15. GLUCOSE

The Glucose (Amendment) Order, 1949

1949 No. 2261

Made - - - -	*6th December*, 1949
Laid before Parliament	*7th December*, 1949
Coming into Operation	*11th December*, 1949

In exercise of the powers conferred upon him by Regulation 55 of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(**a**) as extended by the Supplies and Services (Extended Purposes) Act, 1947(**b**), and of all other powers him enabling, the Minister of Food hereby makes the following Order:—

1. The Glucose (Control and Maximum Prices) Order, 1948(**c**), shall be amended by deleting Article 2 thereof.

2. This Order shall come into operation on the 11th day of December, 1949, and may be cited as The Glucose (Amendment) Order, 1949.

Dated the 6th day of December, 1949.

John Strachey,
Minister of Food.

EXPLANATORY NOTE

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

This amending Order abolishes the licensing of manufacturers and wholesalers of glucose.

16. HOME GROWN GRAINS

(A) *Barley*.
(B) *Dredge Corn*, p. 431.
(C) *Oats*, p. 448.
(D) *Rye*, p. 456.
(E) *Wheat*, p. 471.
(F) *Sack Charges*, p. 489.

(A) BARLEY

(a) *Great Britain*.
(b) *Northern Ireland*, p. 423.

(a) GREAT BRITAIN

The Barley (Great Britain) Order, 1949

1949 No. 1185

Made - - - -	*24th June*, 1949
Laid before Parliament	*27th June*, 1949
Coming into Operation	*1st July*, 1949

In exercise of the powers conferred upon him by Regulations 55, 55AA and 55AB of the Defence (General) Regulations, 1939, as having effect by virtue

(a) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (Nos. 1611 and 1615-25) II, pp. 39 and 45-56.
(b) 10 & 11 Geo. 6. c. 55.
(c) S.I. 1948 (No. 2113) II, p. 669.

of the Supplies and Services (Transitional Powers) Act, 1945(a) as extended by the Supplies and Services (Extended Purposes) Act, 1947(b), and of all other powers him enabling, the Minister of Food hereby makes the following Order:—

Interpretation

1. In this Order—

"The Minister" means the Minister of Food.

"Approved buyer" means a person licensed as such under this Order and includes any person who, immediately before the coming into force of this Order, was licensed as an approved buyer under the Barley (Control and Prices) (Great Britain) Order, 1947, as amended(c).

"Barley" means threshed barley or threshed bere and includes barley half corns, barley screenings and tailings and any processed barley other than barley processed for human food, malt or by-products of the manufacture of human food or malt.

"Barley for human consumption" means barley which is sold—

(i) to the Minister;

(ii) to an ultimate user for the manufacture by him of malt, processed barley or barley products for use in brewing or distilling, or human food; or

(iii) to an approved buyer for resale to the Minister or for any of the purposes mentioned in paragraph (ii) of this definition.

"Buy", "obtain", "sell" or "supply" include offer or agree to buy, obtain, sell or supply, as the case may be.

"Grower" means a grower of barley in Great Britain and includes the seller or supplier thereof on the first sale or disposition after threshing, but, for the purposes of the Second Schedule to this Order, shall not include an approved buyer.

"Home grown barley" means barley grown in the United Kingdom.

"Human food" does not include beer, spirits, malt or products of malt.

"Isle of Man approved buyer" means any person licensed by or on behalf of the Lieutenant-Governor of the Isle of Man as an approved buyer of Isle of Man barley.

"Isle of Man barley" means barley grown in the Isle of Man.

"Licensed mixer" means a person licensed under the Feeding Stuffs (National Pigeon Mixture) Order, 1948(d), to manufacture or prepare National Pigeon Mixture.

"Local Wheat Committee" has the meaning assigned to it in the Wheat Bye-Laws, 1932(e).

"M.A.F. sack" means a sack sold to a grower by the Minister of Agriculture and Fisheries and made from 11 ounce/45 inch standard Hessian and measuring when empty approximately 25 inches by 44 inches.

