(34) POTTERY

The Domestic and Ornamental Pottery (Manufacture, Marking and Supply) Order, 1950

1950 No. 1130

Made - - - -	10*th July*, 1950
Laid before Parliament	11*th July*, 1950
Coming into Operation	1*st August*, 1950

The Board of Trade in pursuance of the powers conferred upon them by Regulations 55 and 55AA 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**), hereby order as follows:—

PART I

Manufacture and Marking

Manufacture

1. A manufacturer shall not manufacture any controlled pottery (hereinafter referred to as " pottery ") except under the authority of a licence granted by the Board of Trade and in accordance with any condition attached thereto.

Marking

2.—(1) A manufacturer shall mark indelibly on any undecorated pottery manufactured by him, being earthenware of a description specified in the Second Schedule hereto, such letters in such form as may most recently have been notified to him in writing by the Board of Trade in respect of pottery of that description or, in the case of vitrified earthenware, the word " vitrified ".

(2) A manufacturer shall mark indelibly on any decorated pottery manufactured by him (other than a cup or egg cup) his name or his registered trade mark or an identification symbol previously approved in writing by the Board of Trade for the purposes of this paragraph.

(3) A person shall not mark any pottery with the word " stoneware " unless:—

(*a*) it was manufactured by him under the authority of a licence granted by the Board of Trade expressly authorising the manufacture of stoneware ; and

(*b*) it has an opaque vitreous body, fired glost to a temperature of more than 1,200 degrees Centigrade.

(4) A person shall not, in the course of his business, remove or deface or, with intent to deceive, obscure any letter, word, trade mark or symbol applied to any pottery in pursuance of paragraph (1) or (2) of this Article.

(a) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (No. 1618) II, p. 48.
(b) 10 & 11 Geo. 6. c. 55.

PART II

Supply

Supply

3.—(1) A manufacturer shall not, in the course of his business, supply any decorated pottery manufactured by him except—

(*a*) by export; or

(*b*) to a registered exporter; or

(*c*) to a person who has surrendered to the manufacturer an export voucher issued by the Board of Trade valid in relation to the supply of that decorated pottery by that manufacturer to that person; or

(*d*) under the authority of a licence granted by the Board of Trade under this paragraph.

(2) A registered exporter shall not, in the course of his business, supply any decorated pottery except—

(*a*) by export; or

(*b*) (in the case of decorated pottery supplied to him by the manufacturer thereof) to another registered exporter; or

(*c*) to a person who has surrendered to the registered exporter an export voucher issued by the Board of Trade valid in relation to the supply of that decorated pottery by that registered exporter to that person; or

(*d*) under the authority of a licence granted by the Board of Trade under this paragraph.

For the purposes of head (*b*) of this paragraph decorated pottery shall be deemed not to have been supplied to a registered exporter by the manufacturer thereof unless that registered exporter holds a document required (by Article 5 hereof) to be furnished in relation to the supply of that pottery to him, endorsed by the person who furnished the document with a statement that that pottery was manufactured by that person.

(3) The provisions of paragraph (2) of this Article shall not apply to decorated pottery if the registered exporter holds a document required to be furnished in relation to the supply of that pottery to him, endorsed by the person who furnished the document (*a*) with a statement that that person is supplying that pottery under the authority of a licence granted by the Board of Trade bearing a reference number commencing with the letters and symbol "ER/", "FE/" or "HTL/", or (*b*) with the words "export rejects", "frustrated exports" or "home trade licence".

(4) A person who has at any time before the commencement of this Order acquired any decorated pottery by virtue of the provisions of head (*b*) of paragraph (1) of Article 5 of the Domestic Pottery (Manufacture and Supply) Order, 1947(**a**), as amended(**b**), shall not supply that pottery except by export.

(5) A person to whom decorated pottery is supplied against the surrender by him of an export voucher issued by the Board of Trade shall not supply that pottery except by export.

