FERTILISERS.

Control.

ORDER, DATED SEPTEMBER 2, 1941, MADE BY THE MINISTRY OF AGRICULTURE FOR NORTHERN IRELAND UNDER REGULATION 55 (1) OF THE DEFENCE (GENERAL) REGULATIONS, 1939.

1941. No. 158.

WHEREAS by the Delegation of The Control of Fertilisers in Northern Ireland (Supply) (No. 1) Order, 1941, (a) the Minister of Supply delegated, subject to the provisions of that Order, his powers as respects Northern Ireland under Paragraph (1) of Regulation 55 of the Defence (General) Regulations, 1939, (b) to the Ministry of Agriculture for Northern Ireland (hereinafter referred to as " the Ministry ") for the purpose of the control of fertilisers :

AND WHEREAS it appears to the Ministry to be necessary for maintaining supplies and services essential to the life of the community and expedient that this Order should be made :

NOW, THEREFORE, the Ministry in pursuance of the powers so delegated to it and of all other powers enabling it in that behalf, hereby orders as follows :—

1.—(1) No person shall produce for disposal or distribute wholesale any fertiliser except under the authority of a licence granted to him by the Ministry.

(2) Every person desiring to be licensed under paragraph 1 of this Article shall make application to the Ministry in such form as the Ministry may require.

(3) Every person licensed under paragraph (1) of this Article is hereinafter in this Order called a " licensed producer " or a " licensed wholesaler " as the case may be.

2.—No licensed wholesaler shall dispose or agree or offer to dispose of or agree or offer to acquire any fertiliser except to or from :

(*a*) a person licensed under Article 4 (1) of this Order who has nominated him as his supplier under paragraph (4) of Article 4 of this Order ;

(*b*) a person licensed under Article 5 (1) of this Order who has nominated him as his supplier under paragraph (4) of Article 5 of this Order.

3.—(1) No licensed wholesaler shall refuse, except with the consent of the Ministry, to dispose of any fertiliser to any person licensed under

(a) S. R. & O. (U.K.) 1941, No. 1110.
(b) S. R. & O. (U.K.) 1939, No. 927.

Article 4 (1) or Article 5 (1) of this Order, and who has nominated him as his supplier under paragraph (4) of Article 4 or paragraph (4) of Article 5 of this Order as the case may be. Provided that nothing in this paragraph shall be construed as imposing any obligation upon a wholesaler to dispose of fertilisers on credit terms.

4.—(1) No person other than a licensed wholesaler shall distribute wholesale any fertiliser except under the authority of a licence granted to him by the Ministry.

(2) Every person desiring to be licensed under paragraph (1) of this Article shall make application to the Ministry in such form as the Ministry may require.

(3) Every person licensed under paragraph (1) of this Article is hereinafter referred to as a " licensed secondary wholesaler."

(4) No licensed secondary wholesaler shall acquire or agree or offer to acquire any fertiliser except from :

(*a*) a licensed wholesaler whom he has nominated as his supplier in his application for a licence under paragraph (2) of this Article, and who has agreed to accept him as a prospective purchaser ;

(*b*) a person not being a licensed wholesaler who has previously acquired that fertiliser from him.

(5) No licensed secondary wholesaler shall dispose or agree or offer to dispose of any fertiliser except to :

(*a*) a person licensed under Article 5 (1) of this Order ;

(*b*) the licensed wholesaler from whom he acquired that fertiliser.

5.—(1) No person shall distribute retail any fertiliser except under the terms of the licence granted to him by the Ministry.

(2) Every person desiring to be licensed under paragraph (1) of this Article shall make application to the Ministry in such form as the Ministry may require.

(3) Every person licensed under paragraph (1) of this Article is hereinafter referred to as a " licensed retailer."

(4) No licensed retailer shall acquire or agree or offer to acquire any fertiliser except from :

(*a*) a licensed wholesaler whom he has nominated as his supplier in his application for a licence under paragraph (2) of this Article and who has agreed to accept him as a prospective purchaser ;

(*b*) a licensed secondary wholesaler whom he has nominated as his supplier in his application for a licence under paragraph (2) of this Article and who has agreed to accept him as a prospective purchaser ;

(*c*) a person who being neither a licensed wholesaler nor a licensed secondary wholesaler has previously acquired that fertiliser from him.

