The Feeding Stuffs (Prices) Order, 1951

1951 No. 494

Made - - - -	21*st March*, 1951
Laid before Parliament	22*nd March*, 1951
Coming into Operation	1*st April*, 1951

The Minister of Food, in pursuance of the powers conferred upon him by Regulations 55, 55AA and 55AB 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) and continued in force by the Supplies and Services (Continuance) Order, 1950(c)), and of all other powers him enabling in that behalf, hereby orders as follows:—

Interpretation

1. In this Order—

" The Minister " means the Minister of Food.

" Basic price ", in relation to any scheduled feeding stuff other than a molassed feeding stuff and National Calf Starter, means the price applicable in accordance with the Second, Third or Fourth Schedule to this Order, as the case may be ; and, in relation to a molassed feeding stuff or National Calf Starter, means the price specified in the manufacturer's licence granted or having effect under the Feeding Stuffs (Manufacture) Order, 1950(d).

" Buy " includes offer or agree to buy ; and " sell " includes offer or agree to sell or expose for sale.

" Compound " means—

(i) any feeding stuff for livestock, in cake, meal or any other form (other than a concentrate), which contains not less than four of the ingredients specified in Part A of the First Schedule to this Order in proportions of not less than 5 per cent. each, and which contains not less than 2½ per cent. of oil and 12 per cent. of albuminoids (protein) ; provided that a different variety or quality or a different product or by-product (of whatever variety or quality) of the same ingredient so specified shall not, for the purposes of this definition, constitute another ingredient ; and

(ii) National Poultry Balancer Meal.

" Concentrate " means any feeding stuff for livestock which contains not less than four of the ingredients specified in Part B of the First Schedule to this Order, and which is manufactured for the purpose of being mixed with other substances for the production of a complete ration for feeding livestock.

(a) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (Nos. 1611 and 1615–25) II. pp. 39 and 45–56.
(b) 10 & 11 Geo. 6. c. 55. (c) S.I. 1950 (No. 1769) III, p. 51.
(d) S.I. 1950 (No. 1988) III, p. 543

" Consumer " means a person buying a feeding stuff otherwise than for resale or otherwise than for sale after processing or manufacture.

" Feeding stuff " means any substance or mixture of substances which is used as food for any animal or fish, including poultry but not including any other bird.

" Flour mill " means any mill in the United Kingdom where flour for human consumption is produced ; " port flour mill " means any flour mill which, in relation to a centre specified in column 1 of the Eighth Schedule to this Order, is not a greater distance therefrom than that specified opposite thereto in column 2 of that Schedule ; " Belfast flour mill " means any flour mill which is not farther distant than ten miles from the City Hall, Belfast ; and " country flour mill " means any flour mill other than a port flour mill or a Belfast flour mill.

" Home produced " means grown, produced or manufactured in the United Kingdom.

" Industrial purpose " means use in the manufacture, production or preparation of any article other than—

(i) a feeding stuff, or

(ii) an article intended for human consumption.

" Licensed concentrate " means a concentrate which a person is authorised to manufacture in accordance with the terms of a licence granted or having effect under the Feeding Stuffs (Manufacture) Order, 1950(**a**), or the Feeding Stuffs (Control) (Northern Ireland) Order, 1944(**b**).

" Livestock " means horses, mules, asses, cattle, sheep, pigs, goats and poultry.

" Manufacturer " means a person manufacturing, producing or preparing feeding stuffs by way of trade, including feeding stuffs produced in the course of manufacturing human food or other articles.

" Maximum price ", in relation to a sale or purchase of any scheduled feeding stuff, means the price applicable in accordance with the Fifth Schedule to this Order* ; provided that, in the case of a sale or purchase in Great Britain to which the Seventh Schedule to this Order applies, the maximum price shall be that calculated in accordance with that Schedule.

" Mixture " means any mixture which is used as food for any animal or fish, including poultry but not including any other bird ; but does not include any compound or any concentrate.

" Molassed feeding stuff " means a mixture for livestock containing not less than 30 per cent. of molasses.

" National Calf Starter " means National Calf Starter Gruel or National Calf Starter Cudlets which a person is authorised to manufacture in accordance with the terms of a licence granted or having effect under the Feeding Stuffs (Manufacture) Order, 1950(**a**).

" National Horse Chop Mixture " means any mixture described as National Horse Chop Mixture in Part B of the Second Schedule to the Feeding Stuffs (Manufacture) Order, 1950(**a**).

" National Poultry Balancer Meal " means National Poultry Balancer Meal which a person is authorised to manufacture in accordance with the terms of a licence granted or having effect under the Feeding Stuffs (Manufacture) Order, 1950(**a**).

" Poultry " means chickens, fowls, ducks, turkeys, guinea-fowls and geese.

(**a**) S.I. 1950 (No. 1988) III, p. 543. (**b**) S.R. & O. 1944 (No. 114) II, p. 701.

* *Note.*—For maximum price of National Poultry Balancer Meal, see also the Ninth Schedule.

" Reconditioned wheat " means threshed wheat which has been damaged after sale by the grower thereof, and which has been artificially restored to a condition in which it is suitable for use as a feeding stuff or in the manufacture, production or preparation of a feeding stuff.

" Sack " includes any bag or other container.

