(5) AGRICULTURAL PRODUCE

The Apples (Grading and Marking) (Revocation) Regulations, 1948

1948 No. 2311

Made - - - -	*15th October*, 1948
Laid before Parliament	*18th October*, 1948
Coming into Operation	*22nd October*, 1948

In exercise of the powers conferred upon him by Section 1 (1) of the Agricultural Produce (Grading and Marking) Act, 1928, as amended by the Agricultural Produce (Grading and Marking) Amendment Act, 1931, the Minister of Agriculture and Fisheries hereby makes the following regulations:— 18 & 19 Geo. 5. c. 19. 21 & 22 Geo. 5. c. 40.

1. The Agricultural Produce (Grading and Marking) (Apples) Regulations, 1935(a), are hereby revoked.

2. These regulations shall come into operation on the twenty-second day of October, 1948, and may be cited as the Apples (Grading and Marking) (Revocation) Regulations, 1948.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this fifteenth day of October, 1948.

(L.S.)

T. Williams,
Minister of Agriculture
and Fisheries.

EXPLANATORY NOTE

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

These Regulations revoke the Agricultural Produce (Grading and Marking) (Apples) Regulations, 1935, which prescribed grade designations and grade designation marks for apples produced in England and Wales.

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(6) AGRICULTURAL SCHEMES

The Agricultural Goods and Services Scheme (England and Wales), 1948

1948 No. 103

Made - - - -	*23rd January*, 1948
Laid before Parliament	*27th January*, 1948
Coming into Operation	*29th January*, 1948

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(a) S.R. & O. 1935 (No. 976) p. 51.

In pursuance of his powers under section one hundred and three of the Agriculture Act, 1947(a), and of all other powers enabling him in that behalf, the Minister of Agriculture and Fisheries, with the approval of the Treasury, hereby makes the following Scheme:

Citation

1. This Scheme may be cited as the Agricultural Goods and Services Scheme (England and Wales), 1948, and shall come into operation on the 29th day of January, 1948.

Definitions

2. In this Scheme, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively:—

" The Act " means the Agriculture Act, 1947.

" The Minister " means the Minister of Agriculture and Fisheries, and

" The Ministry " means the Ministry of Agriculture and Fisheries.

" The Committee " means any War Agricultural Executive Committee or any County Agricultural Executive Committee in England and Wales.

" Occupier " means any person occupying agricultural land.

" Manager " means any owner of agricultural land or person authorised on his behalf to contract for the purchase of goods or services for the benefit of the land.

Interpretation

3. The Interpretation Act, 1889(b), shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

Persons to whom goods or services may be supplied

4. Subject to the provisions of sub-paragraph (2) of paragraph 9 hereof, goods and services may be supplied by the Minister or the Committee in accordance with the provisions of this Scheme to occupiers and managers only of agricultural land:

Provided that:—

(1) Goods may be supplied as aforesaid to occupiers of agricultural land only if the Minister or the Committee is satisfied that such an occupier is unable to purchase the said goods through normal trade channels, for cash or on credit; and

(2) the goods and services which may be supplied as aforesaid to managers of agricultural land shall be limited to:

(*a*) Goods: drainage pipes and tiles required in connection with a scheme of farm drainage approved by or on behalf of the Minister; and

(*b*) Services: any services required in connection with schemes of farm drainage approved as aforesaid and the services mentioned in sub-paragraph (6) of paragraph 5 hereof in connection with schemes of farm water supplies approved as aforesaid.

(3) For the purposes of the two preceding sub-paragraphs, an owner-occupier of agricultural land shall be treated as an occupier of such land, but shall be entitled also as a manager of such land to be supplied with the goods and services appropriate to managers of such land as aforesaid.

(a) 10 & 11 Geo. 6. c. 48. (b) 52 & 53 Vict. c. 63.

Kinds of Goods and Services that may be supplied under the Scheme

5.—(1) *Goods:* Except as mentioned in sub-paragraph (2) of this paragraph, all goods required for agricultural production during the period of five years commencing on 1st October, 1947, may be supplied by the Minister or the Committee under this Scheme.

(2) The provisions of this Scheme relating to goods shall not extend to:—

(*a*) Livestock, otherwise than in replacement of stock lost through abnormal weather conditions, or in such other special circumstances as may be determined by the Minister with the approval of the Treasury;

(*b*) Permanent works, buildings or installations, or components or accessories of such permanent works, buildings or installations, other than drainage tiles or pipes;

(*c*) Cash, or payment for any goods ordered by an occupier or manager direct, through normal trade channels.

(3) All goods supplied under this Scheme shall be ordered by the Minister or the Committee, or in the case of drainage pipes or tiles, shall be ordered by or supplied from stocks in the possession of the Minister or the Committee.

(4) *Short-term Services:* All such short-term services as relate to agricultural production may be supplied by the Minister or the Committee under this Scheme, including ploughing, cultivating, harrowing, manure distributing, drilling, harvesting, threshing, bracken cutting, spraying and general farm work, including also the supply of labour and the provision of accommodation for farm workers.

(5) Agricultural machinery may be hired to occupiers of agricultural land in accordance with the provisions of this Scheme, at approved hiring rates.

(6) *Long-term Services:* All such long-term services as relate to agricultural production may be supplied by the Minister or the Committee under this Scheme, including bush clearing, mending of field walls, farm drainage, farm ditching, and other like works of improvement, together with ploughing and other operations required for reclaiming derelict land; and including also excavating, trenching and backfilling in connection with farm water supplies.