(6) A person other than a registered exporter shall not after the 30th day of September, 1950, in the course of his business, supply or have in his possession any decorated pottery not manufactured by him unless he holds a document required to be furnished in relation to the supply of that pottery to him, endorsed by the person who furnished the document (*a*) with a statement that that person is supplying that pottery (i) under the authority of

(**a**) S.R. & O. 1947 (No. 373) II, p. 344. (**b**) S.I. 1948 (No. 1616) II, p. 391.

a licence granted by the Board of Trade bearing a reference number commencing with the letters and symbol "ER/", "FE/" or "HTL/", or (ii) against the surrender of an export voucher, or (*b*) with the words "export rejects", "frustrated exports" or "home trade licence":

Provided (i) that it shall be a defence for any person charged with a contravention of this paragraph to prove that he had taken all reasonable steps to ascertain and had reasonable cause to believe that the pottery in respect of which that contravention is alleged was manufactured before 1900 or was second-hand pottery; (ii) that it shall be a defence for any person charged with being in possession of decorated pottery in contravention of this paragraph to prove either that he acquired it before the commencement of this Order or that he had complied with the provisions of paragraph (8) of Article 5 of this Order in relation to it; (iii) that it shall be a defence for any person charged with supplying decorated pottery in contravention of this paragraph to prove both that he acquired it before the commencement of this Order and that he supplied it by retail.

(7) A manufacturer who has acquired any decorated pottery from another manufacturer and holds a document required to be furnished in relation to the supply thereof to him, endorsed by the person who furnished the document with a statement that that person is supplying that pottery under the authority of a licence granted by the Board of Trade bearing a reference number which commences with the letters "SETS", shall be deemed to be in possession of, and when he supplies that decorated pottery be deemed to be supplying, decorated pottery which he himself manufactured.

Export Vouchers

4. A person to whom an export voucher is issued by the Board of Trade shall return one copy thereof to the Board of Trade duly completed by him giving the information therein shown to be required within 21 days of the supply by him of all the pottery to which the voucher relates.

Documents

5.—(1) Where decorated pottery is supplied (otherwise than by export) by any person in the course of his business to another person who acquires that pottery in the course of a business which includes the buying and selling of pottery, the person carrying on the first mentioned business (hereinafter called "the supplier") shall furnish a document (whether in the form of an invoice, a delivery note or otherwise) to the person carrying on the second mentioned business (hereinafter called "the acquirer") on or before the date of the supply of that pottery.

(2) Any document furnished in pursuance of this Article shall contain the following particulars:—

(*a*) the name and the address of the principal place of business of the supplier;

(*b*) the name and address of the acquirer and, if the pottery to which the document relates is being, or is to be, sent to some other address, that other address;

(*c*) a description of the pottery to which the document relates and in particular the quantity thereof;

(*d*) the date on which the document is furnished.

(3) A person who supplies any decorated pottery shall endorse on the document furnished by him in relation to the supply thereof in pursuance

of the provisions of paragraph (1) of this Article, in addition to the particulars required by paragraph (2) of this Article, the particulars indicated below:—

(*a*) where he is supplying to a registered exporter, he shall endorse on the document the words " for export " ;

(*b*) where he is supplying to any person against the surrender by that person of an export voucher, he shall endorse on the document a statement that he is so supplying, giving the reference number of that export voucher ;

(*c*) where he is supplying under the authority of a licence granted by the Board of Trade, he shall endorse on the document a statement that he is so supplying, giving the reference number of that licence ;

(*d*) where he is supplying pottery not manufactured by him and the document furnished to him is endorsed, in relation to the supply to him of that pottery, by the person who furnished the document, with a statement that that person is supplying under the authority of a licence granted by the Board of Trade bearing a reference number commencing with the letters and symbol " ER/ ", " FE/ ", or " HTL/ ", he shall endorse on the document the words " export rejects ", " frustrated exports " or " home trade licence ", as the case may be ;

(*e*) where he is supplying pottery not manufactured by him and the document furnished to him is endorsed, in relation to the supply to him of that pottery, by the person who furnished the document, with the words " export rejects ", " frustrated exports " or " home trade licence ", he shall endorse on the document the words " export rejects ", " frustrated exports " or " home trade licence ", as the case may be ;

(*f*) where before the 1st day of October, 1950, he is supplying pottery not manufactured by him, acquired by him before the commencement of this Order, and no document furnished in relation to the supply to him of that pottery is endorsed in any manner indicated in head (*d*) or (*e*) of this paragraph, he shall endorse on the document the words " export rejects ".

(4) Where a person is supplying decorated pottery to a registered exporter, the provisions of head (*a*) of paragraph (3) of this Article shall have effect only if the supplier is a manufacturer or registered exporter and the supply is authorised only by virtue of the fact that the acquirer is a registered exporter.

(5) Where, in order to comply with the provisions of paragraph (3) of this Article, it is necessary for the supplier to put more than one endorsement on a document, he shall indicate the goods to which each such endorsement refers.

