STATUTORY INSTRUMENTS

1971 No. 290

AGRICULTURE

GUARANTEED PRICES AND ASSURED MARKETS

The Cereals (Protection of Guarantees) 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 and 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 5, 9(4) and 35(3) of the Agriculture Act 1957(**a**) and section 70 of the Agriculture Act 1967(**b**), as read with the Transfer of Functions (Wales) Order 1969(**c**), and of all other powers enabling them in that behalf, hereby make the following order :—

Citation, commencement, interpretation and revocation

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

2.—(1) In this order—

"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 ;

"cereal year" means a period of twelve months commencing with 1st July in any calendar year ;

"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" means a person registered by or on behalf of the Minister as a grower of home-grown cereals.

(**a**) 1957 c. 57. (**b**) 1967 c. 22.
(**c**) S.I. 1969/388 (1969 I, p. 1070).

(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 the references to England do not include, Monmouthshire.

(4) The Cereals (Protection of Guarantees) Order 1958(b), the Cereals (Protection of Guarantees) (Amendment) Order 1961(c) and the Cereals (Protection of Guarantees) (Amendment) Order 1966(d) are hereby revoked.

Retention of records

3. Every registered grower and every person who, for re-sale or in the course of a trade or business other than farming, buys wheat, barley or rye from a registered grower thereof shall, notwithstanding the revocation of the orders mentioned in article 2(4) above,—

(*a*) retain for two years from the end of the cereal year to which the record relates every record which immediately before such revocation he was required to keep or cause to be kept under the provisions of those orders, and shall produce any such record on demand by an authorised officer of the Minister or, in Northern Ireland, of the Ministry of Agriculture for Northern Ireland ;

(*b*) if so required by a notice in writing served on him by the Minister, furnish to such person, in such form, at such time or times and in respect of such period or periods ending on or before 30th June 1971 as may be specified in the said notice such information relating to the purchase, sale or use by him of wheat, barley or rye and additionally, in the case of a registered grower, such information relating to acreages sown by him to wheat, rye, barley, oats and mixed cereals respectively, as the Minister may require and shall produce on demand by any authorised officer of the Minister or, in Northern Ireland, of the Ministry of Agriculture for Northern Ireland such books, accounts and records in his possession or control and relating to such transactions, use or sowing as may be necessary to verify the information so furnished.

Entry on land by authorised officers

4. Any authorised officer of the Minister or, in Northern Ireland, of the Ministry of Agriculture for Northern Ireland may at all reasonable times enter upon any land used for the production of wheat, rye, barley, oats or mixed cereals and inspect and take samples of any such produce found upon land so used.

Service of notices

5.—(1) Any notice required or authorised by this order to be given to or served on any person shall be sufficiently given or served if it is delivered to him personally or left at his last known place of abode or business or sent by post addressed to him at the aforesaid place of abode or business.

(2) Any notice required or authorised by this order to be given to or served on an incorporated company or body shall be sufficiently given or served if given to or served on the secretary or clerk of the company or body. For the purposes of this order and of section 26 of the Interpretation Act 1889, the

(a) 1889 c. 63.
(b) S.I. 1958/956 (1958 I, p. 78).
(c) S.I. 1961/1071 (1961 II, p. 2053).
(d) S.I. 1966/485 (1966 I, p. 997).

proper address of such secretary or clerk shall be that of the registered or principal office of the company or body.

Exercise of functions in Northern Ireland

6. The functions conferred or imposed on the Minister by this order may be exercised in relation to Northern Ireland by the Minister of Agriculture for Northern Ireland.

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,
Bernard Weatherill,
Two of the Lords Commissioners of
Her Majesty's Treasury.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order replaces the Cereals (Protection of Guarantees) Order 1958 (S.I. 1958 No. 956), as amended, made in support of the guarantee arrangements for cereals having effect under Part I of the Agriculture Act 1957. It repeats the provision in the previous order enabling authorised officers to enter upon land used for the production of cereals and to inspect and take samples of such produce. This power of entry no longer extends to land used for the storage or sale of cereals.

The provisions in the previous order, which required registered growers and dealers in wheat, barley and rye to furnish the Minister with information and produce records, are now limited to information and production of records relating to the sowing, purchase, sale or use of cereals prior to 1st July 1971.