(5) No licensed retailer shall dispose of or agree or offer to dispose of any fertiliser except to :

(*a*) a person who he has reasonable cause to believe proposes to use the fertiliser for application to land in his possession or ownership or under his control and situate in Northern Ireland ;

(*b*) a licensed wholesaler or secondary wholesaler from whom he acquired that fertiliser.

6.—(1) The holder of any licence granted under this Order shall comply with any conditions contained or incorporated in that licence.

(2) If any licence granted under this Order is revoked by the Ministry the holder of the licence shall deliver up forthwith the licence as directed by the Ministry and shall dispose of any fertiliser in his possession in such manner as the Ministry may direct.

7.—Every licensed wholesaler, licensed secondary wholesaler, and every licensed retailer, shall keep or cause to be kept such records of his dealings in fertilisers as are necessary to show that the provisions of this Order and of any directions, authorisations or licences issued thereunder or of any Order made by the Ministry of Supply for the purpose of controlling the prices or the supply of fertilisers for the time being in force and applicable to Northern Ireland are being complied with and, in particular, he shall keep a separate record of the names and addresses of all persons from whom he purchases any fertiliser, the quantities so purchased, the date of delivery, and the prices paid in respect of them. He shall also keep a separate record of all fertilisers sold, including the date of sale, the name and address of the purchaser and the price charged, and any person employed in connection with his trade or business shall, if requested to do so by any officer duly authorised by the Ministry produce to such officer any such records, books, documents, or accounts relating to the said trade or business as such officer may require and shall furnish to him within such time as he may specify such estimates, returns or information relating to the said trade or business as such officer may require.

8.—Any person authorised in writing by or on behalf of the Ministry may enter upon any premises with a view to securing compliance with the provisions of this Order and may take samples of any fertilisers which he has reason to suspect of being bought or sold in contravention of this Order.

9.—Nothing in this Order shall be taken to prohibit or restrict the delivery to and acceptance by a person carrying on the business of a carrier or warehouseman of any fertiliser in the ordinary course of that business, or the delivery by and acceptance from such person of any fertiliser in the ordinary course of that business.

10.—In this Order "fertiliser" means any article named in the first column of Part 1 of the First Schedule to The Fertilisers and Feeding Stuffs Act 1926.

"Produce" includes the mixing together of two or more fertilisers whether or not those fertilisers or any of them have been produced by the person mixing them.

"Distribute wholesale" means supply to any person whose business includes the selling of fertilisers, and the expressions "acquire" and "dispose of" include respectively the giving and taking of possession.

"Distribute retail" means supply any fertiliser to any person buying for a purpose other than resale.

This Order may be cited as The Control of Fertilisers (Northern Ireland) (No. 1) Order, 1941.

This Order shall come into force on the 2nd day of September, 1941.

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this Second day of September, Nineteen hundred and Forty-one, in the presence of

(L.S.) (Signed) *J. H. Craig*,
Assistant Secretary.

ORDER, DATED OCTOBER 25TH, 1941, MADE BY THE MINISTRY OF AGRICULTURE FOR NORTHERN IRELAND UNDER REGULATION 55 (1) OF THE DEFENCE (GENERAL) REGULATIONS, 1939.

1941. No. 180.

WHEREAS by the Delegation of the Control of Fertilisers in Northern Ireland (Supply) (No. 1) Order, 1941, (a) the Minister of Supply delegated, subject to the provisions of that Order, his powers as respects Northern Ireland under paragraph (1) of Regulation 55 of the Defence (General) Regulations, 1939, (b) to the Ministry of Agriculture for Northern Ireland (hereinafter referred to as "the Ministry") for the purpose of the control of fertilisers:

AND WHEREAS it appears to the Ministry to be necessary for maintaining supplies and services essential to the life of the community and expedient that this Order should be made:

(a) S. R. & O. (U.K.) 1941, No. 1110.
(b) S. R. & O. (U.K.) 1939, No. 927.