(6) Where pottery is delivered or consigned to a person other than the acquirer, the supplier shall endorse on the copy of the relevant document kept by him in pursuance of paragraph (7) of this Article the name and address of the person to whom it was delivered or consigned as the case may be.

(7) Where a document has been furnished in pursuance of this Article—

(*a*) the person furnishing that document shall keep a copy thereof for a period of eighteen months after its despatch ; and

(*b*) the person to whom the document is furnished shall keep that document for a like period after he has supplied all the decorated pottery to which it refers.

(8) If a person who carries on a business of supplying decorated pottery has delivered to him, in the course of his business, any decorated pottery and he either has not been furnished with any document in relation thereto or has been furnished with a document which is defective by reason of its not containing the particulars or not bearing one of the endorsements prescribed in this Article, he shall forthwith send to the Board of Trade a notice in writing giving the following particulars :—

(*a*) the name and address of the supplier ;

(*b*) the date on which the goods were delivered to him ;

(*c*) a description, and in particular the quantity, of the pottery so delivered ; and

(*d*) if a defective document has been furnished, the respects in which it is defective.

(9) If a document given in pursuance of this Article does not take the form of an invoice, any invoice furnished in relation to the same supply shall contain such particulars as are necessary to enable that document to be identified.

Records

6. A person who supplies any decorated pottery by export shall keep a record including the following particulars :—

(*a*) a description, and in particular the quantity, of the pottery supplied ;

(*b*) the date on which and the name of the vessel, or sufficient particulars to identify the aircraft, in which that pottery was loaded ; and

(*c*) the name of the consignee and the destination to which the pottery was consigned.

Such record shall be preserved for a period of eighteen months after the pottery was loaded in the ship or aircraft.

PART III

General

Advertisements

7.—(1) A person shall not in the course of a business of supplying decorated pottery distribute or exhibit or cause to be distributed or exhibited any advertisement or notice offering decorated pottery for supply (otherwise than by export) unless that advertisement or notice contains, so as to be clearly legible in relation to that pottery, the words " export rejects " or " frustrated exports " in any case in which those words are appropriate.

(2) A person shall not expose for sale any decorated pottery unless he exhibits a notice containing, so as to be plainly legible in relation to that pottery, the words " export rejects " or " frustrated exports " in any case in which those words are appropriate.

(3) the words " export rejects " shall be appropriate where a person is advertising, offering or exposing decorated pottery—

(*a*) which he is authorized to supply under a licence granted by the Board of Trade bearing a reference number commencing with the letters and symbol " ER/ " ; or

(*b*) in relation to the supply of which he was furnished with a document endorsed by the person who furnished it (i) with a statement that that person is supplying that pottery under the authority of a licence granted by the Board of Trade bearing a reference number commencing with the letters and symbol " ER/ ", or (ii) with the words " export rejects ".

(4) The words " frustrated exports " shall be appropriate where a person is advertising, offering or exposing decorated pottery—

(*a*) which he is authorized to supply under a licence granted by the Board of Trade bearing a reference number commencing with the letters and symbol " FE/ " ; or

(*b*) in relation to the supply of which he was furnished with a document endorsed by the person who furnished it (i) with a statement that that person is supplying that pottery under the authority of a licence granted by the Board of Trade bearing a reference number commencing with the letters and symbol " FE/ ", or (ii) with the words " frustrated exports ".

(5) For the purposes of this Article offering for supply includes inviting offers to acquire.

Computation of value

8.—(1) In a case where a licence or export voucher issued under or for the purposes of this Order controls the quantity of pottery which may be supplied by reference to the value thereof, such value shall be computed in accordance with the provisions of paragraphs (2) and (3) of this Article, subject to any provision in the licence or export voucher inconsistent therewith.

(2) In a case where pottery is supplied in pursuance of a contract of sale or work and labour (with or without the provision of materials) and the supplier and the person supplied are not associated in business, the value shall be taken to be the price at which the goods are invoiced to the person supplied after deduction of all discounts, commissions and allowances to be credited to that person and any expenses incurred by the supplier in or about the delivery of the goods, and excluding any sum in respect of purchase tax.

(3) In any other case, the value shall be taken to be the price (excluding any sum payable in respect of purchase tax) which the goods would fetch on a sale in the open market at the date of the supply, being a sale where—

(*a*) the goods are to be delivered forthwith at the premises of the seller for payment in cash,

(*b*) the price is the sole consideration for the sale of the goods, and

(*c*) the buyer and the seller are not associated in business.

