The Fertilisers (Charges) Order, 1950

1950 No. 1039

Made - - - -	23*rd June*, 1950
Laid before the House of Commons	27*th June*, 1950
Coming into Operation	1*st July*, 1950

Whereas it is provided 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**), that the Treasury may by order provide for imposing and recovering, in connexion with any scheme of control contained in or authorized by any Defence Regulations having effect by virtue of the latter Act, such charges as may be specified in the Order:

And Whereas 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(**c**), a scheme of control of fertilisers has been established and that scheme is administered by the Board of Trade:

And Whereas it is desired to provide for imposing and recovering, in connexion with that scheme, the charges hereinafter specified:

And Whereas the Treasury, in exercise of the powers conferred upon Them by the aforesaid Sub-section and Section and all other powers enabling Them in that behalf, have in connexion with the aforesaid scheme of control made the Sulphate of Ammonia (Charges) (No. 1) Order, 1940(**d**):

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

And Whereas the Treasury have varied the Sulphate of Ammonia (Charges) (No. 1) Order, 1940(**d**), by the Sulphate of Ammonia (Charges) (No. 2) Order, 1946(**e**) (whereby the collection of Sulphate of Ammonia Charges was transferred to the Board of Trade):

And Whereas it is expedient to vary further the Sulphate of Ammonia (Charges) (No. 1) Order, 1940(**d**), in the manner hereinafter appearing:

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**), and of all other powers enabling Them in that behalf, hereby make the following Order:—

1. In and for the purpose of this Order, the following expressions have the meanings hereby respectively assigned to them—

"fertiliser manufacturer" means any person who on the 30th day of June, 1950, is carrying on the trade or business of manufacturing any fertiliser named in Column (2) of the Schedule to this Order;

"fertiliser manufacturer's chargeable fertiliser" means, in relation to any fertiliser manufacturer, any fertiliser named in Column (2) of the Schedule to this Order which, immediately before the 1st day of July, 1950, is

(**a**) 2 & 3 Geo. 6. c. 62. (**b**) 9 & 10 Geo. 6. c. 10. (**c**) 10 & 11 Geo. 6. c. 55.
(**d**) S.R. & O. 1940 (No. 1177) II, p. 1544. (**e**) S.R. & O. 1946 (No. 452) II, p. 1517.

owned by that manufacturer in the course of or for the purpose of either his trade or business as a fertiliser manufacturer or any trade or business of his as a seller of any such fertiliser—but does not include any sulphate of ammonia produced by him;

any expression which is a name specified in the First Column of Part I of the Fourth Schedule to the Fertilisers and Feeding Stuffs Act, 1926(a), shall mean the article defined for that name in the Second Column of Part I of that Fourth Schedule; and the expression

"ordinary superphosphate of lime" means any superphosphate of lime not containing more than 30 per centum by weight of phosphoric acid ($P_2 O_5$).

2.—(1) The Fertilisers (1950) Charge is a charge computed on a fertiliser manufacturer's chargeable fertiliser, according to that classification in the Schedule to this Order into which that fertiliser falls, at the Rate of Charge per ton specified in Column (3) of the said Schedule for fertiliser in that classification.

(2) The Fertilisers (1950) Charge is hereby imposed on every fertiliser manufacturer in respect of his fertiliser manufacturer's chargeable fertiliser.

(3) Every person liable to pay any Fertilisers (1950) Charge in respect of any chargeable fertiliser, shall pay that Charge within Seven days of the receipt of a demand by the Board of Trade for the payment of that Charge.

(4) All Fertilisers (1950) Charges shall be paid to the Board of Trade or as the Board may direct, 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 Board of Trade in the same manner as a civil debt under Section 35 of the Summary Jurisdiction Act, 1879(b), is recoverable.

3. All moneys received by the Board of Trade in respect of any charge payable under this Order shall be paid into the Board of Trade Directorate of Fertiliser Supplies No. 2 Account.

4. The Sulphate of Ammonia Charge imposed by the Sulphate of Ammonia (Charges) (No. 1) Order, 1940(c) (as varied by the Sulphate of Ammonia (Charges) (No. 2) Order, 1946(d)), shall cease to be payable in respect of any delivery made after the 30th day of June, 1950; and accordingly the Sulphate of Ammonia (Charges) (No. 1) Order, 1940(c) as varied as aforesaid), is hereby further varied in Articles 1 and 2 thereof, by substituting in each of those Articles for the words "on or at any time after the fifth day of July, 1940," therein, the words—

"at any time during the period beginning with the 5th day of July, 1940, and ending with the 30th day of June, 1950,".

