1955 No. 462

The Fatstock (Guarantee Payments) Order, 1955

Made - - - - 7*th March*, 1955
Coming into Operation 28*th March*, 1955

The Minister of Food, in exercise of the powers conferred upon him by section four of the Agriculture Act, 1947(a), and of all other powers enabling him in that behalf, after consultation with such bodies of persons as appear to him to represent the interests of producers of fatstock, and with the approval of the Treasury, hereby makes the following Order:—

1. This Order may be cited as the Fatstock (Guarantee Payments) Order, 1955, and shall come into operation on the twenty-eighth day of March, nineteen hundred and fifty-five.

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

"the 1954 scheme" means the fatstock guarantee scheme operating from the first day of July, nineteen hundred and fifty-four, to the twenty-seventh day of March, nineteen hundred and fifty-five, published by the Minister of Food in the month of June, nineteen hundred and fifty-four;

"the appropriate Minister" means in relation to any part of the United Kingdom the Minister concerned with agriculture therein or the Minister of Food;

"approved bacon factory" means a bacon factory approved as a certification centre;

"certification centre" means a place for the time being approved by the appropriate Minister for the certification for the purposes of this Order of all or any particular class of fatstock or carcases; "deadweight certification centre" means a certification centre at which carcases are certified; and "liveweight certification centre" means a certification centre at which live animals are certified;

"certified", in relation to an animal or carcase, means certified by the proper officer, in such manner, and after compliance by the producer of the animal or carcase with such conditions, as the appropriate Minister may from time to time prescribe, as being eligible for the relevant payment under this Order;

"deadweight", in relation to an animal or the carcase of an animal, means the weight of the animal's carcase ascertained after such preparation of the carcase, and by weighing in such conditions, as may from time to time be prescribed by the appropriate Minister;

"grade" in relation to animals or carcases of any guarantee class means the classification of those animals or carcases within that class by reference to such standards of quality, weights or other factors as may be specified for that class;

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

" guarantee class " has the meaning assigned by article three of this Order ;

" killing-out percentage " means the percentage which the deadweight of an animal's carcase bears to the animal's liveweight ;

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

" producer ", in relation to any animal or carcase, means the person in whose name that animal or carcase is presented for certification ;

" proper officer " for any of the purposes of this Order means the person for the time being authorised by the appropriate Minister to act for those purposes ;

" score ", in relation to the weight of pigs, means twenty pounds ;

" specified " means for the time being prescribed by the Ministers, with the approval of the Treasury, in the light of their conclusions from a review held under section two of the Agriculture Act, 1947 ;

" week " means a period of seven days commencing with a Monday.

(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.

3. This Order shall apply to animals and carcases of such classes of fat cattle, fat sheep and fat pigs respectively as may be specified for the purposes of this Order, and any class so specified is in this Order referred to as a " guarantee class ".

Collective guarantee payments

4.—(1) For the purposes of this article a standard price shall be specified for each guarantee class, being a price—

(*a*) in the case of any class of cattle, per live hundredweight ;

(*b*) in the case of any class of sheep, per pound estimated deadweight ;

(*c*) in the case of any class of pigs, per score deadweight.

(2) If the average price for any guarantee class determined in respect of any guarantee period in accordance with the next following article is less than the standard price in force in that guarantee period for that class, the appropriate Minister may, if he thinks fit and subject to article ten of this Order, make to the producer of any animal or carcase of that class certified during the guarantee period in question a payment in respect of that animal or carcase.

The guarantee periods for the purposes of payments under this article are the period of four weeks commencing on the twenty-eighth day of March, nineteen hundred and fifty-five, and each successive period of four weeks thereafter.

(3) The rate of any payment under this article shall be—

(*a*) in the case of live cattle, the difference to the nearest sixpence per live hundredweight between the appropriate standard and average prices ;

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

(*b*) in the case of carcases of cattle of any guarantee class, the rate for live cattle of that class converted to pence per pound deadweight on the basis that sixpence per live hundredweight is equivalent to 0·1 pence per pound deadweight;

(*c*) in the case of sheep, the difference to the nearest farthing per pound estimated or, as the case may be, actual deadweight between the appropriate standard and average prices;

(*d*) in the case of carcases of pigs, the difference to the nearest penny per score deadweight between the appropriate standard and average prices;

