The Flour Order, 1951

1951 No. 1042

Made - - - - 13*th June*, 1951
Laid before Parliament 14*th June*, 1951
Coming into Operation on the dates specified in Article 31 *of the Order*

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 the Supplies and Services (Defence Purposes) Act, 1951(c) and continued in force by the Supplies and Services (Continuance) Order, 1950(d)), and of all other powers him enabling in that behalf, hereby orders as follows :—

PART I

INTERPRETATION

1.—(1) In this Order—

(*a*) " The Minister " means the Minister of Food.

(*b*) " Article of Food " means any article used as food or drink for human consumption, and includes any substance that ordinarily enters into or is used in the composition or preparation of human food, and also includes any flavouring matter or condiment.

" Authorised producer " means—

(i) any flour miller, and

(ii) any person holding a licence granted under or having effect for the purposes of Article 3 of this Order.

" Authorised supplier " means in relation to a sale of flour—

(i) any person who in relation to that sale would immediately before the 17th day of January, 1943, have been an authorised supplier for the purposes of the Flour (Registration) Order, 1942(e) ; and

(ii) any person authorised by or on behalf of the Minister to accept the purchaser's registration for the purposes of Article 13 of this Order.

" Bread " does not include fruit loaves or bun loaves.

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

" Catering establishment " and " institution " mean respectively a catering establishment and an institution in respect of which a licence or authorisation has been granted or is deemed to have been granted by

(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) 14 & 15 Geo. 6. c. 25.
(d) S.I. 1950 (No. 1769) III, p. 51.
(e) S.R. & O. 1942 No. 1792.

the Minister under the Food (Licensing of Establishments) Order, 1948(a).

" 'D' flour " means flour designated as such by or on behalf of the Minister.

" Export " includes the shipment of any flour intended for use as ships' stores, except where the flour is shipped on board a vessel at a port in the United Kingdom for consumption on board that vessel.

" Flour " includes flour containing only the non-wheaten substances that are authorised by the Minister for the purposes of this Order or of any licence under Article 3 of this Order, to be used as ingredients of flour, and also includes semolina other than coloured or flavoured semolina and flour that is unfit for human consumption; but does not include flour derived wholly or mainly from wheat that has, before being milled, been malted or subjected to any process other than cleaning, blending, dressing or conditioning.

" Imported flour " does not include imported flour to which any substance has been added after the importation of the flour into the United Kingdom.

" Importer " means any person appointed by or on behalf of the Minister as an importer for the purposes of this Order, and any person who immediately before the coming into force of this Order was an importer for the purposes of the Flour Order 1947(b).

" In bulk " means in containers containing more than 28 lb. each.

" Licensed factor " means a person holding a factor's licence issued by the Minister for the purposes of this Order; and, where any such licence refers to any specified quantity or quantities of flour, the holder of the licence shall not be regarded as having ceased to act in his capacity as a licensed factor by reason only of his having disposed of the quantity or quantities of flour so specified.

" 'M' flour " means flour conforming in all respects to the definition of national flour as set out in this Article except only that it does not contain the maximum quantity of wheat germ that could have been included therein.

" Millers' offals " means the by-product obtained from the milling together in the permitted proportion, for the production of flour in accordance with an approved specification, of wheat and any authorised ingredients of flour. Such by-product shall not contain more than 4 per cent. of other vegetable substances, and all such substances shall be substances extracted by the producer of the offals from the wheat and other ingredients in the process of cleaning. In this definition " permitted ", " approved ", and " authorised " mean respectively, permitted, approved and authorised for the time being by the Minister.

" National flour " means flour (other than Canadian Springs flour) produced in the United Kingdom and complying with the following conditions:—

(i) it shall contain the maximum quantity of wheat germ which, having regard to the type of milling plant, can be included in such flour;

(a) S.I. 1948 (Nos. 368 and 2584) II, pp. 404–408.
(b) S.R. & O. 1947 (Nos. 548, 1627 and 1868) II, pp. 667–690; S.I. 1949 (No. 1742) II, pp. 354–5; 1950 (Nos. 126, 1003 and 1313) III, pp. 616–8; and 1951 No. 530.

(ii) it shall not include any coarse bran ; and

(iii) it shall consist wholly of wheat flour of 81 per cent. extraction together with such other ingredients as the Minister may have authorised to be ingredients of National flour.

" Non-millable wheat " means home-grown wheat certified as non-millable by a Local Wheat Committee constituted in accordance with the Wheat Byelaws, 1932(a).

" Per cent. extraction " means, in relation to flour obtained from any description of cereal, the percentage that the weight of the flour separated in the milling bears to the total weight of all the products obtained in the milling and all the screenings, seeds and dust extracted from the cereal by the miller before the milling.