"Millable barley" means barley which is sweet and in fair merchantable condition, commercially clean as regards admixture and tailings, and commercially free from heated, mouldy, green or abnormally small grains or objectionable taint, and capable of being manufactured into a sound sweet flour fit for human consumption.

(a) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (Nos. 1611 and 1615–25) II, pp. 39 and 45–56.

(b) 10 & 11 Geo. 6. c. 55.

(c) S.R. & O. 1947 (Nos. 1636 and 1887) II, pp. 762 and 773; S.I. 1948 (Nos. 619 and 1759) II, pp. 673–6; and 1949 No. 502.

(d) S.I. 1948 (No. 1855) II, p. 564. (e) S.R. & O. 1932 (No. 588) p. 1753.

"Non-millable barley" means barley which is neither millable nor potentially millable.

"Potentially millable barley" means barley which by treatment (including drying and screening) can be converted into millable barley at a cost not exceeding 3s. 6d. per cwt., such cost to include proper allowance for wastage.

"Processed barley and barley products" means—

(*a*) any barley product (sold for use as an animal feeding stuff or for resale for such use) for which a maximum price is prescribed by the Feeding Stuffs (Prices) Order, 1949(**a**), or by any other Order of the Minister for the time being in force prescribing prices for animal feeding stuffs, and

(*b*) any barley product or processed barley manufactured by an ultimate user.

"Screenings" means grains separated from the bulk by a mechanical process of sifting (in the course of threshing or subsequently) and which are smaller or lighter than the average size or weight of the grains in the bulk.

"Seed barley merchant" means a person licensed as such under this Order and includes any person who, immediately before the coming into force of this Order, was licensed as a seed barley merchant under the Barley (Control and Prices) (Great Britain) Order, 1947, as amended.

"Tailings" means broken, small or immature barley grains with or without other material separated in the course of threshing barley.

"Ultimate buyer" in relation to any barley means a person buying the same otherwise than for the purpose of resale or of sale after processing and manufacture.

"Ultimate user" means any person licensed as such under this Order and includes—

(*a*) any person who, immediately before the coming into force of this Order, was licensed as an ultimate user under the Barley (Control and Prices) (Great Britain) Order, 1947, as amended; and

(*b*) a "maltster" licensed as such under the Malt (Restriction) Order, 1940(**b**), or any Order replacing that Order.

PART I —CONTROL

Restriction on growers

2. No grower shall sell or supply any barley grown by him except to an approved buyer or an ultimate user, and no person other than an approved buyer or an ultimate user shall buy or obtain barley from a grower.

Decision whether barley is millable, potentially millable or non-millable

3. If in relation to a sale or proposed sale of any barley by an approved buyer (on behalf of the grower) to the Minister any difference shall arise as to whether the barley is millable, potentially millable or non-millable, the matter shall be referred to the Local Wheat Committee in whose area the barley is situate and the decision of that Committee as to whether the barley is millable, potentially millable or non-millable shall be final and conclusive.

(a) S.I. 1949 No. 500. (b) S.R. & O. 1940 (No. 1668) II, p. 671.

Restriction on dealings for human consumption

4. No person shall buy or sell any barley for human consumption except on a sale—

(*a*) to the Minister;

(*b*) by the grower thereof to an approved buyer or ultimate user;

(*c*) by an approved buyer to another approved buyer, including an approved buyer licensed as such under the Barley (Control and Prices) (Northern Ireland) Order, 1947, as amended(**a**), or any Order replacing that Order, or an ultimate user;

(*d*) by an ultimate user to another ultimate user or an approved buyer of barley screenings or half corns derived from barley for human consumption purchased by the first mentioned ultimate user, provided that such screenings or half corns do not amount to more than 5 per cent. of the bulk of the parcel separated; or

(*e*) by an ultimate user to any person of barley screenings or barley half corns purchased by the ultimate user as barley for human consumption provided that the price charged or paid does not exceed the maximum price prescribed by this Order for barley other than barley for human consumption.