" Scheduled feeding stuff " means any specified feeding stuff or any compound or mixture.

" Specified feeding stuff " means any feeding stuff described in column 1 of the Second Schedule to this Order.

" Ton " means 20 hundredweights of 112 imperial standard pounds.

" Wheat by-products " means any by-products obtained in the production of flour by milling, and includes millers' offals and wheat offals (both as defined in Part II of the Fourth Schedule to the Fertilisers and Feeding Stuffs Act, 1926 as amended(**a**)) and fine wheatfeed, straight run bran, coarse bran, fine bran, pollards, middlings and wheat germ.

" Wholesale dealer ", " distributing dealer " and " retailer ", in relation to Great Britain, mean respectively persons licensed as such under or by virtue of the provisions of the Feeding Stuffs (Licensing) Order, 1950 as amended(**b**).

" Wholesale dealer ", " first supplier ", " second supplier " and " retailer ", in relation to Northern Ireland, mean respectively persons licensed as such under or by virtue of the provisions of the Feeding Stuffs (Control) (Northern Ireland) Order, 1944(**c**).

Maximum prices

2.—(1) No person shall buy or sell any scheduled feeding stuff at a price exceeding the maximum price.

(2) Except under the authority of the Minister no person shall make or demand any charge in addition to the maximum price, except in accordance with the provisions of the Sixth, Seventh or Ninth Schedule to this Order, as the case may be.

(3) In calculating the total price chargeable under this Order in respect of the sale of 28 lb. or more of any scheduled feeding stuff, any fraction of a halfpenny shall be regarded as one halfpenny, and in respect of the sale of any quantity less than 28 lb. any fraction of a farthing shall be regarded as one farthing.

Sales that must be on a net-weight basis

3. The following purchases and sales shall be made on a net-weight basis only—

(*a*) any purchase or sale (whatever the weight) of National Poultry Balancer Meal;

(*b*) any purchase or sale (whatever the weight) of any specified feeding stuff for which no basic price on a gross-weight basis is prescribed in the Second Schedule to this Order;

(*c*) any purchase or sale of less than 1 cwt. of any specified feeding stuff (not being a specified feeding stuff referred to in paragraph (*b*) of this Article);

(*d*) any purchase or sale of less than 1 cwt. of any mixture or compound other than National Poultry Balancer Meal.

(a) 16 & 17 Geo. 5. c. 45; S.R. & O. 1932 (No. 658) p. 478; 1942 (No. 2495) II, p. 226; and 1945 (No. 504) II, p. 13.
(b) S.I. 1950 (Nos. 138, 440 and 992) III, pp. 535–42.
(c) S.R. & O. 1944 (No. 114) II, p. 701.

Processing charges

4.—(1) Where a maximum price is prescribed by this Order for any processed feeding stuff, no person shall sell that feeding stuff in an unprocessed state and make such a charge for processing it that the amount of the charge, together with the maximum price prescribed for the feeding stuff in an unprocessed state, exceeds the maximum price prescribed for the processed feeding stuff.

(2) Where a feeding stuff, the price of which is prescribed by this or any other Order of the Minister, is processed, but the price of the processed feeding stuff is not also prescribed, the maximum price of the processed feeding stuff shall be that of the feeding stuff in its unprocessed state with the addition of such charge, if any, for the processing as may be prescribed by this Order.

Damaged or reconditioned feeding stuffs

5. For the avoidance of doubt, it is hereby declared that the basic price of any scheduled feeding stuff applies to that feeding stuff when damaged or reconditioned, unless a separate basic price for that feeding stuff when damaged or reconditioned is prescribed.

Written particulars to be furnished by sellers

6.—(1) Every seller of any scheduled feeding stuff shall, if so requested by the buyer in writing within 3 months of the delivery thereof, furnish to the buyer not later than 14 days after the receipt of the request such written particulars of any charges made by him in addition to the maximum price as the buyer has so requested.

(2) Every seller of any mixture (other than a molassed feeding stuff) shall, if so requested by the buyer in writing within 3 months of the delivery thereof, furnish to the buyer not later than 14 days after the receipt of the request written particulars specifying the ingredients and the quantity and price of each ingredient contained in the mixture.

Invoices

7.—(1) On a sale of any scheduled feeding stuff to a person other than a consumer, the seller shall furnish to the buyer not later than 14 days after delivery thereof an invoice specifying, as separate items—

(*a*) the quantity and description of the feeding stuff sold ;

(*b*) whether the price is charged on the basis of delivery by the seller ex quay, ex importer's warehouse, ex farm or ex manufacturer's premises, or, if elsewhere, at what point ;

(*c*) whether the feeding stuff is sold on a gross-weight basis (including sacks) or on a net-weight basis, and, if on a net-weight basis, any hire or deposit charges made for returnable sacks ;

(*d*) the amount by which the basic price is reduced by the seller under the Fifth Schedule to this Order, provided that if more than one feeding stuff is specified on the invoice the total of such amounts may be specified ; and

(*e*) the basic price of the feeding stuff and each charge in addition to the maximum price made by the seller under the Sixth Schedule to this Order, or, alternatively, the sum of the basic price and all or any such charges in addition to the maximum price ; provided that in the latter

case he shall specify as separate items each such charge made by him under the said Sixth Schedule for—

(i) credit (paragraph 2 of that Schedule),

(ii) sacks (paragraph 3 of that Schedule),

(iii) small lots (paragraph 8 (2) of that Schedule), and

(iv) handling (paragraph 9 of that Schedule).

