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.

"Approved buyer" means a person licensed as such by the Ministry 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) (Northern Ireland) Order, 1947, as amended(a).

"Barley" means threshed barley or threshed bere and includes barley half corns, barley screenings 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—

(*a*) to the Minister;

(*b*) 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

(*c*) to an approved buyer for resale for any of the purposes mentioned in paragraph (*b*) 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 Northern Ireland 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.

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

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

"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.

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

"Port Area Grain Committee" means the Northern Ireland Port Area Grain Committee.

"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—

(i) 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(c), or by any other Order of the Minister for the time being in force prescribing prices in Northern Ireland for animal feeding stuffs, and

(ii) 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.

(a) S.R. & O. 1947 (Nos. 1637 and 1887) II, pp. 762 and 773; S.I. 1948 (No. 1762) II, p. 679; and 1949 No. 502.

(b) S.I. 1948 (No. 1855) II, p. 564. (c) S.I. 1949 No. 500.

"Seed barley merchant" means a person licensed as such by the Ministry 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) (Northern Ireland) Order, 1947, as amended.

"Tailings" means broken, small or immature barley grain 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—

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

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

Restriction on growers

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

Restriction on dealings for human consumption

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

(*a*) to the Port Area Grain Committee;

(*b*) by a grower to an approved buyer or ultimate user of barley;

(*c*) by an approved buyer to another approved buyer, including an approved buyer licensed as such under the Barley (Control and Prices) (Great Britain) Order, 1947, as amended(b) 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.

Restriction on dealings for seed

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

(*a*) a seed barley merchant may buy or obtain barley for resale as seed from a grower, an approved buyer or a seed barley merchant, including a seed barley merchant licensed as such under the Barley (Control and

(a) S.R. & O. 1940 (No. 1668) II, p. 671.

(b) 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.

Prices) (Great Britain) Order, 1947, as amended, or any Order replacing that Order, and a grower, an approved buyer or a seed barley merchant may sell or supply barley for resale as seed to a seed barley merchant;

(*b*) a seed barley merchant may sell or supply barley for resale as seed to a seed barley merchant licensed as such under the Barley (Control and Prices) (Great Britain) Order, 1947, as amended, or any Order replacing that Order;

(*c*) a grower or a seed barley merchant may sell or supply any barley for use as seed to an ultimate buyer and an ultimate buyer may buy or obtain barley for use as seed by him from a grower or a seed barley merchant, provided that the ultimate buyer shall have furnished 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.

(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 sub-paragraph (*c*) of paragraph (1) of this Article shall be retained by him for not less than one year from the date of the transaction to which it relates.

Maximum and Minimum prices

5.—(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*) the sale of barley by the Port Area Grain Committee to a licensed mixer.

Notification that barley artificially dried

6. 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 to proceedings under this Article if the defendant shows that he had no reason to believe that the barley had been artificially dried.

Keeping of records

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

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

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

(*d*) 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 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.

Particulars of additions to be furnished

8. 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

9. 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

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

Directions, authorisations and licences

11.—(1) The provisions of this Order are subject to—

(*a*) any direction which may at any time be given by or on behalf of the Minister or the Ministry, and

(*b*) any licence or authorisation which may be granted under this Order by or on behalf of the Minister or the Ministry,

and the Minister hereby delegates to the Ministry the function of giving or granting any direction, licence or authorisation 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 or the Ministry, 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 or the Ministry, 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

12.—(1) The Barley (Control and Prices) (Northern Ireland) 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.

(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

13.—(1) This Order shall not apply to any barley grown outside the United Kingdom.

(2) This Order shall apply only to Northern Ireland.

Commencement and citation

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

Dated the 24th day of June, 1949.

John Strachey,
Minister of Food

(a) S.R. & O. 1947 (Nos. 1637 and 1887) II, pp. 773 and 777; S.I. 1948 (No. 1762) II, p. 679; and 1949 No. 502.

THE FIRST SCHEDULE

Declaration and Undertaking 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 Ministry, 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 Barley other than Barley for Human Consumption

Column 1	Column 2
	At the rate of— 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.

PART II

Maximum Prices of Barley for Human Consumption

Column 1	Column 2
	At the rate of— s. d.
1. On a sale by a grower	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	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 Port Area Grain Committee	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 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 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. *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 ,, ,, ,, ,, ,, ,, 10 ,, ...	6 ,, ,,
1 ,, ,, ,, ,, ,, ,, 5 ,, ...	1 0 ,, ,,
½ ,, ,, ,, ,, ,, ,, 1 ,, ...	1 6 per cwt. or 9d. per ¼ cwt.
28 lb. ,, ,, ,, ,, ,, ½ ,, ...	2 6 per cwt., 11¼d. per 42 lb. or 7½d. per 28 lb.
14 ,, ,, ,, ,, ,, ,, 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*

The maximum prices 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 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 Northern Ireland 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 transport the amount so charged shall be deemed to be a reasonable amount actually and properly paid or payable for transport.

5. *Sack Charges*

(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. for any sack weighing 3½ lb. or more;

(ii) 5s. 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 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 one cwt. at a rate not exceeding 1s. 8d. per cwt.

6. *Prohibition of Further Additions*

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

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) (Northern Ireland) 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.

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

(3) The maximum permitted charge for non-returnable 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 Northern Ireland may sell to or buy from Great Britain approved buyers and seed barley merchants.
(6) The provisions relating to damaging barley and the manner of threshing are discontinued.

(B) DREDGE CORN

(a) *Great Britain.* | (b) *Northern Ireland*, p. 439.

(a) GREAT BRITAIN

The Dredge Corn (Great Britain) Order, 1949

1949 No. 1191

Made - - - -	*25th 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.

"Approved buyer" means a person licensed as such under this Order or the Dredge Corn (Control and Prices) (Great Britain) Order, 1947, as amended(c), and includes a person licensed as an approved buyer under the Oats (Control and Prices) (Great Britain) Order, 1948(d), the Wheat (Control and Prices) (Great Britain) Order, 1947, as amended(e), or any Order replacing either of those Orders.

"Approved buyer of barley" means an approved buyer for the purpose of the Barley (Control and Prices) (Great Britain) Order, 1947, as amended(f), or any Order replacing that Order.

"Approved buyer of wheat" means an approved buyer for the purposes of the Wheat (Control and Prices) (Great Britain) Order, 1947, as amended, or any Order replacing that Order.

(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. 1638, 1888 and 2772) II, pp. 787, 796 and 798; S.I. 1948 (Nos. 619 and 1745) II, pp. 673 and 681; and 1949 No. 503.
(d) S.I. 1948 (No. 1760) II, p. 686.
(e) S.R. & O. 1947 (Nos. 1535 and 1882) II, pp. 848 and 856; and S.I. 1948 (Nos. 619 and 1761) II, pp. 673 and 706.
(f) 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.