" Pre-packed " means, in relation to flour, packed (except by a retailer for the purpose of retail sale by him on the premises on which the flour is so packed) in advance ready for retail sale in a wrapper or container ; and " pre-pack " shall be construed accordingly.

" Returnable bag " means a textile bag in which a cereal or cereal product is delivered by a flour miller, or other trader in flour or wheat by-products, to any person upon the terms that it is to be returned to such flour miller or other trader.

" Sale by retail " (save as otherwise provided in Part IV of this Order) means, in relation to flour, any sale to a person buying otherwise than for the purpose of resale, and includes a sale to a caterer for the purposes of his catering establishment and a sale to an institution ; but subject thereto does not include a sale to a person buying for use in the preparation or manufacture of flour or of any article other than flour by way of trade of any other description ; and " retailer " shall be construed accordingly.

" Self-raising flour " means national flour, " M " flour or imported flour, to which has been added sodium bicarbonate and one or more of the following substances only :—

(i) common salt ;

(ii) any acid or acidic substance capable of liberating the carbon dioxide in the sodium bicarbonate.

" Ships' stores " means food used or intended to be used or sold or supplied or bought or obtained for consumption on board a ship.

" Speciality flour " means any flour other than national flour, " M " flour, imported flour or " D " flour.

" ' W ' flour " means—

(i) any flour which, by the terms of a licence granted under Article 3 of this Order authorising the production of the flour, is authorised to be so described ; or

(ii) any flour, the prescribed price of which for the purpose of Part I of the First Schedule to this Order is the same as the prescribed price of national flour, and which, in so far as it is obtained from wheat, is of an extraction higher than 81 per cent.

" Wheat by-products " means any by-products obtained in the production of flour by milling.

(a) S.R. & O. 1932 (No. 588) p. 1753.

"Wheat offals" means a product of wheat separated in the process of milling and containing not more than 4 per cent. of vegetable substances, other than wheat, extracted from wheat in the process of cleaning by the maker of the offals in the production of flour.

(2) For the purposes of this Order the moisture content of any flour shall be calculated by deducting from 100 per cent. the percentage deemed to be the result of the drying ascertained in accordance with the method prescribed in the Second Schedule to the Wheat (Examinations and Analyses) Byelaws, 1939(a).

(3) For the purposes of this Order, a person shall be regarded as carrying on the trade or business of a flour miller if, but not unless—

(*a*) he engages by way of trade in the production of flour by milling; or

(*b*) he is the holder for the time being of a flour miller's licence granted by or on behalf of the Minister for the purposes of this Order;

and the expression "flour miller" shall be construed accordingly, except that it shall not include any person by reason only that he produces wholemeal flour from wheat of which he is the grower, or which he is milling on behalf of the grower, if the grower holds a licence under the Wheat (Great Britain) Order, 1949(b), or the Wheat (Northern Ireland) Order, 1949(c), authorising the wheat to be milled into flour for consumption by members of the grower's household.

(4) Any reference in this Order to the sale, purchase, delivery or use of flour, or to any other transaction in flour, by a flour miller, licensed factor, importer or any other class of trader, shall be construed as meaning a sale, purchase, delivery, use or other transaction by him in the course of his business as such class of trader.

PART II

CONTROL OF PRODUCTION AND PACKING

Restriction on carrying on the trade or business of a flour miller

2. Except under and in accordance with the terms of a licence granted by or on behalf of the Minister for the purposes of this Article, no person shall carry on the trade or business of a flour miller if he was not so engaged at some time between the 3rd day of September, 1939, and the 27th day of August, 1941.

Flour other than national flour not to be produced except under licence

3.—(1) Except under and in accordance with the terms of a licence granted by or on behalf of the Minister for the purposes of this Article, no person shall produce any flour other than national flour:

Provided that nothing in this Article shall prohibit the production of wholemeal flour from wheat by the grower thereof or by any person on his behalf if the grower holds a licence under the Wheat (Great Britain) Order, 1949 or the Wheat (Northern Ireland) Order, 1949 authorising the wheat to be milled into flour for consumption by members of the grower's household.

(a) S.R. & O. 1939 (No. 850) II, p. 3539.
(b) S.I. 1949 (Nos. 1164 and 1395) II, pp. 471–9 and 489; and 1950 (Nos. 1080 and 2048) III, pp. 674–6.
(c) S.I. 1949 (Nos. 1165 and 1395) II, pp. 480–9; and 1950 (Nos. 1080 and 2048) III, pp. 674–6.