(2) On a sale to a consumer of more than 56 lb. of any scheduled feeding stuff, the seller shall, within 28 days after delivery, or within 7 days after the end of the calendar month in which delivery is made, whichever is the longer period, furnish to the buyer an invoice* specifying the quantity and description of the feeding stuff sold and the price charged.

Artificial transactions

8. No person shall in connection with the sale or disposition or proposed sale or disposition of any scheduled feeding stuff enter or offer to enter into any artificial transaction or make or demand any unreasonable charge.

Exemptions

9. The provisions of this Order shall not apply to the purchase or sale of—

(i) any scheduled feeding stuff intended for human consumption, for use as seed, or for any industrial purpose ;

(ii) any mixture intended as an animal medicine or a condiment ;

(iii) any mixture intended for feeding dogs or cats, or birds other than poultry ;

(iv) any mixture containing poison or virus and intended to destroy vermin ;

(v) any wheat by-product for which a price is prescribed by the Flour Order, 1947, as amended(**a**) ;

(vi) any kitchen waste for which a maximum price is prescribed by the Kitchen Waste Order, 1950(**b**).

Certificate of public analyst or Government Chemist

10.—(1) In any proceedings in respect of an infringement of this Order, the production by one of the parties of (i) a document purporting to be a certificate of a public analyst or the Government Chemist or (ii) a document supplied to him by the other party as being a copy of such a certificate, shall be sufficient evidence of the facts stated therein, unless in the case mentioned under (i) above the other party requires that the person making the analysis shall be called as a witness.

(2) In any such proceedings—

(*a*) if the prosecution intends to produce a certificate of a public analyst or the Government Chemist, a copy of that certificate shall be served with the summons ; and

(*b*) if a defendant intends to produce a certificate of a public analyst or the Government Chemist, or to require that the person making the analysis shall be called as a witness, he shall give to the other party at least three clear days' notice of his intention ;

and, if any of these requirements is not complied with, the Court may, if it thinks fit, adjourn the hearing on such terms as it deems proper.

* *Note.*—An invoice must be furnished whenever a charge for credit is made: see the Sixth, Seventh and Ninth Schedules.

(**a**) S.R. & O. 1947 (Nos. 548, 1627 and 1868) II, pp. 667, 689, and 690; S.I. 1949 (Nos. 1742 and 1779) II, pp. 354–5; and 1950 (Nos. 126, 1003 and 1313) III, pp. 616–8.

(**b**) S.I. 1950 (No. 505) III, p. 70.

(3) In this Article "public analyst" has in relation to England and Wales the meaning assigned to it by the Food and Drugs Act, 1938(a), in relation to Scotland the meaning assigned to it by the Food and Drugs (Adulteration) Act, 1928(b), and in relation to Northern Ireland the meaning assigned to it by the Sale of Food and Drugs Acts (Northern Ireland), 1875 to 1939; and "Government Chemist" means in relation to Northern Ireland the Government Chemist for Northern Ireland.

Infringements

11. Infringements of this Order are offences against the Defence (General) Regulations, 1939.

Other Orders

12. For the avoidance of doubt, it is hereby declared that nothing contained in this Order shall be construed as relieving any person from compliance with any other Order of the Minister for the time being in force.

Directions, authorisations and licences

13.—(1) The provisions of this Order are subject to any directions that may at any time be given by or on behalf of the Minister, and to any licence or authorisation that may be granted by or on behalf of the Minister under this Order.

(2) Every person holding a licence or authorisation granted under this Order shall comply with every condition imposed by such licence or authorisation.

(3) Every licence or authorisation granted under this Order is and shall remain the property of the Minister; and the licensee or any person being in possession of any such licence or authorisation shall, if requested to do so by or on behalf of the Minister, produce or deliver it to such person or to a person of such class or description, and within such time, as may be specified in the request.

Revocation

14.—(1) The Feeding Stuffs (Prices) Order, 1950 as amended(c) is hereby revoked, but without prejudice to any proceedings in respect of any contravention thereof.

(2) Notwithstanding the revocation of the said Order, any licence or authorisation granted or having effect under that Order, and subsisting immediately before the coming into force of this Order, shall continue to have effect as though granted under this Order.

Citation and commencement

15. This Order may be cited as the Feeding Stuffs (Prices) Order, 1951; and shall come into operation on the 1st day of April, 1951.

Maurice Webb,
Minister of Food.

Dated the 21st day of March, 1951.

(a) 1 & 2 Geo. 6. c. 56. (b) 18 & 19 Geo. 5. c. 31.
(c) S.I.1950 (Nos. 424, 991, 1541 and 2018) III, pp. 560–601; and 1951 No. 236.