Isle of Man barley

5. No person other than an approved buyer shall buy any Isle of Man barley for delivery in the United Kingdom from any person in the Isle of Man.

Restriction on dealings for seed

6.—(1) No person shall buy or sell barley for use as seed or for resale for such use except in accordance with the following provisions:—

(*a*) an approved buyer who is also a seed barley merchant may buy any home grown barley for resale as seed from a grower and a grower may sell any such barley for resale as seed to any approved buyer unless the grower has reason to believe that such approved buyer is not also a seed barley merchant;

(*b*) an approved buyer who is also a seed barley merchant may buy any Isle of Man barley from an Isle of Man approved buyer for resale as seed;

(*c*) a seed barley merchant may buy from or sell to any other seed barley merchant, including a seed barley merchant licensed as such under the Barley (Control and Prices) (Northern Ireland) Order, 1947, as amended, or any Order replacing that Order, any barley for resale as seed;

(*d*) an ultimate buyer may buy any barley for use as seed from a seed barley merchant and a seed barley merchant may sell any barley for use as seed to an ultimate buyer, provided that—

(i) in the case of a sale of more than 3 cwt. the seller shall, not later than 7 days after giving delivery of the barley, demand from the buyer, and the buyer shall, not later than 14 days after taking delivery thereof, furnish to the seller a completed declaration and undertaking in the form set out in or containing the particulars provided for in the First Schedule to this Order;

(**a**) S.R. & O. 1947 (Nos. 1637 and 1887) II, pp. 762 and 773; S.I. 1948 (No. 1762) II, p. 697; and 1949 No. 502.

(ii) in the case of a sale of 3 cwt. or less, the seller shall keep or cause to be kept an accurate and separate record specifying the name and address of the buyer, the date of sale and the quantity sold.

(2) No ultimate buyer, who has purchased barley for use as seed, shall use or dispose of it, or permit it to be used or disposed of, otherwise than by sowing as seed.

(3) Each declaration and undertaking furnished to a seller under paragraph (1) (*d*) of this Article shall be retained by him for not less than one year from the date of the transaction to which it relates.

PART II—PRICES

Maximum and Minimum Prices

7.—(1) No person shall buy or sell any barley at a price exceeding the maximum price applicable in accordance with the provisions of the Second Schedule to this Order or at a price less than the minimum price so applicable.

(2) The provisions of paragraph (1) of this Article shall not apply to—

(*a*) barley sold for use as seed, or for resale for such use;

(*b*) processed barley or barley products; or

(*c*) barley sold by the Minister to a licensed mixer.

Price of M.A.F. Sacks

8.—(1) Where barley is sold in an M.A.F. sack each sack shall on every sale be charged by the seller as non-returnable and the price to be charged and paid therefor shall be 1s. 5d.

(2) The provisions of paragraph (1) of this Article shall not apply unless the said sack is at the time of sale in a suitable condition for the commercial transport of barley, has not been emptied since being originally filled with barley by the grower and was in a new condition at the time of being so filled.

PART III—GENERAL

Notification that barley artificially dried

9. Where barley (other than non-millable barley, processed barley and barley products) has been artificially dried before sale the seller shall, at or before the time of sale, notify the buyer in writing that the barley has been artificially dried; provided that it shall be a defence in any proceedings for an infringement of this Article for the defendant to prove that he had no reason to believe that the barley had been artificially dried.

Keeping of Records

10.—(1) Every approved buyer, seed barley merchant and ultimate user shall keep or cause to be kept an accurate record of all his purchases and sales of barley specifying, in respect of each purchase and sale—

(*a*) the date thereof;

(*b*) whether the barley in question was millable, potentially millable or non-millable;

(*c*) whether it was sold as barley for human consumption or for use as seed or for resale for such use, as the case may be;

(*d*) the name and address of the person from whom it was purchased or to whom it was sold;

(*e*) the quantity purchased or sold, and the price paid or charged.

