of April, 1952, provided that -

- (a) in relation to any tea sold, agreed to be sold or offered for sale in the course of a business that included both a wholesale and a retail branch, or two or more branches in localities of a different character, or otherwise howsoever distinguishable, the reference in this definition to the business in which that tea was sold by that person shall be construed as a reference to the particular branch of the business in the course of which the transaction was effected; and
- (b) in relation to any tea sold, agreed to be sold or offered for sale by any person in the course of a business or of a branch of a business that was not being carried on by that person on the 1st day of April, 1952, or in the course of which tea of the relevant character was not being offered for sale or was not being offered for sale on substantially similar terms and conditions on that date, this definition shall have effect with the substitution for the reference to the business in the course of which that tea was sold, agreed to be sold, or offered for sale, of a reference to a business similar to that business, or to a branch of a business similar to that branch of that business, which was then being carried on, or in the course of which tea of the relevant character was then being offered for sale on substantially similar terms and conditions as the case may be.

"China tea" means a blend consisting principally but not wholly of tea produced in China.

"Pure China tea" means tea wholly produced in China.

"Formosa tea" means a blend consisting principally but not wholly of tea produced in Formosa (including Oolong tea).

"Pure Formosa tea" means tea wholly produced in Formosa (including Oolong tea).

"Sale by retail" means any sale to a person buying otherwise than for resale and includes any sale to a caterer for the purposes of a catering business carried on by him; and the word "retailer" shall be construed accordingly.

- (2) The Interpretation (Guernsey) Law, 1948, applies to the interpretation of this Order as it applies to the interpretation of a Guernsey enactment.
2. (1) Except under and in accordance with the terms of a licence granted by or on behalf of the Committee, no person shall sell or offer or agree to sell or expose for sale any tea at a price exceeding the current price by more than 10d. per lb.
- Provided that pure China tea and pure Formosa tea may be sold without restriction of price if the words "Pure China Tea" or "Pure Formosa Tea" (as the case may be) appear on the wrapper or container of such tea.
3. (1) Every person who sells tea otherwise than by retail shall keep or cause to be kept an accurate record of all purchases and sales of tea by him; and that record shall include particulars identifying the persons from whom the tea was purchased and to whom it was sold, and particulars of the quantity and description of the tea purchased or sold and of the price paid or charged.
- (2) Every person who sells tea by retail shall keep or cause to be kept an accurate record of all purchases of tea by him; and that record shall include particulars identifying the persons from whom the tea was purchased and showing the price paid.
- (3) The retention by any person of an invoice or a copy of an invoice shall as regards the particulars mentioned in it be a sufficient compliance by that person with the provisions of this Article.
- (4) Every person who is required by this Article to keep any record shall retain it for not less than one year from the date of the transaction to which it relates.
4. No person shall, in connection with the sale or disposition or proposed sale or disposition of any tea, enter or offer to enter into any artificial transaction or make or demand any unreasonable charge.
5. Infringements of this Order are offences against the Defence (General) (Guernsey) Regulations, 1945.
6. (1) The provisions of this Order are subject to any directions which may at any time be given by or on behalf of the Committee and to any licence or authorisation which may be granted by or on behalf of the Committee under this Order.
- (2) Every person holding a licence or authorisation granted under this Order shall comply with every condition imposed by such licence or authorisation.
- (3) Every licence or authorisation granted under this Order is and shall remain the property of the Committee; and the licensee or any person in possession of any such licence or authorisation shall, if requested, to do so by or on behalf of the Committee, produce or deliver it to such person or to a person of such class or description and within such time as may be specified in the request.
7. (1) The Tea (Prices) (Bailiwick of Guernsey) Order, 1948, dated 15th September, 1948, and The Tea (Prices) (Bailiwick of Guernsey) (Amendment) Order, 1949, dated 18th May, 1949 are hereby revoked, but without prejudice to any proceedings in respect of any contravention thereof; provided that any licence granted under the said Orders and subsisting immediately before the coming into force of this Order, shall take effect as though granted under this Order.

(2) Every person shall, notwithstanding the revocation of the said Orders, retain any record required to be kept by him thereunder for a period of not less than one year from the date of the transaction to which it relates.

8. This Order may be cited as The Tea (Prices) (Bailiwick of Guernsey) Order, 1952, and shall come into operation -

(i) as regards sales other than sales to retailers or sales by retail, on the 25th day of May, 1952;

(ii) as regards sales to retailers, on the 1st day of June, 1952; and

(iii) as regards sales by retail, on the 15th day of June, 1952.

Dated this 24th day of May, 1952.

R. P. WALKER.

A. FALLA.

Chairman,
Alderney Committee for the Control
of Essential Commodities.

President,
States' Committee for the Control
of Essential Commodities.

EXPLANATORY NOTE.

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

This Order revokes and re-enacts The Tea (Prices) (Bailiwick of Guernsey) Order, 1948, as amended. It also alters the date from which the "current price" of tea is calculated and increases the maximum price of all price-controlled tea by ten-pence a pound.