THE FIRST SCHEDULE

INGREDIENTS FOR COMPOUNDS AND CONCENTRATES(a)

Part A—Compounds(b)

1. Any of the following or any product thereof, or any by-product thereof which contains not more than 16 per cent. by weight of fibre:—

Barley
Beans
Dried grains (including distillery dreg)
Dried potato products
Grain sorghums (including milo, dari, kaffir corn and guinea maize)
Locust beans
Maize
Malt culms (including rock culms and kiln dust)
Oats
Peas
Rye
Tares
Wheat (including reconditioned wheat but excluding wheat germ)

2. Any cake or extracted meal produced from one or more of the following or any meal produced from any such cake:—

Coconut (copra)
Cottonseed
Groundnut
Hempseed
Linseed
Palm kernels
Sesame seed (including til seed, gingelly seed and niger seed)
Soya beans
Sunflowerseed

3. Feeding meat meal (including feeding meat and bone meal, and feeding dried blood)
Fish meal (including herring meal)
Licensed concentrates
Molasses
Rice bran (including rice meal and rice offals)
Whale meat meal (including whale meat and bone meal)
Wheat by-products other than wheat germ

Part B—Concentrates(b)

Any of the following:—

Cod liver oil, vitamin-potent oils or other vitamin-potent substances
Dried grass meal (including alfalfa, lucerne, clover meal and other similar meals) containing not less than thirteen per cent. of protein
Dried liver meal (including dried whale liver meal)
Dried milk products
Dried yeast
Feeding meat meal (including feeding meat and bone meal and feeding dried blood)
Fish meal (including herring meal)
High protein oilseed cake, i.e., oilseed cake, oilseed cake meal or extracted oilseed meal (or any one or more of them) containing more than 35 per cent. albuminoids (protein)
Whale meat meal (including whale meat and bone meal)
Wheat germ

THE SECOND SCHEDULE

[New Second Schedule substituted by S.I. 1951 No. 1571, *see* p. 215 below.]

(a) See definitions of " Compound " and " Concentrate " in Article 1 of this Order.

(b) No compound or concentrate may be manufactured except in accordance with the provisions of the Feeding Stuffs (Manufacture) Order, 1950, Parts II and III, or the Feeding Stuffs (Control) (Northern Ireland) Order, 1944.

THE THIRD SCHEDULE

BASIC PRICES OF COMPOUNDS (a)

Part A

1. The basic price per ton gross including sacks(b) of any compound other than National Calf Starter shall, subject to the provisions of paragraph 3 of this Part of this Schedule (relating to National Poultry Balancer Meal), be the sum of the following amounts:—

(*a*) The cost to the manufacturer (exclusive of any costs or charges incurred by him in respect of transport) of the raw materials used in the manufacture of the compound:

Provided that in calculating such costs:—

(i) the cost of any raw material (other than oats or barley) shall not exceed any maximum or fixed price prescribed under any Order made under the Defence (General) Regulations, 1939, for the time being in force, for such raw material (as a feeding stuff) at the time of its sale to the manufacturer;

(ii) the cost of oats or barley shall be an amount not exceeding the maximum price thereof (as a feeding stuff) which would be applicable on a sale for delivery to the manufacturer at the time he sells the compound. (For the avoidance of doubt such maximum price means in the case of home grown oats or home grown barley the maximum price that would be applicable on such sale thereof (as a feeding stuff) to the manufacturer by an approved buyer.);

(iii) any charge paid or payable for credit shall be excluded;

(iv) where any raw material specified in Part B of this Schedule has been processed by the manufacturer by grinding, kibbling, crushing or rolling, he may include as part of the cost of that raw material an amount not exceeding the amount applicable in accordance with such Part, so however that no such amount may be included in respect of more than one of such processes;

(v) where any raw material specified in Part B of this Schedule has been purchased by the manufacturer ground, kibbled, crushed or rolled, the cost of that raw material so processed shall not exceed an amount calculated as follows, namely—the amount which the manufacturer would be entitled to include under proviso (iv) of this sub-paragraph if that raw material had been ground, kibbled, crushed or rolled by him, added to the prescribed maximum or fixed price applicable to that raw material (unprocessed) at the time of its sale to the manufacturer or, in the case of oats or barley, to the cost thereof (unprocessed) as allowed by proviso (ii) of this sub-paragraph;

(vi) where any damaged raw material is reconditioned by the manufacturer he may include as part of the cost of that raw material a charge for reconditioning it provided that the cost of the raw material, including such charge, shall not exceed the prescribed maximum or fixed price applicable to that raw material as a feeding stuff (undamaged) at the time of its sale to the manufacturer, unless a separate basic price for that feeding stuff when damaged or reconditioned is prescribed.

(*b*) The total cost reasonably incurred by the manufacturer in respect of the transport of the raw materials to his premises.

(a) No compound may be manufactured except in accordance with the provisions of the Feeding Stuffs (Manufacture) Order, 1950 (S.I. 1950 No. 1988), Parts II and III, or the Feeding Stuffs (Control) (Northern Ireland) Order, 1944 (S.R. & O. 1944 (No. 114) II, p. 701).
(b) See Sixth Schedule, paragraph 3.

(*c*) The cost of providing the sacks containing the compound.

(*d*) An amount not exceeding 36s. 10d.

(*e*) A further amount not exceeding:—

(i) 37s. 6d. if the compound is in the form of pellets of a maximum length of not more than ½ inch and a maximum diameter of not more than $\frac{3}{16}$ inch;

(ii) 25s. 0d. if the compound is in the form of pellets other than those mentioned above or in the form of cubes or nuts;

(iii) 22s. 6d. if the compound is not in the form of pellets, cubes or nuts.