(2) For the purposes of this Article a person shall be regarded as producing flour if either—

(*a*) he is a miller thereof ; or

(*b*) he abstracts any substance from or adds any substance or applies any treatment to flour, not being "D" flour, with the intention that the resulting product shall be sold as flour ;

Provided that a person shall not be regarded as producing flour by reason only that he engages with such intention as aforesaid in the drying of semolina.

(3) Every licence granted under this Article to produce flour other than national flour shall, unless the licence expressly provides otherwise, be deemed to be subject to the condition that the flour to which it relates shall not consist wholly or partly of flour of less than 81 per cent. extraction:

Provided that nothing in this paragraph shall prohibit the use of national flour in the production of other flour.

Restriction on the production of wheat by-products

4. No person shall produce any wheat by-product other than millers' offals, wheat germ and the following descriptions of wheat offals, namely: fine wheat-feed, straight run bran, coarse bran and fine bran.

Power to give instructions as to the ingredients of flour

5. Every authorised producer shall comply with such instructions as may from time to time be given to him by or on behalf of the Minister relating to the ingredients to be incorporated in flour produced by him.

Control of packing of flour

6.—(1) No person shall pack any flour other than semolina except in bulk or in containers holding either less than 3 lb. of flour net weight or one of the following quantities of flour, that is to say 3 lb., 6 lb., 12 lb. or 24 lb. net weight, unless he is the holder of a licence granted by or on behalf of the Minister which expressly authorises him to pack flour in other quantities:

Provided that this paragraph shall not apply to the packing of flour by a retailer for the purpose of sale by retail by the packer on the premises on which the flour is packed or from the packer's vehicle.

(2) No person shall pre-pack semolina in any quantity less than 1 lb. except 8 oz.

PART III

CONTROL OF SALES

Application of descriptive words to flour

7.—(1) No person shall use the words "national wheatmeal" or "national flour" in connection with the sale or proposed sale of any flour except national flour as defined in this Order.

(2) No person shall offer or give or display with any national flour packed in bulk, sold by him or in his possession for sale, a label or notice, whether attached to or marked on the container or not, which bears any word or expression descriptive of the quality or composition of the flour, other than such of the following words or expressions as may be appropriate, that is to say: "Winters", "Springs", "Strong", "Stone-ground", "Stone-milled", "All-English", "Milled from home grown wheat", "Biscuit", "Ships' Flour" and "Scaling".

Provisions as to the sale of "M" flour

8.—(1) No person shall sell any "M" flour by retail.

(2) No person shall sell or supply any "M" flour to any person other than a flour miller, licensed factor or importer, unless the seller shall have first obtained from the person to whom such flour is sold or supplied a declaration in writing to the effect that the "M" flour will not be resold by him as such but will be used by him either—

(*a*) in the preparation of self-raising flour, or

(*b*) as an ingredient in the manufacture of an article of food other than bread.

(3) No person who has given a declaration pursuant to paragraph (2) of this Article shall sell as such or otherwise dispose of any flour to which the declaration relates, nor shall he use any such flour except for a purpose specified in such declaration.

Purchases by licensed factors of flour in bulk other than speciality flour or "D" flour

9.—(1) No licensed factor shall buy or obtain any flour in bulk other than speciality flour or "D" flour except from a person named in the Schedule to the "Factor's Licence" granted to him under this Order or from another licensed factor.

(2) Paragraph (1) of this Article shall not extend to Northern Ireland.

Sales of flour for export

10.—(1) No person other than a flour miller or an importer shall sell any flour to any person in the United Kingdom for export.

(2) No person other than a flour miller or an importer shall export any flour, unless it has been sold to him by a flour miller or an importer at the price prescribed for such a sale in the First Schedule to this Order.

(3) No flour miller or importer shall export any flour, except on an export sale at the price prescribed for such a sale in the First Schedule to this Order.

Restriction on the sale and delivery of imported flour

11.—(1) No person shall sell, or in connection with any trade or business deliver, imported flour to any other person except in the following cases:—

(*a*) the sale or delivery by a flour miller to another flour miller or by an importer to another importer;

(*b*) the sale or delivery to a licensed factor by any person named in the Schedule to the "Factor's Licence" granted to the factor under this Order;

(*c*) the sale or delivery to any person by a flour miller, licensed factor or importer who at the same time sells or delivers to the same person such quantity of national flour as the Minister may direct;

(*d*) the sale or delivery by any person not being a flour miller, licensed factor or importer (hereinafter referred to as "the supplier") to any other person, if at the same time the supplier sells or delivers to such other person national flour in a proportion at least as great as that in which national flour was sold or delivered to the supplier on the occasion on which he obtained the imported flour;

(*e*) the sale or delivery to any person by any person, if the person selling or delivering the flour shall first have obtained from the person buying

or taking delivery thereof a declaration in writing that such flour will be sold or supplied by him either—

(i) to a person buying or taking the flour for consumption as ships' stores; or

(ii) to a person buying or taking the flour for sale or supply by him either—

(*a*) to another person buying or taking the flour for consumption as ships' stores; or

(*b*) to another person buying or taking the flour for sale or supply by him to someone else buying or taking the flour for consumption as ships' stores;

(*f*) the sale or delivery by any person to any person buying the flour for consumption as ships' stores:

Provided that sub-paragraphs (*c*) and (*d*) of this paragraph shall not operate to permit any sale of imported flour by retail or delivery of imported flour in connection with a sale by retail.

