# 1960 No. 428

## The Fatstock (Guarantee Payments) Order, 1960

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| *Made* - - - - | 15*th March*, 1960 |
| *Laid before Parliament* | 18*th March*, 1960 |
| *Coming into Operation* | 28*th March*, 1960 |

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland, acting jointly, in exercise of the powers conferred upon them by section one, subsection (4) of section nine and subsection (3) of section thirty-six of the Agriculture Act, 1957(a), and of all other powers them enabling 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 fatstock, hereby make the following Order:—

*Citation and Commencement*

**1.** This Order may be cited as the Fatstock (Guarantee Payments) Order, 1960; and shall come into operation on the 28th day of March, 1960.

*Interpretation and Revocation*

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

"average market price", "average standard price" and "average return to producers" mean such prices or return ascertained respectively in accordance with Article 8 of this Order;

"certification centre" means a place for the time being approved by the Minister for the certification for the purposes of this Order of all or any particular class of fatstock;

"certified", in relation to any fatstock, means certified as being eligible for any relevant payment under this Order by the proper officer in pursuance of this Order in such manner and after compliance by the producer of that fatstock with such conditions as may from time to time be prescribed by or on behalf of the Minister;

"deadweight", in relation to any fatstock, means the weight of an 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 or on behalf of the Minister;

"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;

(a) 5 & 6 Eliz. 2. c. 57.

" description " in relation to any fatstock, includes quality and, without prejudice to the general meaning of the expression, any kind of fatstock distinguished by reference—

(*a*) to the area in which, or the season of the year in which it is produced, sold or despatched or delivered on sale ;

(*b*) to the purpose for which it is sold or used ;

(*c*) to the methods by which it is marketed, including the places at which it is delivered on sale ;

" 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(**a**) ;

" fatstock " means fat cattle, fat sheep, or fat pigs and includes the carcases of such animals ;

" grade ", in relation to fatstock of any guarantee class, means the classification of fatstock within that class by reference to such standards of quality, weight or other factors as may be determined for that grade ;

" guarantee class " has the meaning assigned to it by Article 3 of this Order ;

" guarantee period " means the period commencing on the last Monday before 2nd April in any year and ending at midnight on the Sunday immediately preceding the last Monday before 2nd April in the succeeding year ;

" guaranteed price " means a price or prices determined by the Minister in pursuance of this Order ;

" higher stabilising limit " and " lower stabilising limit " mean respectively a stabilising limit determined or ascertained above or below a standard price in accordance with Articles 6 and 7 of this Order ;

" the Minister ", in relation to any part of the United Kingdom, means either that one of the Ministers who is concerned with agriculture in that part, or that Minister and either or both of the others acting jointly ;

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

" producer ", in relation to any fatstock, means the person in whose name the fatstock is presented for certification ;

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

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

" standard price " means a price determined or ascertained, by reference to the appropriate guaranteed price, in accordance with Articles 6 and 7 of this Order ;

" week " means a period of seven days commencing with a Monday, except that when the period includes Christmas Day the expression shall, if the Minister so decides, mean that period and the immediately preceding or succeeding period as the Minister shall prescribe.

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

(2) The Fatstock (Guarantee Payments) Order, 1957(a), is hereby revoked.

(3) The Interpretation Act, 1889(b), 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 Order hereby revoked were Acts of Parliament.

*Guarantee Classes*

**3.** This Order shall apply to such description of fatstock as may be determined from time to time as guarantee classes for the purposes of this Order, and any class so determined is in this Order referred to as a "guarantee class".

*Guaranteed Prices and Payments*

**4.** For the purposes of this Order any guaranteed price, standard price, higher or lower stabilising limit, average standard price, average market price, or average return to producers determined or ascertained in accordance with this Order shall be at a rate—

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

(*b*) in the case of sheep, per pound actual or estimated deadweight; and

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

**5.** There shall be determined in respect of each guarantee period and each guarantee class—

(*a*) a guaranteed price; and

(*b*) in respect of any such guaranteed price for fat pigs, a price per hundredweight of a basic feedingstuffs ration to which such guaranteed price shall be related.