2. The basic price per ton net weight(a) of any compound shall be the basic price per ton gross including sacks less 31s.

3. The basic price per ton net weight(a) of National Poultry Balancer Meal(b) shall be £31 7s. 6d. or the price ascertained in accordance with the provisions of paragraph 1 of this Part of this Schedule (less the cost of providing the sacks allowed under sub-paragraph (*c*) of that paragraph), whichever price is the lesser.

Part B

Column 1 Raw Material	Column 2 Process	Column 3 Maximum amount per ton for processing which may be included by the manufacturer in the cost of the raw material
		s. d.
1. Any cake produced from one or more of the following:—		
Coconut (copra)	Kibbling	7 6
Cottonseed	Grinding	10 0
Groundnut		
Hempseed		
Kapokseed		
Linseed		
Palm Kernels		
Rapeseed		
Sesame seed (including til seed, gingelly seed and niger seed)		
Sheanut		
Soya beans		
Sunflowerseed		
Any extracted meal (other than extracted groundnut meal) produced from one or more of the commodities listed above in this column.	Grinding	2 6
Extracted groundnut meal	Grinding	10 0
2. Dredge corn	Crushing or rolling	17 6
	Grinding	22 6
Barley	Grinding, crushing or rolling.	20 0
Beans	Grinding, crushing or rolling.	20 0

(a) See Sixth Schedule, paragraph 3.

(b) See Ninth Schedule for the maximum price of National Poultry Balancer Meal on a sale to a consumer.

Part B—cont.

Column 1	Column 2	Column 3
Raw Material	Process	Maximum amount per ton for processing which may be included by the manufacturer in the cost of the raw material
		s. d.
Dried grains (including distillery dreg)	Grinding	12 6
Dried potato products other than potato flour or dried potatoes cooked and flaked, but including dried potato slices and cossettes.	Grinding	17 6
Greaves	Grinding	17 6
Lentils	Grinding, crushing or rolling.	15 0
Locust beans	Grinding	22 6
Maize	Grinding, crushing or rolling.	15 0
Malt culms	Grinding	12 6
Oats	Crushing or rolling	17 6
	Grinding (other than Sussex grinding).	22 6
	Sussex grinding (i.e. grinding so that the product is capable of passing through a 16 British Standard Screen).	31 0
Peas	Grinding, crushing or rolling.	20 0
Rye	Grinding, crushing or rolling.	17 6
Sugar beet pulp	Grinding	12 6
Tares	Grinding, crushing or rolling.	10 0
Wheat (other than re-conditioned wheat)	Grinding, crushing or rolling.	15 0
Wheat re-conditioned	Crushing or rolling	15 0
	Grinding	17 6
3. Any raw material mentioned in Part A of the Third Schedule to the Feeding Stuffs (Manufacture) Order, 1950, which is not mentioned above in this Part and which— (*a*) requires grinding, crushing or rolling, as the case may be, and (*b*) has not previously been ground, crushed or rolled.	Grinding, crushing or rolling.	10 0

THE FOURTH SCHEDULE

Basic Prices of Mixtures(a)

1. The basic price per ton net weight(b) of any mixture consisting solely of grains or grains and pulses (including whole, kibbled or cut grains or pulses) shall, subject to the provisions of paragraph 4 of this Schedule, be the sum of the following amounts:—

(*a*) the basic price (as for a sale per ton net weight(b)) of each and every ingredient of the mixture;

(*b*) the total cost reasonably incurred by the manufacturer in respect of the transport of the ingredients to his premises;

(*c*) an amount at a rate not exceeding 5s. per ton of mixture; and

(*d*) where the mixture has been cleaned, an amount in respect of cleaning at a rate not exceeding 5s. per ton of mixture:

Provided that this paragraph shall not apply to any mixture consisting solely of different varieties or qualities of the same grain.

2. The basic price per ton net weight(b) of any mixture (other than a molassed feeding stuff) not referred to in paragraph 1 of this Schedule shall, subject to the provisions of paragraph 4 of this Schedule, be the sum of the following amounts:—

(*a*) the basic price (as for a sale per ton net weight(b)) of each and every ingredient of the mixture;

(*b*) the total cost reasonably incurred by the manufacturer in respect of the transport of the ingredients to his premises; and

(*c*) an amount at a rate not exceeding 10s. per ton of mixture.

3. The basic price per ton gross including sacks(b) of any mixture (other than a molassed feeding stuff) shall be the basic price per ton net weight plus 31s. 0d.; or in the case of any National Horse Chop Mixture plus 37s. 6d.

4.—(1) Where the mixture includes any ingredient in respect of which a maximum or fixed price is prescribed under any Order made under the Defence (General) Regulations, 1939, other than this Order, the maximum or fixed price on a sale to a consumer prescribed under that Order shall, for the purposes of this Order, be deemed to be the basic price of the ingredient.

(2) Where the mixture includes any ingredient in respect of which no maximum or fixed price is at the date of sale prescribed under any such Order the actual cost of the ingredient (exclusive of the cost of transport) together with a sum not exceeding 11s. 10d. per ton of the ingredient shall be deemed to be the basic price of the ingredient.

