EXPLANATORY NOTE

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

The Order, which comes into operation at the same time (1st July, 1951) as the Fertilisers (Prices) Order, 1951, made by the Board of Trade (S.I. 1951 No. 1017) and increasing fertiliser prices in adjustment to subsidy changes, imposes—

(1) a Stock Charge, on stocks of fertilisers in manufacturers' hands (whether for their own or some one else's account) and of fertiliser making materials, corresponding to the subsidy element in the stock profit arising from the price increases ; and

(2) a Production Charge on the home production of phosphatic fertilisers so that these and the imports necessary to supplement them can be sold at an averaged price.

The Fertilisers (Charges) (1950-51) (Minister of Materials) Order, 1951

1951 No. 1248

Made - - - -	11*th July*, 1951
Laid before the House of Commons	11*th July*, 1951
Coming into Operation	12*th July*, 1951

Whereas under Sub-section (1) of Section 2 of the Emergency Powers (Defence) Act, 1939(**a**), and Section 5 of the Supplies and Services (Transitional Powers) Act, 1945(**b**), now continued in force by the Supplies and Services (Continuance) Order, 1950(**c**), the Treasury provided by the Fertilisers (Charges) Order, 1950(**d**), and the Fertilisers (Charges) Order, 1951(**e**) (which Orders are hereafter in this Order called the " Principal (1950) Order " and the " Principal (1951) Order " respectively), for imposing and recovering a Fertilisers (1950) Charge and a Fertilisers (1951) (Stock) Charge and a Fertilisers (1951) (Production) Charge in connexion with a scheme of control of fertilisers established under Regulations 55AB and 98 of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(**b**) (as extended by the Supplies and Services (Extended Purposes) Act, 1947(**f**), and the Supplies and Services (Defence Purposes) Act, 1951(**g**), and continued in force by the Supplies and Services (Continuance) Order, 1950(**c**)), and administered by the Board of Trade :

And Whereas for the purpose of the Principal (1951) Order the subsidized fertiliser material upon which the aforesaid Fertilisers (1951) (Stock) Charge is in part computed is defined, in part, by reference to claims on account of excess fertiliser material costs admitted by the Board of Trade :

And Whereas it is provided by the aforesaid Sub-section that any order made in exercise of the powers conferred by that Sub-section may be varied by a subsequent order made by the Treasury :

(**a**) 2 & 3 Geo. 6. c. 62. (**b**) 9 & 10 Geo. 6. c. 10. (**c**) S.I. 1950 (No. 1769) III, p. 51.
(**d**) S.I. 1950 (No. 1039) III, p. 902. (**e**) S.I. 1951 No. 1133, p. 576 above.
(**f**) 10 & 11 Geo. 6. c. 55. (**g**) 14 & 15 Geo. 6. c. 25.

And Whereas by reason of the transfer (as from the 12th day of July, 1951) of the administration of the aforesaid scheme of control to the Minister of Materials it is desired to provide that in so far as subsidized fertiliser materials are defined in the Principal (1951) Order by a reference to the Board of Trade they shall (as from the said day) be defined by the corresponding reference to the Minister of Materials; and also that all Fertilisers (1950) Charges and all Fertilisers (1951) (Stock) Charges and all Fertilisers (1951) (Production) Charges which have not (before that day) been paid to or as directed by or have not been demanded by the Board of Trade shall (as from that day) be demandable by and payable to or as directed by, and shall be summarily recoverable by, the Minister of Materials:

And Whereas it is desired to vary the Principal (1950) Order and the Principal (1951) Order accordingly:

Now, therefore, the Lords Commissioners of His Majesty's Treasury in exercise of the powers conferred upon Them by Sub-section (1) of Section 2 of the Emergency Powers (Defence) Act, 1939(**a**), and Section 5 of the Supplies and Services (Transitional Powers) Act, 1945(**b**), as continued in force by the Supplies and Services (Continuance) Order, 1950(**c**), and of all other powers enabling Them in that behalf, hereby make the following Order:—