(*e*) in the case of live pigs of any guarantee class, the rate for carcases of pigs of that class converted (to the nearest penny) to pence per score liveweight on the basis of such killing-out percentage as the appropriate Minister may from time to time prescribe as the average killing-out percentage of pigs of that class;

Provided that—

(i) in relation to animals imported, or removed from the Isle of Man, into the United Kingdom, or the carcases of animals so imported or removed, the standard price for any guarantee class shall be treated as reduced by such amount as may be specified for that class;

(ii) for the purposes of sub-paragraphs (*d*) and (*e*) of this paragraph, the rate for the carcases of pigs of any guarantee class shall be increased or reduced for any guarantee period by one penny per score deadweight for every penny per hundredweight by which the average price of the basic ration of feeding stuffs during such period as may be specified, as determined by the Ministers, exceeded or, as the case may be, was less than the price specified for that basic ration.

5.—(1) In respect of each guarantee period within the meaning of the last foregoing article and each guarantee class, the appropriate Minister shall determine the average price for that class over such period of fifty-two weeks ending before the guarantee period in question as appears to him appropriate, being a price—

(*a*) in the case of any class of cattle, per live hundredweight;

(*b*) in the case of any class of sheep, per pound estimated deadweight;

(*c*) in the case of any class of pigs, per score deadweight,

calculated, subject to paragraphs (2) and (3) of this article, in such manner as appears to him proper by reference to the aggregate of the prices received in respect of, and the aggregate weight of, animals and carcases of that class sold during that averaging period.

(2) Where, in connection with any sale taken into account for the purpose of calculating any average price, any payment was made—

(*a*) under the 1954 scheme by way of individual guarantee payment, percentage addition, quality premium or deadweight guarantee payment within the meaning of that scheme; or

(*b*) under article six, seven, eight or nine of this Order,

that payment shall be treated for the purposes of that calculation as having formed part of the price paid on that sale.

(3) Where any part of an averaging period falls before the first day of July, nineteen hundred and fifty-four, the average price for that part of the period shall be taken to have been such as the appropriate Minister estimates as likely to have been realised if during that part of that period there had been private trading and the 1954 scheme had been in force.

Individual guarantee payments

6. In the case of an animal other than a pig, being an animal of a guarantee class and grade specified for the purposes of this article which is sold by auction and certified at a liveweight certification centre, if the price paid by the buyer is less than the guaranteed individual price so specified for that class and grade, the appropriate Minister may, if he thinks fit and subject to article ten of this Order, pay to the producer of that animal an amount equal to the difference.

7.—(1) In the case of a pig of a guarantee class and grade specified for the purposes of this paragraph which is sold by auction and certified at a liveweight certification centre, the appropriate Minister may, if he thinks fit, make to the producer of that pig whichever is the higher of the following payments, that is to say—

(*a*) a payment of the amount, if any, by which the guaranteed individual price so specified for that class and grade exceeds the price paid by the buyer; or

(*b*) a payment at such rate per score on the liveweight of the pig as the appropriate Minister, having regard to the current level of market prices and to such other circumstances as appear to him relevant, may from time to time prescribe with a view to encouraging the efficient marketing of fat pigs.

(2) In the case of any other pig of a guarantee class which is sold and certified as aforesaid, the appropriate Minister may, if he thinks fit and subject to article ten of this Order, make to the producer of that pig a payment at the rate prescribed under sub-paragraph (*b*) of the foregoing paragraph.

Deadweight guarantee payments

8.—(1) In the case of a certified carcase of a guarantee class and grade specified for the purposes of this article, being, in the case of cattle or sheep, a carcase which has been sold by reference to grade and deadweight under a scheme for the time being approved by the appropriate Minister or, in the case of pigs, a carcase certified at an approved bacon factory or a deadweight certification centre, the appropriate Minister may, if he thinks fit and subject to article ten of this Order, make to the producer of that carcase a payment in respect thereof.

(2) The rate of any payment under this article shall be the average rate, as determined by the appropriate Minister, of the payments made under article six or seven of this Order in respect of animals of the corresponding category certified at liveweight certification centres in the same week, being the average sum, in the case of cattle, per live hundredweight, in the case of sheep, per pound estimated deadweight or, in the case of pigs, per score liveweight obtained by aggregating those payments and the weights of those animals, rounded off and, in the case of cattle or pigs, converted to a sum per pound or, as the case may be, score deadweight in such manner as the appropriate Minister may think proper.