5. This Order shall come into operation on the 1st day of July, 1950; and may be cited as the Fertilisers (Charges) Order, 1950.

Dated this 23rd day of June, 1950.

Wm. Hannan,
W. A. Wilkins,

Two of the Lords Commissioners of His Majesty's Treasury.

(a) 16 & 17 Geo. 5. c. 45.
(b) 42 & 43 Vict. c. 49.
(c) S.R. & O. 1940 (No. 1177) II, p. 1544.
(d) S.R. & O. 1946 (No. 452) II, p. 1517.

THE SCHEDULE

(1)	Chargeable fertiliser (2)	Rate of CHARGE (*amount per ton*) (3)
	CLASS I—NOT INCORPORATED IN A COMPOUND FERTILISER	
	(A) *Not produced by the Fertiliser Manufacturer*	
1	Sulphate of ammonia	£2 6s. 6d.
2	Raw phosphate or phosphate rock—unground, and having, by weight, a tribasic lime content of—	
(i)	not less than 71 per centum	£3 3s. 9d.
(ii)	less than 71 per centum but not less than 61 per centum	£2 7s. 10d.
(iii)	less than 61 per centum ...	£2 1s. 4d.
3A	Raw phosphate or phosphate rock—ground	£1 5s. 0d. *increased* or *reduced* by 2s. 4d. for each 1 per centum (reckoned to the nearest one per centum) by which the percentage by weight of *phosphoric acid* ($P_2 O_5$) in the material is, as the case may be, *more than* or *less than* 29 per centum.
	(B) *Produced by the Fertiliser Manufacturer*	
3B	Raw phosphate or phosphate rock—ground	£2 7s. 10d. *increased* or *reduced* by 2s. 2d. for each 1 per centum (reckoned to the nearest one per centum) by which the percentage by weight of *phosphoric acid* ($P_2 O_5$) in the material is, as the case may be, *more than* or *less than* 29 per centum.
	(C) *Whether or not Produced by the Fertiliser Manufacturer*	
4	Ordinary superphosphate of lime	£1 17s. 6d. *increased* or *reduced* by 4s. 9d. for each 1 per centum (reckoned to the nearest one per centum) by which the percentage by weight of *soluble phosphoric acid* ($P_2 O_5$) in the material is, as the case may be, *more than* or *less than* 18 per centum.
5	Potash in a form other than sulphate of potash	£2 10s. 0d. *increased* or *reduced* by 10d. for each 1 per centum (reckoned to the nearest one per centum) by which the percentage by weight of *potash* (K_2O) in the material is, as the case may be, *more than* or *less than* 60 per centum.
6	Sulphate of potash	8s. 4d. *increased* or *reduced* by 2d. for each 1 per centum (reckoned to the nearest one per centum) by which the percentage by weight of *potash* (K_2O) in the material is, as the case may be, *more than* or *less than* 50 per centum.

(1)	Chargeable fertiliser (2)	Rate of CHARGE (*amount per ton*) (3)
	CLASS II—COMPOUND FERTILISERS	
7	Any compound fertiliser ...	The aggregate of the following rates per 1 per centum (reckoned to the nearest one per centum) of the weight of that compound fertiliser which consists of a substance in respect of which the rate is specified, that is to say— the *nitrogen* contained in any *sulphate of ammonia* therein not being sulphate of ammonia produced by the manufacturer of that compound fertiliser ... ... 2s. 4d. the *soluble phosphoric acid* (P_2O_5) contained in *any fertiliser material* therein 2s. 1d the *insoluble phosphoric acid* ($P_2 O_5$) contained in any *ground raw phosphate* or *ground phosphate rock* therein ... ... 8d. the *potash* ($K_2 O$) contained therein *otherwise than* in any sulphate of potash ... 10d. the *potash* ($K_2 O$) contained in any *sulphate of potash* therein ... ... 2d.

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, 1950) as the Fertilisers (Prices) (Amendment No. 4) Order, 1950, made by the Board of Trade (S.I. 1950 No. 919) and increasing fertiliser prices, imposes a charge (corresponding to the price increases) on all subsidized fertilisers in the hands of fertiliser manufacturers at the time at which the price increases take effect; and varies the Sulphate of Ammonia (Charges) (Nos. 1 and 2) Orders, 1940-46, so that they shall not apply to deliveries of sulphate of ammonia made after the 30th June, 1950.