1. The Principal (1950) Order is hereby varied—

(*a*) in paragraph (3) of Article 2 thereof, by substituting for the words "a demand by the Board of Trade", the words—

"a demand made before the 12th day of July, 1951, by the Board of Trade or on or after that day by the Minister of Materials";

(*b*) by substituting for paragraph (4) of Article 2 thereof, the following paragraph—

"(4) All Fertilisers (1950) Charges not paid before the 12th day of July, 1951, to or as directed by the Board of Trade shall be paid to or as directed by the Minister of Materials, and shall be recoverable as debts due to the Crown, and also in every part of the United Kingdom except Scotland and Northern Ireland shall be recoverable by the Minister of Materials in the same manner as a civil debt under Section 35 of the Summary Jurisdiction Act, 1879(**d**), is recoverable."; and

(*c*) by re-numbering Article 3 thereof as "3.—(1)", and adding to that Article the following paragraph—

"(2) All moneys received by the Minister of Materials in respect of any charge payable under this Order shall be paid into the Ministry of Materials Directorate of Fertiliser Supplies No. 2 Account.".

2. The Principal (1951) Order is hereby varied—

(*a*) in the definition of "subsidized fertiliser material" at (B) in paragraph (2) of Article 1 thereof, by substituting for the words (at the end of that definition) "admitted by the Board of Trade at any time before or after the beginning of that day", the words—

"admitted by the Board of Trade at any time before the 12th day of July, 1951, or by the Minister of Materials at any time on or after that day";

(**a**) 2 & 3 Geo. 6. c. 62. (**b**) 9 & 10 Geo. 6. c. 10. (**c**) S.I. 1950 (No. 1769) III, p. 51.
(**d**) 42 & 43 Vict. c. 49.

(*b*) in paragraph (4) of Article 2 thereof, by substituting for the words " a demand by the Board of Trade ", the words—

" a demand made before the 12th day of July, 1951, by the Board of Trade or on or after that day by the Minister of Materials " ;

(*c*) in paragraph (3) of Article 3 thereof, by substituting for the words " a demand made by the Board of Trade ", the words—

" a demand made by the Minister of Materials " ;

(*d*) by substituting for Article 4 thereof, the following Article—

" 4. All Fertilisers (1951) (Stock) Charges not paid before the 12th day of July, 1951, to or as directed by the Board of Trade, and all Fertilisers (1951) (Production) Charges, shall be paid to or as directed by the Minister of Materials, and shall be recoverable as debts due to the Crown, and also in every part of the United Kingdom except Scotland and Northern Ireland shall be recoverable by the Minister of Materials in the same manner as a civil debt under Section 35 of the Summary Jurisdiction Act, 1879(**a**), is recoverable." ; and

(*e*) by re-numbering Article 5 thereof as " 5.—(1) ", and adding to that Article the following paragraph—

" (2) All moneys received by the Minister of Materials in respect of any charge payable under this Order shall be paid into the Ministry of Materials Directorate of Fertiliser Supplies No. 2 Account.".

3. This Order shall come into operation on the 12th day of July, 1951 ; and may be cited as the Fertilisers (Charges) (1950-51) (Minister of Materials) Order, 1951, and (*a*) this Order and the Principal (1950) Order may be cited together as the Fertilisers (Charges) (1950 and 1950-51) Orders. and (*b*) this Order and the Principal (1951) Order may be cited together as the Fertilisers (Charges) (1951 and 1950-51) Orders.

Dated this 11th day of July, 1951.

W. A. Wilkins,
Wm. Hannan,
Two of the Lords Commissioners of
His Majesty's Treasury.

EXPLANATORY NOTE

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

The Order transfers to the Minister of Materials, as from the 12th July, 1951, the collection of the Fertilisers (1950) Charges and the Fertilisers (1951) (Stock) Charges and the Fertilisers (1951) (Production) Charges.

(**a**) 42 & 43 Vict. c. 49.