**6.** For the purpose of ascertaining any rate of payment payable under this Order to producers of fatstock—

(*a*) in respect of any guarantee class of fat cattle or fat sheep for each week of a guarantee period a standard price and a stabilising limit above and below that standard price shall be determined; and

(*b*) in respect of any guarantee class of fat pigs for each week of a guarantee period a standard price and a stabilising limit above and below such standard price shall be ascertained in accordance with Article 7 of this Order.

**7.**—(1) The Minister shall ascertain in respect of each week of each guarantee period an average price per hundredweight of the basic feedingstuffs ration, such price to be ascertained by reference to the prices of the basic feedingstuffs during such period as may be determined by the Minister.

(2) The standard price for any guarantee class of fat pigs for any week shall be the guaranteed price for that guarantee class, to which shall be added or from which shall be subtracted, one penny per score for each penny per hundredweight by which the average price of the basic feedingstuffs ration ascertained in relation to that week in accordance with paragraph (1) of this Article exceeded or, as the case may be, was less than the price determined for that ration in accordance with sub-paragraph (*b*) of Article 5 of this Order.

(3) The higher and lower stabilising limits for any guarantee class of fat pigs for any week shall be respectively ascertained by adding to and

(a) S.I. 1957/370 (1957 I, p. 93). (b) 52 & 53 Vict. c. 63.

subtracting from the standard price for that week as ascertained in accordance with paragraph (2) of this Article such a sum as may be determined by the Minister in either case.

**8.** In respect of each week of each guarantee period the Minister shall ascertain in accordance with the Schedule to this Order—

(*a*) an average market price for each guarantee class ;

(*b*) an average standard price for any guarantee class of fat cattle or fat sheep ;

(*c*) an average return to producers for each guarantee class or, within any guarantee class, for such descriptions of fatstock as may be determined for the purpose.

**9.** The Minister may, if he thinks fit, and subject to the provisions of this Order make payments to producers of sums ascertained in accordance with Article 10 of this Order.

**10.**—(1) Subject to the provisions of this Article, the rate of any payment under Article 9 of this Order made in respect of fatstock of any guarantee class certified during any week shall be ascertained by reference to the amount, if any, by which in respect of that week—

(*a*) in the case of any guarantee class of fat cattle or fat sheep the average market price falls short of the average standard price ; or

(*b*) in the case of any guarantee class of fat pigs the average market price falls short of the standard price for that week.

(2) If in respect of any week the average return to producers ascertained pursuant to Article 8 of this Order for any guarantee class or description of fatstock—

(*a*) exceeds the appropriate higher stabilising limit, the rate of payment ascertained in accordance with paragraph (1) of this Article applicable to that guarantee class or description of fatstock shall, insofar as that rate of payment allows, be reduced by the amount by which the average return to producers exceeds the higher stabilising limit ;

(*b*) is less than the appropriate lower stabilising limit, the rate of payment ascertained in accordance with paragraph (1) of this Article applicable to that guarantee class or description of fatstock shall be increased by the amount by which the average return to producers falls short of the lower stabilising limit:

Provided that if under the provisions of paragraph (1) of this Article there is no deficiency in respect of any guarantee class of fatstock the rate of payment for that guarantee class or any description of fatstock within that guarantee class may be ascertained by reference to the amount by which the average return to producers for that guarantee class or description of fatstock falls short of the lower stabilising limit.

(3) Any rate of payment ascertained in accordance with the preceding paragraphs of this Article for any guarantee class or description of fatstock may be subject to such modifications as may be determined by the Minister in respect of grades of fatstock within that guarantee class or description.

