Given under the hand of the Secretary of State for the Home Department this 4th day of July, 1955.

G. Lloyd-George,
Secretary of State for the Home Department.

Approved this 4th day of July, 1955.

Martin Redmayne,
Edward Heath,
Two of the Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

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

The period of three years from 6th August, 1947, during which Orders under section four of the Agriculture Act, 1947 (relating to arrangements for the provision of guaranteed prices and assured markets for producers of produce mentioned in the First Schedule to that Act) may have effect was extended up to and including 5th August, 1955, by the Agriculture Act (Part I) Extension of Period Orders, 1950 (S.I. 1950/851), 1951 (S.I. 1951/1342), 1952 (S.I. 1952/1501), 1953 (S.I. 1953/1147), and 1954 (S.I. 1954/1056). This Order, which applies to the whole of the United Kingdom, extends the period for a further year to 5th August, 1956.

In accordance with section 7 (2) of the Act, resolutions approving this Order were passed by the House of Commons and by the House of Lords on 21st July, 1955.

1955 No. 962

The Cereals (Deficiency Payments) Order, 1955

Made - - - -	*27th April,* 1955
Coming into Operation	1st *July,* 1955

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Scotland and the Secretary of State for the Home Department (being the Secretaries of State concerned with agriculture in Scotland and Northern Ireland respectively), in exercise of the powers conferred upon them by section four of the Agriculture Act, 1947(**a**), and of all other powers enabling them in that behalf, after consultation with such bodies of persons as appear to each of them to represent the interests of growers of cereals, and with the approval of the Treasury, hereby severally make the following Order:—

1. This Order may be cited as the Cereals (Deficiency Payments) Order, 1955, and shall come into operation on the first day of July, nineteen hundred and fifty-five.

(a) 10 & 11 Geo. 6. c. 48.

2.—(1) In this Order, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

"the appropriate Minister" means, in relation to England and Wales, the Minister of Agriculture, Fisheries and Food, in relation to Scotland, the Secretary of State for Scotland and, in relation to Northern Ireland, the Secretary of State for the Home Department;

"cereals" means wheat, rye, oats or barley;

"millable rye" means rye which is sweet and in fair merchantable condition, reasonably free from sprouted grains, commercially clean as regards admixture and tailings and commercially free from heated or mouldy grains or objectionable taint, and capable of being manufactured into a sound sweet flour or meal fit for human consumption having regard to the customary methods employed in the milling industry for cleaning and conditioning rye;

"millable wheat" means wheat which is sweet and in fair merchantable condition, reasonably free from sprouted or smutty grains, commercially clean as regards admixture and tailings and commercially free from heated or mouldy grains or objectionable taint, and capable of being manufactured into a sound sweet flour fit for human consumption having regard to the customary methods employed in the milling industry for cleaning and conditioning wheat;

"the Ministers" means the Minister of Agriculture, Fisheries and Food and the Secretaries of State concerned with agriculture in Scotland and Northern Ireland respectively, acting jointly;

"registered grower", in relation to any cereals, means the person for the time being registered by the appropriate Minister, in such manner and subject to such conditions as that Minister may from time to time prescribe, as the grower of those cereals for the purposes of this Order;

"year" means a period of twelve months commencing with the first day of July in any calendar year.

(2) The Interpretation Act, 1889(a), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Standard prices and average realised prices for cereals

3. In respect of each year and in respect of each of the following cereals, that is to say, millable wheat, millable rye, oats and barley, the Ministers shall—

(*a*) in the light of their conclusions from a review held under section two of the Agriculture Act, 1947, and with the approval of the Treasury, specify a standard price; and

(*b*) determine, in such manner as appears to them proper in the respective circumstances, an average realised price,

being in each case a price per hundredweight:

Provided that in the case of millable wheat the Ministers may, if they think fit, convert the standard price specified as aforesaid in respect of any year into such different seasonal standard prices per hundredweight in respect of such different accounting periods in that year as they may with the approval of the Treasury prescribe, and where such a conversion has been made an

(a) 52 & 53 Vict. c. 63.

average realised price shall be determined as aforesaid in respect of each of the accounting periods so prescribed instead of in respect of that year as a whole.