Procedure for obtaining goods or services

6.—(1) Any eligible person requiring goods or services shall sign a contract with the Minister or the Committee before the goods or services are supplied, undertaking to make repayment according to the terms of the contract. In the case of services, the cost shall be based on the rates normally charged by local contractors, and, in the case of goods, on suppliers' quotations less any discount for cash that the Minister or Committee may be able to obtain; provided that in the absence of local contractors' rates for services, the Minister or the Committee shall make what appears to them to be a fair and reasonable charge for the services rendered.

(2) Application for goods and services shall be made in writing, but the Minister and the Committee may refuse any application at their discretion or (in the case of the Committee) after reference to the Ministry. Where an application is made by an occupier, enquiries may be made as to his financial position, and his efficiency as a farmer.

Conditions of Repayment

7.—(1) The cost of any *goods* supplied, including the cost of carriage, shall be repaid within a period (not exceeding three years) agreed between

the occupier or manager and the Minister or the Committee. Simple interest at the rate of 5 per cent. per annum shall be payable on any amount outstanding from the time the Minister or the Committee pay the suppliers the cost of the goods ordered. The Minister may, in special circumstances and with the approval of the Treasury, vary the terms of credit allowed; and in the case of the replacement of livestock lost as a result of abnormal weather conditions in the year 1947, the rate of interest shall be reduced to 2½ per cent. per annum.

(2) The cost of *short-term services* shall be repaid within one month after the date of invoice, which date shall not be earlier than the completion of the work. A discount of 2½ per cent. may be allowed if payment is made within one month after the date of invoice. In consideration of any extension of credit, an interest charge of 5 per cent. per annum may be made at any time on any balance of account which is not paid within six months after the date of invoice.

(3) The cost of *long-term services* shall be repaid by instalments, together with simple interest on any outstanding balance of account at the rate of 5 per cent. per annum. The period over which such instalments are payable shall be fixed by the Minister or the Committee according to the nature of the work, but shall not exceed three years. Interest shall be calculated from date of demand made after completion of the work. The cost of long-term services may be paid in a lump sum after completion of the work, if the occupier or manager so prefers.

Methods of Securing Repayment

8.—(1) The occupier or manager obtaining goods under this Scheme shall not forfeit any grants or subsidies that may be payable to him by the Ministry, but shall be required to agree to the retention by the Ministry of the whole or part of such grants or subsidies in satisfaction of any account for goods or services outstanding against him. The Ministry shall exercise this right of retention with due consideration of the occupier's or manager's requirements for ready cash, and of the circumstances in which the debt was incurred.

(2) In the case of default the Minister or the Committee may proceed to secure repayment by all appropriate means, subject to due consideration of any special circumstances.

(3) The Minister may in his discretion sue for recovery of any debt due to the Committee, or may direct the Committee to sue.

Miscellaneous

9.—(1) The Minister, or the Committee acting under the direction of the Minister, may acquire and hold stocks of drainage pipes or tiles with a view to supplying such pipes or tiles to occupiers and managers in accordance with the provisions of this Scheme.

(2) The Minister or the Committee may enter into agreements with agricultural machinery contractors for hiring machinery to such contractors, so that the contractors may in turn carry out services for the benefit of occupiers and managers of agricultural land, being services which the Minister or the Committee are empowered under this Scheme to render direct to such occupiers or managers. In such cases, the rates of charge and conditions of repayment pertaining to the services as aforesaid shall be such as may be agreed between the contractor on the one hand and the occupier or manager on the other.

(3) The Minister or the Committee may enter into agreements with agricultural machinery contractors, drainage contractors, or civil engineering contractors, for the purpose of jointly or in combination supplying services to occupiers and managers of agricultural land, being services which the Minister or the Committee are empowered under this Scheme to render to such occupiers or managers. Such agreements shall embody such terms and conditions as may be agreed between the Minister or the Committee on the one hand, and the said contractors on the other. In any such case, the Minister or the Committee shall be a party to any contract made with the occupier or manager, and the terms of any such contract shall conform to paragraphs 6, 7 and 8 of this Scheme, so far as the circumstances of the case will allow.

Directions to the Committee by the Minister

10. The Committee, in addition to performing any functions which under this Scheme it may be required or authorised to perform, shall do such things as the Minister may from time to time direct for the purpose of giving effect to this Scheme.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereunto affixed this 23rd day of January, 1948.

(L.S.)

T. Williams,
Minister.

Approved.

C. James Simmons,
J. W. Snow,
Two of the Lords Commissioners of His Majesty's Treasury.

EXPLANATORY NOTE

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

1. The Agricultural Goods and Services Scheme in England and Wales has hitherto depended on a general statutory authority (Section 25 (1) of the Agriculture (Miscellaneous War Provisions) Act, 1940) (a) expiring on 31st December, 1947. Authority is given to the Minister of Agriculture and Fisheries by Section 103 of the Agriculture Act, 1947, for the continuation of the supply of goods and services to persons managing or farming agricultural land, subject to the making of an Order, with the approval of the Treasury, to be laid before Parliament forthwith after being made.

2. This Scheme, which is made with the approval of the Treasury under the above-mentioned authority, provides for the continuation of the expiring scheme in substantially the form in which it has operated in recent years; but opportunity has been taken to clarify certain matters and to remove some minor administrative anomalies. The objects of the Scheme remain as before; to promote efficiency in agriculture and facilitate food production.

(a) 3 & 4 Geo. 6. c. 14.