

If food is only available for a limited period of the day (e.g. breakfast), then the description should be removed after the end of the period.

Foreign currency payments

If you are willing to accept foreign currency payment then you must either:

- Indicate the price of the foods in foreign currency together with an indication of the commission charge; or
- Identify the conversion rate you use, together with an indication of the commission you will charge.

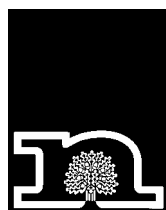
In either case, you must also state that the price/conversion rate does not apply to transactions made using a payment card (e.g. visa, switch, delta) to accounts in currencies other than sterling, where the conversion rate will be applied by the payment scheme that processes the transaction.

Penalties

Failure to comply with these requirements is a criminal offence.

The maximum penalty on conviction in a Magistrates court is a fine of £5,000.

This leaflet is a brief summary of the law affecting your business. It is not an authoritative document on the law and is only intended for guidance. For further details or clarification please contact the Trading Standards Service.



Contacting us

email: mansfield.tss@nottscc.gov.uk
phone: 01623 452005
fax: 01623 452059
post: Trading Standards Service, 100 Chesterfield Road South
Mansfield, Nottinghamshire NG19 7AQ
internet: www.nottinghamshire.gov.uk

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Nottinghamshire
County Council

Business Information

A Guide to the Price Marking (Food and Drink Services) Order 2003

The Price Marking (Food and Drink Services) Order 2003 details the legal requirements for displaying prices in pubs, restaurants, bars, cafés, takeaways and other similar premises.

The Order applies to your business if you sell food for consumption on your premises, or you operate a takeaway.

Are there any exemptions?

Yes. The following premises are likely to be exempt from the requirements of the Order:

- Bona fide members clubs
- Staff canteens
- Canteens at educational establishments (such as a school or college canteens)
- Premises providing sleeping accommodation, unless you supply food and drink to people other than guests for whom sleeping accommodation is provided

The Order does not apply to food supplied at the express request of the purchaser, for example where the customer orders food that is not normally available. Also, the Order does not apply where the price of the food is agreed in advance, for example at a catered function.

What do I have to price?

The flowchart overleaf explains what you are required to price mark.

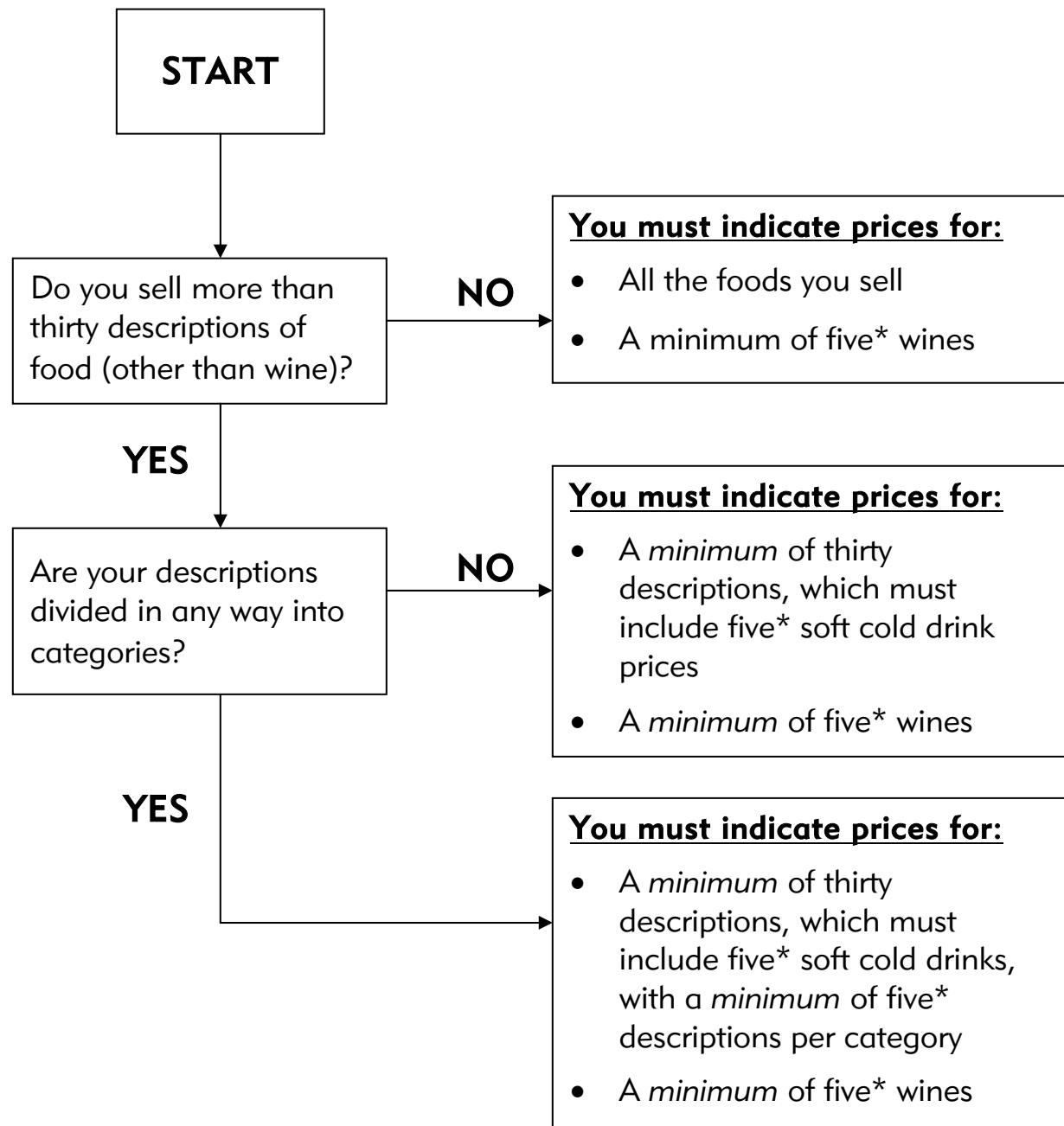
You also need to indicate clearly the following:

- (1) Any charges (such as service charge, cover charge, corkage charge etc.) that are payable in addition to the price of the food. The charge must be indicated as a percentage of the bill, for example Service Charge - 5%" or as a fixed sum "Corkage charge - £2 per bottle".

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- (2) Any minimum price or charge which is payable in respect of the food or any service relating to the supply of food. An example of such a charge would be “minimum order £5”.

Pricing Requirements - Flowchart



Note:

Items marked with an asterisk (*) require five, or the actual number if less than five are available.

“Food” means food and drink, but excludes wine.

The requirement to indicate prices for wine apply if wine is sold for consumption with food, or if “wine” is a declared category.

If you sell fixed price meals (table d’hote) then you must indicate a price for each fixed price meal offered.

All prices must be indicated in sterling and include VAT (if applicable).

Price Indication by reference to quantity

If the price of the food is directly proportionate to each quantity you sell then you only have to give one price – e.g. if half a pint of beer costs £1-00 and a pint costs £2-00 then you only need to indicate the price for one of the quantities. If half a pint of beer costs £1-00, but a pint costs £1-90 then you are required to indicate a price for both quantities.

How to indicate prices and charges

The indication of prices and charges must be unambiguous, easily identifiable and clearly legible. Prices and charges must be sufficiently large and prominent to allow customers to read them without assistance. Be aware of the requirements of the Disability Discrimination Act 1995. i.e. the price list must still be clearly visible if viewed from a wheelchair. Any additional charge or minimum charge payable shall be indicated as predominantly as the price of the food to which it relates

Where to indicate prices

If you operate a **takeaway** then you need to indicate the required information at the place where the purchaser chooses the food.

If you offer **waiter service where the customer pays for the food after eating**, e.g. a restaurant, then you must indicate prices and charges at or near the entrance to the part of your premise set aside and equipped for eating and drinking, so that they can be seen before a customer enters.

In **any other case**, e.g. a pub where customers pay for the meal before consuming it, prices should be displayed at the point where the food is chosen. If prices cannot be seen before the customer enters the place where the food is chosen, then a further indication at or near the entrance to this area must be given.

Unavailable items

If an item becomes unavailable, then the description of the food must be removed as soon as is reasonably practicable.

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