(3) Where a feeding stuff becomes accidentally mixed with any other feeding stuff or feeding stuffs, the basic price of the mixture shall be the price which would be applicable if the mixture consisted wholly of that feeding stuff contained in the mixture for which the basic price prescribed by this Order, or the maximum or fixed price (on a sale to a consumer as a feeding stuff) prescribed by any other Order made under the Defence (General) Regulations, 1939, for the time being in force is the lowest.

THE FIFTH SCHEDULE

[New Fifth Schedule substituted by S.I. 1951 No. 1571, *see* p. 215 below.]

(a) No mixture may be manufactured except in accordance with the provisions of the Feeding Stuffs (Manufacture) Order, 1950, Parts II and III or the Feeding Stuffs (Control (Northern Ireland) Order, 1944.

(b) See Sixth Schedule, paragraph 3.

THE SIXTH SCHEDULE(a)

CHARGES WHICH MAY BE MADE BY THE SELLER IN ADDITION TO THE MAXIMUM PRICES

1. *Transport*

The maximum prices are fixed on the basis that the cost of transport after delivery at the quay, importer's warehouse, farm or manufacturer's premises, as the case may be, is for the account of the ultimate buyer and accordingly the seller may charge, in addition to the maximum price, a sum not exceeding the reasonable and actual cost paid or incurred by him in respect of such transport:

Provided that—

(*a*) instead of charging the reasonable and actual cost paid or incurred by him in respect of transport, the seller may charge an average or flat rate of such amount and subject to such conditions as may be specified in an authority given by the Minister or as the case may be the Ministry of Agriculture for Northern Ireland;

(*b*) the maximum price of any specified feeding stuff set out in Part G of the Second Schedule shall include all costs and charges of and incidental to delivery free on vehicle at the manufacturer's premises and no additional charge shall be made in respect of such delivery;

(*c*) in the case of screenings specified in Part A of the Second Schedule no charge in respect of transport shall be made except in respect of transport after delivery of the screenings at the premises where they were screened;

(*d*) no charge in respect of transport from his premises shall be made by the seller on a sale to a consumer, whose premises are less than 25 miles distant from the premises of the seller, of 1 cwt. or less of any scheduled feeding stuff, except that where such transport is provided by the seller at the request of the buyer, a charge may be made in accordance with the following scale:—

SCALE OF CHARGES

Weight		*Charge* d.
1 cwt.	Not exceeding	14
¾ cwt.	,, ,,	14
½ cwt.	,, ,,	9
42 lb.	,, ,,	7
28 lb.	,, ,,	5
Any weight (not specified above) of more than 28 lb. but less than 1 cwt.	A charge not exceeding that applicable to the next larger weight specified above.	

(*e*) where a feeding stuff is taken into a manufacturer's premises for the purpose of being used by him in the manufacture of any specified feeding stuff marked "(*c*)" in the Second Schedule a charge may be made on a sale of such specified feeding stuff not exceeding the cost paid or incurred by the manufacturer in transporting to his premises the feeding stuff so used; provided that in the case of potato flour such charge shall not be made except in respect of dried potato slices or cossettes;

(*f*) no charge may be made by a seller in respect of the movement of any feeding stuff within his store or warehouse.

(a) This Schedule does not apply to sales of National Poultry Balancer Meal to consumers. For the maximum price on such sales see the Ninth Schedule.

2. *Credit*

The maximum prices prescribed by this Order are fixed on the basis of net cash. The seller may make a reasonable charge for credit provided that he—

(*a*) specifies on an invoice to be furnished to the buyer—

(i) the amount of such charge or the rate thereof, and

(ii) the period within which the buyer may make payment without liability for such charge;

(*b*) deducts the charge or credits the buyer with the amount thereof if payment is made within the said period.

3. *Sacks*

(1) *Sales gross weight including sacks.*—Where under this Order the basic price applicable is expressed to be " per ton gross including sacks " no charge shall be made for the provision of sacks.

(2) *Sales net weight.*—Where under this Order the basic price applicable is expressed to be " per ton net weight " a charge for the provision of sacks may be made in accordance with sub-paragraph (3) of this paragraph.

(3) *Sack charges on sales net weight—*

(*a*) Where by arrangement with the buyer the seller provides returnable sacks the seller may make—

(i) a charge for the hire of such sacks at a rate not exceeding 1d. per sack for the first 14 days of hire and ¾d. per sack for each 7 days of subsequent hire; and

(ii) a further charge by way of deposit which shall not exceed—

(*a*) 7s. 6d. for any sack weighing 3½ lb. or more;

(*b*) 6s. 0d. for any sack weighing 2 lb. or more but less than 3½ lb.;

(*c*) 4s. 0d. for any sack weighing less than 2 lb.

Any sum charged by way of deposit shall be repaid by the seller to the buyer on the redelivery of the sack (carriage paid) in such condition as is reasonable having regard to its condition when supplied and to ordinary wear and tear.

(*b*) Where by arrangement with the buyer, the seller provides non-returnable sacks he may make a charge—

(i) in the case of any specified feeding stuff, at a rate not exceeding that applicable in accordance with column 3 of the Second Schedule;

(ii) in the case of any compound or any mixture (other than any National Horse Chop Mixture or National Poultry Balancer Meal) at a rate not exceeding 1s. 10d. per cwt.;

(iii) in the case of any National Horse Chop Mixture at a rate not exceeding 2s. 2d. per cwt.;

(iv) in the case of National Poultry Balancer Meal not exceeding the cost of the sacks or 2s. 2d. per cwt. of the contents, whichever is the lower.