(4) In relation to animals imported or brought into the United Kingdom from any place outside the United Kingdom, or carcases produced by the slaughter within the United Kingdom of animals which have been so imported or brought in, any rate of payment for any description of such animals or carcases may be reduced by such amount as may be determined

for that description of animal or carcase and any payment in respect of any such description of animal or carcase shall be subject to such terms and conditions as may from time to time be prescribed by or on behalf of the Minister.

(5) Any rate of payment—

(*a*) for any description of live fat cattle ascertained in accordance with the provisions of this Article as a rate per live hundredweight shall be converted to a rate per pound deadweight for carcases of an equivalent description,

(*b*) for any description of carcases of pigs ascertained in accordance with the provisions of this Article as a rate per score deadweight shall be converted to a rate per score liveweight for live pigs of an equivalent description,

in such manner as may from time to time be prescribed by or on behalf of the Minister.

(6) Any rate of payment may be ascertained in accordance with this Article to such nearest unit or fraction of a unit of currency as may from time to time be prescribed by or on behalf of the Minister and the amount of any individual payment to a producer made under this Order may be calculated to such nearest unit of currency or fraction of a unit of currency as may from time to time be prescribed by or on behalf of the Minister.

**11.**—(1) Where any grade or description of fatstock is determined by the Minister to be a quality premium grade he may as respects any such grade—

(*a*) determine a separate guaranteed price to be applicable in each week of any guarantee period; and

(*b*) in any week of that guarantee period if he thinks fit and subject to the succeeding provisions of this Order, make payment to producers of such fatstock certified during that week (in substitution for any payment under any other provision of this Order) at such rate as will secure an average return to producers of such fatstock in respect of that week equal to the guaranteed price determined pursuant to sub-paragraph (*a*) of this paragraph.

(2) Without prejudice to the generality of the foregoing paragraph any guaranteed price determined pursuant to this Article may be in terms of the sum of an average of market prices for fatstock of the grade concerned, any payment otherwise payable by virtue of Articles 9 and 10 of this Order and such additional sum as may be determined.

*General Provisions as to Certification and Payments*

**12.**—(1) The proper officer may, subject to the provisions of this Article, certify any fatstock by the issue of a certificate in respect of that fatstock in such manner and subject to such conditions as may from time to time be prescribed by or on behalf of the Minister.

(2) No fatstock shall be certified unless—

(*a*) it is presented for certification at a certification centre for the time being approved by the Minister for the presentation for certification of that description of fatstock; and

(*b*) the proper officer is satisfied that it is of a guarantee class.

(3) 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: provided that the purchase of

any animal by or on behalf of the vendor shall not constitute a sale for the purpose of this sub-paragraph ; or

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

(*c*) the producer has made a declaration that it is to be slaughtered for sale in the producer's own butchery business.

(4) No carcase shall be certified unless the producer has made a declaration that—

(*a*) 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.

(5) 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 presented for certification and a part thereof has been so condemned, no payment shall be made under this Order in respect of that part.

(6) No fatstock shall be certified unless the proper officer is satisfied that it has not been previously certified under this Order, or under the Fatstock (Guarantee Payments) Order, 1957.

(7) No payment shall be made under this Order in respect of—

(*a*) any excess weight of an animal or carcase of any description above such weight as may be determined for that description of animal or carcase ;

(*b*) any live animal certified in accordance with sub-paragraph (*c*) of paragraph (3) of this Article unless the proper officer receives from the producer within such time as may be prescribed by or on behalf of the Minister a declaration in a form so prescribed, that the animal has been slaughtered for sale in the producer's own butchery business.

(8) For the purposes of certification and payment under this Order, where two or more animals or carcases are presented for certification in a single lot, the price and weight of each individual animal or carcase shall be taken to be the average price or, as the case may be, the average weight of the animals or carcases comprised in that lot.

(9) Except under arrangements approved by or on behalf of the Minister no carcase shall be certified unless it is derived from an animal slaughtered at the deadweight certification centre at which such carcase was presented for certification.