(2) The retention by any person of an invoice or a copy of an invoice shall, as respects the particulars mentioned in such document, be a sufficient compliance by him with the provisions of this Article.

(3) Every person who is required by this Article to keep any record shall retain the same for not less than one year from the date of the transaction to which it relates.

Particulars of additions to be furnished

11. On any sale of barley the seller shall, on demand being made of him in writing by the buyer within 14 days of the date of the invoice, furnish to the buyer forthwith such written particulars as the buyer may require of any additional charges made on that sale in accordance with Part IV of the Second Schedule to this Order.

Artificial transactions; unreasonable charges

12. No person shall in connection with the sale or disposition or proposed sale or disposition of any barley enter or offer to enter into any artificial transaction or make or demand any unreasonable charge.

Infringements

13. Infringements of this Order are offences against the Defence (General) Regulations, 1939.

Directions, authorisations and licences

14.—(1) The provisions of this Order are subject to any directions which may at any time be given by or on behalf of the Minister and to any licences or authorisations which may be granted by or on behalf of the Minister 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 Minister, and the licensee or any person being in possession of any such licence or authorisation shall, if requested to do so by or on behalf of the Minister, 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.

Revocation

15.—(1) The Barley (Control and Prices) (Great Britain) Order, 1947, as amended(**a**), is hereby revoked, but without prejudice to any proceedings in respect of any contravention thereof.

(2) Any licence granted under the said Order, or continuing in force by virtue of the said Order, and subsisting immediately before the date of the coming into force of this Order shall continue to have effect as if it had been granted under this Order.

(**a**) S.R. & O. 1947 (Nos. 1636 and 1887) II, pp. 762 and 773; S.I. 1948 (Nos. 619 and 1759) II, pp. 673–6; and 1949 No. 502.

(3) Every person shall notwithstanding the revocation of the said Order retain any record or declaration and undertaking required to be kept by him thereunder until the expiration of one year from the date of the transaction to which it relates.

Application

16.—(1) This Order shall not, with the exception of the provisions relating to Isle of Man barley, apply to any barley grown outside the United Kingdom.

(2) This Order shall not apply to Northern Ireland.

Commencement and Citation

17. This Order shall come into operation on the 1st day of July, 1949, and may be cited as the Barley (Great Britain) Order, 1949.

Dated the 24th day of June, 1949.

John Strachey,
Minister of Food.

THE FIRST SCHEDULE

DECLARATION IN RESPECT OF BARLEY BOUGHT FOR USE AS SEED

To.....(Name and address of Seller)

.....

.....

I hereby declare that I require.....cwt. of barley to sow..... acres for next harvest on the following farm(s):—

.....(Name and address of farm(s))

.....

.....

.....

I undertake that, except under the authority of the Minister, this barley will not be used or disposed of otherwise than for sowing on the said land.

Dated the day of 19

Signature of Buyer.....

Address in full.....

.....

.....

THE SECOND SCHEDULE

PART I—Maximum Prices of All Home Grown and Isle of Man Barley, other than Barley for Human Consumption

Column 1	Column 2
	At the rate of—
Home Grown Barley (other than barley for human consumption)	
	s. d.
1. On a sale by a grower	19 9 per cwt. net
2. On a sale to any person other than an ultimate buyer by an approved buyer who has bought the barley from a grower, or who is the first seller thereof after threshing	20 3 per cwt. net
3. On a sale to an ultimate buyer by an approved buyer who has bought the barley from a grower, or who is the first seller thereof after threshing	20 5 per cwt. net
4. On any sale other than a sale mentioned in 1, 2 or 3 above	20 9 per cwt. net
Isle of Man Barley (other than barley for human consumption)	
5. On a purchase by an approved buyer from an Isle of Man approved buyer	20 3 per cwt. net
6. On a sale by an approved buyer to any person other than an ultimate buyer	20 5 per cwt. net
7. On any sale other than a sale mentioned in 5 or 6 above ..	20 9 per cwt. net

