STATUTORY INSTRUMENTS

1971 No. 289

AGRICULTURE

GUARANTEED PRICES AND ASSURED MARKETS

The Cereals (Guarantee Payments) Order 1971

Made - - -	*23rd February* 1971
Laid before Parliament	*2nd March* 1971
Coming into Operation	*1st July* 1971

The Minister of Agriculture, Fisheries and Food, the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred upon them by sections 1 and 35(3) of the Agriculture Act 1957(a), as read with the Transfer of Functions (Wales) Order 1969(b), and of all other powers enabling them in that behalf, with the consent of the Treasury and after consultation with such bodies of persons as appear to the said Ministers to represent the interests of producers of cereals, hereby make the following order:—

Citation, commencement, interpretation and revocation

1. This order may be cited as the Cereals (Guarantee Payments) Order 1971, and shall come into operation on 1st July 1971.

2.—(1) In this order, except where the context otherwise requires—

"the appropriate Minister" means—

(*a*) in relation to England, the Minister of Agriculture, Fisheries and Food;

(*b*) in relation to Scotland and Northern Ireland, respectively, the Secretary of State concerned with agriculture therein; and

(*c*) in relation to Wales—

(i) for the purpose of the making, receipt or recovery of any payment, the Minister of Agriculture, Fisheries and Food;

(ii) for all other purposes, that Minister and the Secretary of State for Wales, acting jointly;

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

"determined" means determined by the Minister with the approval of the Treasury and as respects any guaranteed price to be determined in pursuance of this order means so determined by the Minister from time to time in the light of the conclusions of the Ministers from a review held under section 2 of the Agriculture Act 1947(c);

(a) 1957 c. 57. (b) S.I. 1969/388 (1969 I, p. 1070). (c) 1947 c. 48.

"guaranteed price", "target indicator price" and "average realised price" mean the prices determined or ascertained pursuant to article 3(1)(*a*) and (*b*) and (2) respectively of this order;

"the Minister", in relation to any part of the United Kingdom, means either the appropriate Minister in relation to that part, or that Minister and any or all of the other Ministers acting jointly;

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

"registered grower", in relation to any cereals, means the person for the time being registered by the Minister, in such manner and subject to such conditions as he may from time to time specify, 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 and as if this order and the orders hereby revoked were Acts of Parliament.

(3) In this order references to Wales include, and references to England do not include, Monmouthshire.

(4) The orders specified in the Schedule hereto are hereby revoked.

Guarantee payments for wheat, barley, rye and oats

3.—(1) In respect of each year there shall be determined—

(*a*) for wheat and barley respectively—

(i) a guaranteed price per hundredweight; and

(ii) a target indicator price, being a price per hundredweight determined by the Minister with the approval of the Treasury having regard to the minimum import price levels prescribed for wheat and barley respectively by order under section 1(2) of the Agriculture and Horticulture Act 1964(b);

(*b*) for rye and oats respectively, a guaranteed price per hundredweight.

(2) In respect of each year the Minister shall ascertain in such manner and at such time as appears to him proper the average realised prices per hundredweight obtained by producers for wheat, barley, rye and oats respectively.

4. The guarantee payment for any year—

(*a*) for wheat and for barley respectively shall be the amount, if any, by which the guaranteed price thereof exceeds the average realised price thereof or the target indicator price thereof, whichever is the higher.

(*b*) for rye and for oats respectively shall be the amount, if any, by which the guaranteed price thereof exceeds the average realised price thereof.

5. Any guarantee payment relating to wheat, barley, rye or oats ascertained pursuant to article 4 of this order may be made by the Minister subject to such conditions as he may from time to time with the approval of the Treasury specify and may—

(a) 1889 c. 63. (b) 1964 c. 28.

(*a*) be made in respect of any land which is shown to the satisfaction of the Minister to have been used for the purpose of growing wheat, barley, rye or oats, as the case may be, for harvesting during the year, being wheat, barley, rye or oats, harvested as grain, or available at such date as he may specify for harvesting as grain;

(*b*) be made at such a rate per acre as may be ascertained by the Minister, being a rate calculated by reference to the guarantee payment ascertained pursuant to article 4 hereof and the average yield of wheat, barley, rye or oats, as the case may be, in hundredweights per acre in the United Kingdom ascertained by the Minister during such period as may appear to him appropriate.

Guarantee payments for mixed cereals

6. 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 Minister may, if he thinks fit, and subject to such conditions as he may from time to time with the approval of the Treasury specify, 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 Minister may from time to time with the approval of the Treasury specify of,

any payment which he might have made in respect of that land under articles 4 and 5 of this order if the crop had consisted of oats.

Reduction or withholding of payments in certain circumstances

7. The Minister may, without prejudice to his general discretion in respect of any payment under this order, in respect of any land to which article 5 or 6 hereof applies, if 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 cereal, or

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

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 may be made

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

9. Subject to such terms and conditions as the Minister, with the approval of the Treasury, may specify, the Minister may for the purposes of this order make such payments by way of advance as he may from time to time in respect of any year think fit.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 12th February 1971.

(L.S.)

J. M. L. Prior,
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 15th February 1971.

(L.S.)

Gordon Campbell,
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department on 17th February 1971.

R. Maudling,
Secretary of State for the Home Department.

Given under my hand on 19th February 1971.

Peter Thomas,
Secretary of State for Wales.

We consent

23rd February 1971.

Walter Clegg,
P. L. Hawkins,
Two of the Lords Commissioners of Her Majesty's Treasury.

SCHEDULE

Article 2(4)

Orders revoked	References
The Cereals (Guarantee Payments) Order 1964.	S.I. 1964/840 (1964 II, p. 1796).
The Cereals (Guarantee Payments) (Amendment) Order 1966.	S.I. 1966/484 (1966 I, p. 995).
The Cereals (Guarantee Payments) (Amendment) Order 1968.	S.I. 1968/767 (1968 II, p. 2148).
The Cereals (Guarantee Payments) (Amendment) Order 1969.	S.I. 1969/672 (1969 II, p. 1844).

EXPLANATORY NOTE

(This note is not part of the Order.)

This order replaces the Cereals (Guarantee Payments) Order 1964 (S.I. 1964 No. 840) as amended, and provides for changes in the arrangements for guarantee payments to producers of cereals.

The changes effected by the order relate to wheat, rye and barley. For wheat and rye the previous arrangements are ended whereby grain had to be sold in order to qualify for deficiency payment. For barley the provision is removed for deductions from or additions to the basic acreage payment to take account of the timing of any sales of barley.

The deficiency payments for all cereals are placed on the same basis by this order and relate only to the acreages of the cereals which are harvested as grain or are available for harvesting as grain.