**13.** The Minister may in respect of any fatstock presented for certification, require an application for a guarantee payment, in such form as he may prescribe, to be completed by the producer of the fatstock and submitted to the proper officer at the certification centre where the fatstock is presented for certification and he may from time to time prescribe such conditions in relation to the presentation of any fatstock for certification or in relation to the certification of any fatstock as seem to him to be necessary or expedient and where the Minister is not satisfied that any such requirement or condition has been complied with in relation to any fatstock he may, if he thinks fit, withhold certification of, or payment in respect of, that fatstock, notwithstanding that such fatstock has been marked under the provisions of the Fatstock (Protection of Guarantees) Order, 1958(**a**), or any Order amending or replacing it.

(**a**) S.I. 1958/958 (1958 I, p. 84).

*Exercise of functions in Northern Ireland*

**14.** The functions of the Minister under this Order (other than the function of determining guaranteed prices or factors relevant to the operation of such prices) 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 this eleventh day of March, nineteen hundred and sixty.

(L.S.). *John Hare,*
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland this fourteenth day of March, nineteen hundred and sixty.

(L.S.) *John S. Maclay,*
Secretary of State for Scotland.

Given under the hand of the Secretary of State for the Home Department this fourteenth day of March, nineteen hundred and sixty.

*R. A. Butler,*
Secretary of State for the Home Department.

We consent this fifteenth day of March, nineteen hundred and sixty.

*Michael Hughes-Young,*
*R. Brooman-White,*
Two of the Lords Commissioners of Her Majesty's Treasury.

## THE SCHEDULE

### PART I

*Average market price*

For the purpose of Article 8 of this Order the average market price for any guarantee class in respect of any week shall be ascertained in the preceding week in such manner as appears to the Minister proper by reference to—

(*a*) market prices received in respect of fatstock of that class certified during the four weeks preceding the week in which the average market price is ascertained and his estimate of prices likely to be received in the four weeks commencing with the week in which the average market price is ascertained;

(*b*) weights of fatstock of that guarantee class certified and estimated to be certified during the period of eight weeks referred to in paragraph (*a*) hereof;

(*c*) any other matter which the Minister may consider relevant.

PART II

*Average standard price*

For the purpose of Article 8 of this Order the average standard price for any guarantee class in respect of any week shall be ascertained in such manner as appears to the Minister proper by reference to—

(*a*) the standard prices for the same eight weeks as are used in paragraph (*a*) of Part I of this Schedule for the purpose of ascertaining the average market price in respect of that week;

(*b*) weights of fatstock of that guarantee class certified or estimated to be certified during the said period of eight weeks.

PART III

*Average return to producers*

For the purposes of Articles 8 and 11 of this Order the average return to producers for any description of fatstock in respect of any week shall be ascertained in such manner as appears to the Minister proper by reference to—

(*a*) prices received in respect of fatstock of that description certified during the week in question;

(*b*) the appropriate rate of payment ascertained under sub-paragraph (*a*) or (*b*) of paragraph (1) of Article 10 or under Article 11 of this Order, as the case may be;

(*c*) any other matter which the Minister may consider relevant;

such average return being ascertained to such nearest unit or fraction of a unit of currency as may from time to time be prescribed by or on behalf of the Minister.

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## EXPLANATORY NOTE

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

This Order replaces the Fatstock (Guarantee Payments) Order, 1957.

The principal changes are—

(*a*) The "guarantee period" has been redefined to accord more closely to the financial year.

(*b*) The feed formula adjustment for guarantee payments on pigs is applied to the guaranteed price instead of to the rates of guarantee payment.

(*c*) Provision is made for payments to be rounded to prescribed units of currency.

(*d*) The provision relating to quality premiums has been replaced by one enabling payments to be made to producers of quality premium grades of fatstock to secure an average return equal to a guaranteed price.