PART II—Maximum Prices of Barley for Human Consumption (Home Grown and Isle of Man Barley)

Column 1	Column 2
	At the rate of—
	s. d.
1. On a sale by a grower, other than a grower of Isle of Man barley	30 3 per cwt. net
2. On a sale by an approved buyer who has bought from a grower	30 10½ per cwt. net
3. On a sale by an approved buyer who has bought from another approved buyer or from an Isle of Man approved buyer	31 6 per cwt. net
4. On any other sale	30 10½ per cwt. net

PART III—Minimum Prices of Millable and Potentially Millable Barley

A. Millable Barley

Column 1	Column 2
	At the rate of—
	s. d.
1. On a sale by a grower	23 3 per cwt. net
2. On a sale by an approved buyer to the Minister	23 9 per cwt. net
3. On a sale by an approved buyer to an ultimate user	23 10½ per cwt. net

B. Potentially Millable Barley

The minimum price shall be that applicable to millable barley less a reasonable deduction (not exceeding 3s. 6d. per cwt., proper allowance being made for wastage) representing the cost of converting the potentially millable barley into millable barley.

PART IV—Charges which may be made by the Seller in Addition to the Maximum Prices

1. Credit

The maximum prices prescribed by this Order are fixed on the basis of net cash; where credit is given by the seller to the buyer a reasonable charge may be made therefor provided that the amount of such charge is quoted by the seller on the invoice.

2. Storage and Handling Charges

(1) Where barley which has been taken into and delivered out of the seller's store has:—

(*a*) at the request of the buyer been delivered by the seller in a quantity of 80 cwt. or less; or

(*b*) been both re-bagged and re-weighed by the seller,

a charge at a rate not exceeding 3d. per cwt. may be made by the seller in respect thereof.

(2) No such charge shall be made on a sale by a grower or where the barley has been taken into the seller's store for the purpose of processing.

(3) On a sale of Isle of Man barley a charge may be made by the seller in respect of warehousing (including handling) both at the place of despatch in the Isle of Man and also at the place of arrival in the United Kingdom, provided that such charge in each case shall be reasonable and shall not exceed 2d. per cwt. and shall be properly incurred and paid or payable.

3. Small Lots

Where on a sale to an ultimate buyer barley is, at the request of the buyer, delivered by the seller in any of the undermentioned quantities, a charge may be made by the seller in accordance with the following scale:—

Quantity delivered	Charge at a rate not exceeding—
	s. d.
10 cwt. or more but less than 20 cwt.	3 per cwt.
5 cwt. or more but less than 10 cwt.	6 per cwt.
1 cwt. or more but less than 5 cwt.	1 0 per cwt.
¼ cwt. or more but less than 1 cwt.	1 6 per cwt., or 9d. per ¼ cwt.
28 lb. or more but less than ½ cwt.	2 6 per cwt., 11¼d. per 42 lb. or 7½d. per 28 lb.
14 lb. or more but less than 28 lb.	3 0 per cwt., 6¾d. per 21 lb. or 4½d. per 14 lb.
Under 14 lb.	4 0 per cwt., or 3d. per 7 lb.

4. Transport Charges on a Sale of Home Grown Barley

The maximum prices for home grown barley prescribed by Part I and Part II of this Schedule are fixed on the basis that all transport charges after sale by the grower "ex-farm" are for the account of the ultimate buyer, and accordingly on a sale of any home grown barley there may be added to such maximum prices all transport charges after sale by the grower "ex-farm";

Provided that—

(*a*) such charges so added shall not exceed any reasonable amounts actually and properly paid or payable by the seller and any other reasonable sums representing transport costs properly incurred by him,

(*b*) the transport charges for barley half corns or barley screenings may only be added after the first sale in Great Britain of the half corns or screenings as such, and

(*c*) where on a sale of barley by the Minister an average or flat rate is charged in respect of tranport the amount so charged shall be deemed to be a reasonable amount actually and properly paid or payable for transport.