(3) In this article, the expression " animals of the corresponding category ", in relation to a carcase, means animals of the same guarantee class and of such of the grades of animals of that class for the purposes of article six or seven of this Order as the appropriate Minister may from time to time prescribe as the equivalent of the grade of the carcase for the purposes of this article.

Quality premiums for pigs

9. In the case of the carcase of a pig of a guarantee class and grade specified for the purposes of this article which is sold to and certified at an approved bacon factory, the appropriate Minister may, if he thinks fit, make a payment to the producer by way of quality premium at such rate as may be specified for that class and grade.

General provisions as to certification and payments

10.—(1) No animal or carcase shall be certified unless the proper officer is satisfied that it is of the appropriate guarantee class and of the appropriate grade, if any.

(2) No live animal shall be certified unless—

(*a*) it has been sold by auction at the liveweight certification centre at which it is presented for certification and the proper officer is satisfied that it has not been purchased by or on behalf of the vendor; or

(*b*) the proper officer is satisfied that it has been sold by private treaty; or

(*c*) the proper officer is satisfied that it will be slaughtered within such period as the appropriate Minister may from time to time prescribe for sale in the producer's own butchery business and is not intended for consumption in the producer's household.

(3) No carcase shall be certified unless the proper officer is satisfied either—

(*a*) that it has been sold; or

(*b*) that it will be sold in the producer's own butchery business and is not intended for consumption in the producer's household.

(4) No carcase shall be certified if the whole of that carcase has been condemned by virtue of any enactment as unfit for human consumption, and if a carcase has been certified, but before certification a part thereof was so condemned, no payment shall be made under this Order in respect of that part.

(5) Certification shall not be granted under this Order of any animal or carcase which, or any carcase of an animal which, has in the opinion of the proper officer previously been certified under the 1954 scheme or this Order.

(6) No payment shall be made under article four, paragraph (2) of article seven, or article eight of this Order in respect of any excess weight of an animal or carcase of any guarantee class or grade above such weight as may be specified for that class or grade.

(7) For the purposes of certification and payments under this Order, where two or more animals are sold in a single lot, the price and weight of each of those animals shall be taken to be the average price or, as the case may be, the average weight of the animals comprised in that lot.

Power to make same or different provision for different regions

11.—(1) The standard price for any guarantee class for the purposes of article four of this Order, or the guaranteed individual price for any grade of any guarantee class for the purposes of article six or for the purposes of article seven of this Order, may be specified either—

(*a*) in the form of a single price for the whole of the United Kingdom; or

(*b*) for the purposes of certifications in different regions, in the form of different prices for those different regions.

(2) The appropriate Minister may determine any average price under article five of this Order either—

(*a*) by reference to sales in all parts of the United Kingdom ; or

(*b*) for the purposes of payments under article four of this Order in respect of animals or carcases certified in a particular region, by reference only to sales in that region,

as may appear to him proper.

(3) For the purposes of prescribing the rate referred to in sub-paragraph (*b*) of paragraph (1) of article seven of this Order, the appropriate Minister may have regard either—

(*a*) to market prices and other circumstances prevailing in the United Kingdom as a whole ; or

(*b*) for the purposes of payments under that article in respect of carcases certified in a particular region, only to market prices and other circumstances prevailing in that region,

as may appear to him proper.

(4) The appropriate Minister may determine the rate of any payment under article eight of this Order either—

(*a*) by reference to payments made under article six or seven of this Order in all parts of the United Kingdom ; or

(*b*) for the purposes of payments under the said article eight in respect of carcases certified in a particular region, by reference only to payments under the said article six or seven in respect of animals certified in that region,

as may appear to him proper.

(5) In this article, the expression "region" means any one or any two of the following three areas, that is to say, England and Wales, Scotland, and Northern Ireland.

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

(L.S.) *D. Heathcoat Amory,*
Minister of Food.

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

Edward Heath,
Hendrie D. Oakshott,
Two of the Lords Commissioners of
Her Majesty's Treasury.

EXPLANATORY NOTE

(*This Note does not form 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 guaranteed prices for fat cattle, fat sheep and fat pigs from 28th March, 1955. The Order provides for the making of collective, individual and deadweight guarantee and quality premium payments to producers in accordance with the decisions of Ministers after reviews held under section two of the Agriculture Act, 1947.

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