(*c*) Notwithstanding any of the foregoing provisions of this paragraph the seller shall not make any charge for the provision of sacks or of any other container—

(i) on a sale of any of the following specified feeding stuffs, namely:— brewers' wet grains, distillers' wet grains; or

(ii) on a sale to a consumer of less than 1 cwt. of any other scheduled feeding stuff.

4. *Mixing and Cleaning at Buyer's Request* (a)

(*a*) Where at the request of the buyer, the seller mixes any grains or grains and pulses (whether the grains or pulses are whole, kibbled or cut), a charge for such mixing may be made at a rate not exceeding 5s. per ton of the mixture.

(*b*) Where in addition to mixing any grains or grains and pulses as aforesaid the seller at the request of the buyer cleans them before, during or after mixing a charge may be made at a rate not exceeding 5s. per ton of the mixture.

(*c*) Where at the request of the buyer the seller mixes any feeding stuffs in the form of a meal (including any flaked, rolled or ground feeding stuffs) a charge for such mixing may be made at a rate not exceeding 10s. per ton of the mixture (such rate not to be exceeded whether or not the mixture constitutes a compound).

5. *Kibbling of Oilseed Cakes*

Where any oilseed cake specified in Part D of the Second Schedule (being a slab cake) has been kibbled by the seller a charge for the kibbling may be made at a rate not exceeding 7s. 6d. per ton.

6. *Grinding of Oilseed Cakes at Buyer's Request*

Where any oilseed cake specified in Part D of the Second Schedule has, at the request of the buyer, been ground by the seller, a charge for the grinding may be made at a rate not exceeding 10s. per ton.

7. *Packing of Oilseed Cakes at Buyer's Request*

(1) Where any oilseed cake specified in Part D of the Second Schedule (being a slab cake and not having been kibbled or ground) has, at the request of the buyer, been packed by the seller into sacks a charge for such packing may be made at a rate not exceeding 7s. 6d. per ton.

(2) Where any oilseed cake so specified (not being a slab cake and not having been ground) has, at the request of the buyer, been packed by the seller into sacks a charge for such packing may be made at a rate not exceeding 3s. 6d. per ton.

(3) Where any oilseed cake so specified (being a slab cake and not having been packed into sacks by the seller) has, at the request of the buyer, been bound by the seller in a lot or lots of one cwt. a charge therefor may be made at a rate not exceeding 5s. per ton, provided that no such charge may be made in respect of a sale of 10 cwt. or more.

8. *Small Lots*

(1) Where a consumer buys—

(*a*) any specified feeding stuff or mixture (other than a molassed feeding stuff) in a quantity of more than 1 cwt. but less than 1 ton a charge may be made in accordance with Part I of the following scale of charges;

(*b*) any compound or any molassed feeding stuff in a quantity of more than 1 cwt. but less than 1 ton a charge may be made in accordance with Part II of such scale;

(*c*) any scheduled feeding stuff, in a quantity of 1 cwt. or less a charge may be made in accordance with Part III of such scale, except on any sale to which the provisions of the Seventh Schedule to this Order apply.

(a) No mixture may be manufactured except in accordance with the provisions of the Feeding Stuffs (Manufacture) Order, 1950, Parts II and III, or the Feeding Stuffs (Control) (Northern Ireland) Order, 1944.

SCALE OF CHARGES

Weight	Charge
PART I	
	At a rate not exceeding—
	s. d.
10 cwt. or more, but less than 20 cwt.	3 per cwt.
2 ,, ,, ,, ,, ,, ,, 10 ,,	6 ,, ,,
More than 1 cwt. but less than 2 cwt.	9 ,, ,,
PART II	
10 cwt. or more, but less than 20 cwt.	3 per cwt.
5 ,, ,, ,, ,, ,, ,, 10 ,,	6 ,, ,,
More than 1 cwt. but less than 5 cwt.	1 0 ,, ,,
PART III	
1 cwt.	1 3 per cwt.
½ cwt. and ¼ cwt.	1 10 per cwt. or 11 per ½ cwt.
28 lb. and 42 lb.	2 8 per cwt. or 8 per 28 lb.
14 lb. and 21 lb.	3 8 per cwt. or 5½ per 14 lb.
7 lb. and 1 lb. or less	4 8 per cwt. or 3½ per 7 lb.
Any weight not specified above	A charge not exceeding a sum calculated as follows:— (*a*) First ascertain the charge for the largest weight specified above contained in the quantity sold, then for the largest weight contained in the residue and so on (following the examples given below).* (*b*) The sum of the charges so ascertained will be the maximum charge for the quantity sold.

*Note—Examples—

(*a*) The charge for 35 lb. is the sum of the charges for 28 lb. and 7 lb.

(*b*) The charge for 37 lb. is the sum of the charges for 28 lb. and 7 lb. and two lots of 1 lb.

(*c*) The charge for 74 lb. is the sum of the charges for 56 lb. and 14 lb. and four lots of 1 lb.