5. Sacks

(1) Where the seller provides returnable sacks (owned or hired by him) the seller may:—

(*a*) make a charge at a rate not exceeding 1d. per sack for the first 14 days from the date of sale and ½d. per sack(a) for each subsequent 7 days of hire, or, where the sacks were hired by him, a charge not exceeding the charge actually paid or incurred by the seller for the hire of the sacks during the same period whichever is the less;

(*b*) make a further charge, by way of deposit, which shall not exceed:—

(i) 7s. 0d. for any sack weighing 3½ lb. or more;

(ii) 5s. 0d. for any sack weighing 2 lb. or more but less than 3½ lb.;

(iii) 2s. 6d. for any sack weighing less than 2 lb.

Any sum charged by way of deposit shall be repaid by the seller to the buyer on the re-delivery by the buyer of the sack (carriage paid) in such condition as is reasonable having regard to its condition when supplied and to ordinary wear and tear.

(2) Where the seller provides non-returnable sacks, other than M.A.F. sacks, the seller may make a charge for each sack at a rate not exceeding 1s. 5d. per cwt. of the contents sold, or in the case of a sale of less than 1 cwt. at a rate not exceeding 1s. 8d. per cwt.

6. Charges in respect of Transport, Insurance, Freight and Containers on a Sale of Isle of Man Barley

The maximum prices for Isle of Man Barley prescribed by this Schedule are fixed on the basis of sale "ex-farm" in the Isle of Man and there may be added to such maximum prices all reasonable costs and charges of and incidental to delivery to the buyer in the United Kingdom in respect of transport, insurance, freight and the provision of containers.

7. Prohibition of Further Additions

Except as provided in this Part of this Schedule or under the authority of the Minister no charge shall be made in addition to the maximum prices in respect of credit, breaking bulk, transport, freight, insurance, containers, storage or handling.

(a) "¾d." substituted, *see* p. 489 below.

EXPLANATORY NOTE

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

This Order replaces the Barley (Control and Prices) (Great Britain) Order, 1947, as amended.

The principal changes are:—

(1) The maximum and minimum prices of barley are increased.

(2) The maximum permitted deduction for converting potentially millable barley into millable barley is increased to 3s. 6d. per cwt.

(3) The maximum permitted charge for non-returnable sacks, other than M.A.F. sacks, is increased to 1s. 5d. per cwt. of contents, or on a sale of less than 1 cwt. to 1s. 8d. per cwt.

(4) Growers are permitted to retain the whole of the barley grown by them.

(5) Approved buyers and seed barley merchants in Great Britain may sell to or buy from Northern Ireland approved buyers and seed barley merchants.

(6) The provisions relating to damaging barley and the manner of threshing and the requirement that growers should keep records are discontinued.

(b) NORTHERN IRELAND

The Barley (Northern Ireland) Order, 1949

1949 No. 1186

Made - - - -	*24th June*, 1949
Laid before Parliament	*27th June*, 1949
Coming into Operation	*1st July*, 1949

In exercise of the powers conferred upon him by Regulations 55, 55AA and 55AB of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(a) as extended by the Supplies and Services (Extended Purposes) Act, 1947(b), and of all other powers him enabling, the Minister of Food hereby makes the following Order:—

Interpretation

1. In this Order—

"The Minister" means the Minister of Food.

"The Ministry" means the Ministry of Agriculture for Northern Ireland.

(a) 9 & 10 Geo. 6. c. 10 and S.R. & O. 1945 (Nos. 1611 and 1615–25) II, pp. 39 and 45–56.

(b) 10 & 11 Geo. 6. c. 55.