(4) For the purposes of this Article two persons shall be deemed to be associated in business with one another if, whether directly or indirectly, either of them has any interest in the business or property of the other, or both have a common interest in any business or property, or some third person has an interest in the business or property of both of them.

Licences

9. Nothing in any part of this Order, except Article 1 and paragraphs (1) and (2) of Article 3, shall prohibit the doing of anything under the authority of a licence granted by the Board of Trade under this Article and in accordance with any condition attached thereto.

Imported Pottery

10. This Order shall not apply to imported pottery.

Interpretation

11. In this Order—

(1) " controlled pottery " includes all articles of pottery and other shaped and fired clay products other than those specified in the First Schedule hereto ;

(2) " export " means export from the United Kingdom otherwise than to the Isle of Man or the Channel Islands and includes delivery on board a vessel or aircraft for carriage to a place outside the United Kingdom, the Isle of Man and the Channel Islands ;

(3) " imported pottery " means pottery in relation to which no process of manufacture has been carried out in the United Kingdom, the Isle of Man or the Channel Islands ;

(4) " manufacturer " means a person carrying on the business of manufacturing pottery and " manufacture " includes decoration ;

(5) " registered exporter " means a person whose name is for the time being entered on the Register of Exporters of Domestic and Ornamental Pottery kept by the Board of Trade for the purposes of this Order ;

(6) " supply " means supply in pursuance of a contract of sale, work and labour (with or without the provision of materials), sale or return, hire, hire-purchase, barter or a contract of any other description and supply as a gift ; and " acquire " has a corresponding meaning ;

(7) " undecorated pottery " means controlled pottery—

(*a*) made from a white or light ivory body glazed with a colourless or white glaze ;

(*b*) being stoneware glazed with a colourless, white or brown glaze on the outside and a white or colourless glaze on the inside ;

(*c*) made from a red ware body, being a natural clay body made in the natural colour of the clay, unglazed on the outside and glazed with a colourless, brown, white or cream glaze on the inside ;

(*d*) made from a yellow ware body, being a natural clay body made in the natural colour of the clay, glazed on the outside with a colourless glaze and on the inside with a white glaze or a colourless glaze over a white slip ;

(*e*) made in jet and rockingham, samian or parian without applied decoration,

whether embossed or not, but without any decoration or mark except—

(i) the letters or word referred to in paragraph (1) or (3) of Article 2,

(ii) the name of the manufacturer,

(iii) a registered trade mark of which the manufacturer is either the proprietor or a registered user, or the symbol referred to in paragraph (2) of Article 2 in relation to that manufacturer,

(iv) the words " made in " followed by a word indicating the part of the United Kingdom in which the pottery was manufactured ; and

(8) " decorated pottery " means controlled pottery other than—

(*a*) undecorated pottery, or

(*b*) pottery of a description set out in the Third Schedule hereto.

Revocation

12. The Domestic Pottery (Manufacture and Supply) Order, 1947(**a**), and the Domestic Pottery (Manufacture and Supply) (Amendment) Order, 1948(**b**), are hereby revoked.

(**a**) S.R. & O. 1947 (No. 373) II, p. 344. (**b**) S.I. 1948 (No. 1616) II, p. 391.

Citation

13. This Order may be cited as the Domestic and Ornamental Pottery (Manufacture, Marking and Supply) Order, 1950, and shall come into operation on the 1st day of August, 1950.

Dated this 10th day of July, 1950.

Harold Wilson,
President of the Board of Trade.

FIRST SCHEDULE

Pottery Not Controlled By This Order

Artificial teeth, crowns and facings.

Laboratory, electrical and other industrial earthenware, porcelain and stoneware.

Bricks.

Refractory and chemically-resistant tiles and other linings.

Tiles.

Sanitary earthenware and sanitary fireclay ware.

Ware designed primarily for use for nursing.

Porous milk and butter coolers.

Stoneware bottles other than foot bottles.

Grave indicators.

Burial urns.

Potting pots.

Crocks with a cubic capacity of one gallon or more.

Inkwells for schools.

Bases for oil lamps and for electric cooking rings.

Fowl fountains.

Containers which, by reason of their design, are suitable primarily for the commercial production, preservation or distribution of any goods.