Payments in respect of wheat or rye

4.—(1) If in the case of any year the average realised price of millable wheat or, as the case may be, millable rye is less than the standard price thereof, the appropriate Minister may, if he thinks fit, and subject to such conditions as he may from time to time with the approval of the Treasury prescribe, make a payment of an amount equal to the difference in respect of every hundredweight of millable wheat or, as the case may be, millable rye which is shown to his satisfaction to have been despatched or delivered during that year to, or in accordance with the instructions of, a purchaser thereof.

(2) If the standard price of millable wheat specified in respect of any year has been converted under the proviso to the last foregoing article into different seasonal standard prices in respect of different accounting periods in that year, references in the foregoing paragraph to a year and to the standard price shall be construed in relation to millable wheat and to that year as references respectively to the appropriate accounting period and to the appropriate seasonal standard price.

Payments in respect of oats, barley or mixed cereals

5.—(1) If in the case of any year the average realised price of oats or, as the case may be, barley is less than the standard price thereof, the appropriate Minister may, if he thinks fit, and subject to such conditions as he may from time to time with the approval of the Treasury prescribe, make a payment in respect of any land which is shown to his satisfaction to have been used for the purpose of growing oats or, as the case may be, barley for harvesting during the year in question, being oats or barley harvested as grain or available at such date as he may determine for harvesting as grain.

(2) Any payment under the foregoing paragraph shall be at such rate per acre as the Ministers may from time to time with the approval of the Treasury prescribe, being a rate determined by reference to the difference between the average realised price and the standard price and the average yield per acre in hundredweights of oats or, as the case may be, barley in the United Kingdom during such period as may appear to the Ministers to be appropriate.

(3) Where any land has been used for the purpose of growing a crop consisting entirely of two or more cereals or consisting of a mixture of one or more cereals and other produce, the appropriate Minister may, if he thinks fit, and subject to such conditions as he may from time to time with the approval of the Treasury prescribe, make in respect of that land a payment—

(*a*) in the case of a crop consisting entirely of cereals, of an amount equal to, or

(*b*) in the case of a crop consisting of cereals and other produce, of an amount equal to such percentage as the Ministers may from time to time with the approval of the Treasury prescribe of,

any payment which he might have made in respect of that land under paragraph (1) of this article if the crop had consisted of oats.

(4) Without prejudice to the general discretion of the appropriate Minister with respect to any payment under the foregoing provisions of this article, if in respect of any land to which any of those provisions applies he is of opinion—

(*a*) that the crop of cereals obtained from the land is unduly small, or has been adversely affected by the unsuitability of the land for growing the crop or by negligence in connection with the preparation of the land for, or the sowing, tending or harvesting of, the crop; or

(*b*) that any of the land has been used in the twelve months preceding the harvesting of the crop in question in a manner likely to impair its fertility ; or

(*c*) in the case of a crop of cereals, or of cereals and other produce, which has been undersown with other crops, that the cereal seed sown was not sufficient to provide a proper crop of cereals or that the undersowing was done in such a manner or with seed of such a kind as to be likely to reduce the yield of the cereals ; or

(*d*) that the cereals were self-sown,

he may reduce to such extent as he thinks fit the amount of, or withhold, any payment which he might otherwise have made under that provision in respect of that land.

Persons to whom payments to be made

6. Any payment under this Order shall be made to the registered grower of the cereals in question or, if the appropriate Minister is satisfied that the interest of the registered grower in that payment has passed to some other person, to that other person.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this twenty-seventh day of April, nineteen hundred and fifty-five.

(L.S.)

D. Heathcoat Amory,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland this twenty-seventh day of April, nineteen hundred and fifty-five.

(L.S.)

James Stuart,
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department this twenty-seventh day of April, nineteen hundred and fifty-five.

G. Lloyd-George,
Secretary of State for the Home Department.

Approved this twenty-seventh day of April, nineteen hundred and fifty-five.

Martin Redmayne,
R. H. M. Thompson,
Two of the Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

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

This Order makes arrangements under section four of the Agriculture Act, 1947, for the provision of deficiency payments on cereals from 1st July, 1955. The Order provides for the deficiency payments to be related to standard prices determined by Ministers after reviews held under section two of the Act.

The Order has been approved by resolutions of each House of Parliament in pursuance of section seven of the Act.