(2) Where a retailer buys less than 1 ton of any scheduled feeding stuff, the seller may make a charge at a rate not exceeding 3d. per cwt., and if at the request of the retailer the seller packs any scheduled feeding stuff in a quantity or in quantities of less than 1 cwt. he may make a further charge at a rate not exceeding 6d. per cwt. in respect of the total quantity so packed by him, provided that such last mentioned charge may not be made in respect of a sale in Northern Ireland.

(3) Where any feeding stuffs are mixed the charges permitted under sub-paragraphs (1) and (2) of this paragraph may be made only in respect of the weight of the combined ingredients.

9. *Handling, in and out of store*

Where on a sale to a consumer or, in Great Britain on a sale by a distributing dealer to a retailer, any scheduled feeding stuff (other than a feeding stuff mentioned in Part G of the Second Schedule) has been taken into and delivered out of the seller's store and sold by him in a quantity of 5 tons or less a charge at a rate not exceeding 5s. 3d. per ton may be made in respect of such quantity:

Provided that—

(*a*) where the full charge has been made by a distributing dealer no such further charge shall be made by a retailer;

(*b*) where part of the charge has been made by a distributing dealer a retailer may make a further charge only to the extent of the amount of the full additional charge less the amount charged by the distributing dealer;

(*c*) no charge for handling may be made—

(i) where the feeding stuff was used by the seller in the manufacture of any compound, or was ground, mixed or otherwise processed by him, so however that such charge may be made—

(*a*) on a sale of any oilseed cake, notwithstanding that such cake was kibbled by the seller;

(*b*) on a sale of any feeding stuff, if the processing took place more than 20 miles away from the seller's store;

(ii) where 1 cwt. or less is sold to a consumer; or

(iii) where the feeding stuff was stored by the seller on behalf of the Minister.

10. *Charges Incurred Prior to Sale*

Where any charge has been properly incurred on a sale of any scheduled feeding stuff, in accordance with paragraphs 1, 4, 5, 6 or 7 of this Schedule, the amount of each such charge may be added to the maximum price on any subsequent sale of such feeding stuff.

THE SEVENTH SCHEDULE

[New Seventh Schedule substituted by S.I. 1951 No. 1571, *see* p. 215 below.]

THE EIGHTH SCHEDULE

FLOUR MILLS—CENTRES AND DISTANCES FOR THE PURPOSE OF CALCULATING THE BASIC PRICES OF WHEAT BY-PRODUCTS

Column 1	Column 2
Centre	Distance
London, Charing Cross	15 miles
Southampton, the Civic Centre	10 ,,
Bristol, the Tramway Centre	10 ,,
Avonmouth, St. Andrew's Church	10 ,,
Cardiff, the City Hall	10 ,,
Swansea, the New Market	10 ,,
Plymouth, the Royal Naval Hospital	10 ,,
Manchester, London Road Station	10 ,,
Barry, the Glamorgan Training College	10 ,,
Liverpool, St. George's Hall	10 ,,
Birkenhead, the Town Hall	10 ,,
Sharpness, the Sharpness Hotel	10 ,,
Hull, the City Hall	10 ,,
Newcastle, the Central Station	10 ,,
Leith, the Town Hall	10 ,,
Glasgow, the City Chambers	10 ,,

THE NINTH SCHEDULE

MAXIMUM PRICES OF NATIONAL POULTRY BALANCER MEAL ON SALES TO CONSUMER

Column 1	Column 2
Weight	Maximum Price
28 lb. or less	4½d. per lb.
Over 28 lb. but less than 1 cwt. ...	4½d. per lb. in respect of 28 lb. and 4d. per lb. for the additional quantity.
1 cwt. or more	36s. 6d. per cwt.

1. The maximum prices specified in this Schedule include the provision of sacks or containers and no charge in addition to the maximum prices shall be made by the seller therefor.

2. No charge in addition to the maximum price shall be made by the seller in respect of delivery, provided that where, at the request of the buyer, the seller delivers a quantity of 1 cwt. or more the seller may make a charge at a rate not exceeding 14d. per cwt.

3. The seller may make a reasonable charge for credit provided that he—

(*a*) specifies on an invoice to be furnished to the buyer—

(i) the amount of such charge or the rate thereof, and

(ii) the period within which the buyer may make payment without liability for such charge;

(*b*) deducts the charge or credits the buyer with the amount thereof if payment is made within the said period.

EXPLANATORY NOTE

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

This Order replaces the Feeding Stuffs (Prices) Order, 1950 as amended.

The principal changes are :—

(1) the basic prices of most specified feeding stuffs have been increased

(2) two different basic prices have been prescribed for imported barley, according to the sources of supply ;

(3) the basic price, and the maximum retail prices, of National Poultry Balancer Meal have been increased ;

(4) the deduction from the basic prices of most feeding stuffs, on sales to distributing dealers, have been increased by fivepence a ton—with consequential increases in the deductions from the basic prices on sales to retailers ;

(5) the maximum transport charges on a sale of a hundredweight or less of feeding stuffs, and also on a sale of a hundredweight or more of National Poultry Balancer Meal, have been increased ; and

(6) the range of the table of maximum prices of feeding stuffs, on a sale of less than a hundredweight to a consumer, has been extended.