SECOND SCHEDULE

(1) Flat plate.
(2) Soup plate.
(3) Coupe soup.
(4) Covered scollop.
(5) Cup (handled or unhandled).
(6) Saucer.
(7) Oval dish.
(8) Jug.
(9) Tea pot.
(10) Coffee pot.
(11) Oval baker or pie dish.
(12) Round baker or pie dish.
(13) Pudding bowl.
(14) Undivided vegetable dish.

(15) Divided vegetable dish.
(16) Bowl.
(17) Mixing bowl.
(18) Mug.
(19) Beaker (handled or unhandled).
(20) Baby's plate.
(21) Sauce boat.
(22) Chamber.
(23) Toilet basin.
(24) Ewer.
(25) Hot water bottle.
(26) Rolling pin.
(27) Individual butter plate.

THIRD SCHEDULE

1. Teapots, teapot stands, jugs, sugar bowls and coffee pots—
   (*a*) with no decoration other than colouring in the glaze ; or
   (*b*) made from a natural clay body in the natural colour of the clay, with no decoration other than russet roughening or coloured slip bands applied in the clay state.

2. Any article of stoneware with no decoration other than colouring in the glaze, if marked indelibly with the word " stoneware " and the manufacturer's name or his registered trade mark or an identification symbol.

EXPLANATORY NOTE

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

This Order supersedes the Domestic Pottery (Manufacture and Supply) Order, 1947, and the Domestic Pottery (Manufacture and Supply) (Amendment) Order, 1948.

Supply on the Home Market

The existing restrictions on the supply of decorated pottery on the home market now apply to distributors as well as manufacturers. After the 30th September, 1950, no distributor may supply on the home market, or have in his possession any decorated pottery unless he holds a document given by his supplier showing that the supply of that pottery on the home market is authorised (see Article 3 (6)) ; every person who in the course of his business supplies decorated pottery except by retail must give the acquirer the necessary document in the form of an invoice, delivery note or similar document, describing the pottery and indicating that it is supplied by virtue of a licence (see Article 5 (1), (2) and (3)). There are a number of exceptions for special cases (see the proviso to Article 3 (6)).

Export

The provisions relating to indirect export have also been revised. A manufacturer may now supply decorated pottery without licence (*a*) to a " registered exporter ", i.e. a person whose name is entered on the Register of Exporters of Domestic and Ornamental Pottery, which has been opened

by the Board of Trade for the purposes of this Order, and (*b*) to a person who has surrendered an "export voucher", a document issued by the Board of Trade to a person whose name is not on the Register to enable him to acquire decorated pottery to execute an order received from an export market. Decorated pottery acquired under these provisions may be supplied only by export, except that a registered exporter who has acquired direct from the manufacturer may supply to another registered exporter.

Miscellaneous

The Order also makes a number of other changes. The most important of these are as follows:—

(a) *Marking:* A manufacturer must mark his decorated pottery with his name, trade mark or identification symbol;

(b) *Supply:* The pottery described in the Third Schedule (e.g. teapots, coffee pots made with a coloured glaze, stoneware made with a coloured glaze) may now be supplied without licence, while all restriction on the types and sizes of undecorated pottery which may be supplied is removed;

(c) *Records:* A person who supplies decorated pottery by export must keep records of the pottery so supplied;

(d) *Advertisements:* Decorated pottery covered by an "export rejects" or "frustrated exports" licence must be described as such when it is being advertised or exhibited for sale;

(e) *Valuation:* The Order contains provisions for the computation of value in licences which limit the quantity of pottery to be supplied by reference to value.

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(35) QUARRIES

The Quarries (Opencast Coal) Order, 1950

1950 No. 167

Made - - - -	30*th January*, 1950
Laid before Parliament	2*nd February*, 1950
Coming into Operation	1*st June*, 1950

The Minister of Fuel and Power in pursuance of regulations fifty-one C, fifty-nine and ninety-eight 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**), hereby makes the following order:—

1. The Quarries (Opencast Coal Workings) (No. 2) Order, 1942(**c**), is hereby revoked.

2. The Coal Mines Act, 1911(**d**), as amended by subsequent enactments, in so far as applicable to quarries, the Quarries Act, 1894(**e**), as so amended and all orders and regulations having effect by virtue of those Acts, as so

(a) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (Nos. 1617, 1620 and 1625) II, pp. 47, 51 and 56.
(b) 10 & 11 Geo. 6. c. 55.
(c) S.R. & O. 1942 (No. 2445) II, p. 1922.
(d) 1 & 2 Geo. 5. c. 50.
(e) 57 & 58 Vict. c. 42.