(2) No person shall buy, or in connection with any trade or business take delivery of, any imported flour unless the sale or delivery of the flour to him is permitted under the provisions of paragraph (1) of this Article.

(3) No person who has given a declaration in writing pursuant to paragraph (1) (*e*) of this Article shall use any flour to which the declaration relates, nor shall he sell or supply any such flour, except to a person of a class specified in such declaration in accordance with the said paragraph (1) (*e*).

Prohibition of sales of flour in certain weights

12.—(1) No person shall—

(*a*) sell or have in his possession for sale any national, imported or self-raising flour, pre-packed in containers of a prohibited weight; or

(*b*) sell by retail a prohibited weight of national, imported or self-raising flour, except where the flour is packed in more than one container provided by the seller and none of the containers is of a prohibited weight.

(2) In this Article, "prohibited weight" means any weight exceeding 112 lb. but less than 140 lb. (gross or net as the case may be), and any reference to a container of a prohibited weight shall be construed as a reference to a filled container.

(3) No person shall sell by retail any pre-packed semolina made up for sale in any quantity less than 1 lb., except 8 oz.

PART IV

REGISTRATION

Registration provisions

13.—(1) Except as otherwise provided in this Order, no person shall buy otherwise than by retail any flour other than speciality flour or "D" flour except from a person with whom the buyer is registered in accordance with the provisions of this Part of this Order, and no person shall sell otherwise than by retail any flour other than speciality flour or "D" flour to any person who is not registered with the seller in accordance with the provisions of this Part of this Order.

(2) A person shall not be registered for the purposes of this Article except with authorised suppliers.

(3) Registration for the purposes of this Article shall be effected by the authorised supplier accepting from the person registering with him a valid counterfoil F.R.I.C. issued by or on behalf of the Minister, and effectively cancelling the counterfoil in ink (whether by means of a die or stamp, or otherwise) or with an indelible pencil.

(4) The number of authorised suppliers with whom a person may be registered for the purposes of this Article shall not exceed two, or such other number as the Minister may authorise in respect of that person.

(5) Any purported registration in contravention of this Article shall be invalid.

Validity of counterfoils

14.—(1) A counterfoil F.R.I.C. shall not be valid for the purposes of this Order unless—

(*a*) there has been inserted in the spaces provided thereon the name and address of the person registering and the name and address of the authorised supplier with whom the registration is to be effected, and

(*b*) it has been stamped as authorised by or on behalf of the Minister.

(2) A counterfoil F.R.I.C. shall be invalid for subsequent use when it is either cancelled in accordance with Article 13 of this Order or is cancelled by or on behalf of the Minister.

Transfer of registrations

15.—(1) A person who is registered with an authorised supplier shall not transfer his registration to any other authorised supplier except by authority of the Minister.

(2) When the Minister authorises any person to transfer his registration from one authorised supplier to another authorised supplier the registration with the former supplier shall thereupon cease to have effect.

Exemptions

16. Nothing in this Part of this Order shall apply to—

(*a*) the sale of flour to any department of His Majesty's Government;

(*b*) any sale of flour, under a licence granted under this Order, for purposes other than human consumption;

(*c*) any sale by a flour miller, licensed factor or importer to a flour miller, licensed factor or importer;

(*d*) any sale to the Navy, Army and Air Force Institutes ("N.A.A.F.I."); or

(*e*) the sale of flour otherwise than in bulk.

Previous registrations to continue in operation

17. Any registration having effect for the purposes of the Flour Order, 1947, immediately before the coming into force of this Order, shall continue in operation as if it had been effected under Article 13 of this Order.

Interpretation and extent of Part IV

18.—(1) In this Part of this Order, the expression "by retail" means, in relation to a sale of flour, a sale to a person buying otherwise than for the purpose of resale and otherwise than for the purposes of a catering establishment or institution, and does not include a sale to a manufacturer for the purposes of a manufacturing business carried on by him.

(2) This Part of this Order shall not apply to Northern Ireland.

PART V

CONTROL OF USE

Restrictions on the use of wheat products and by-products

19.—(1) Except as otherwise provided in this Article, no person shall—

(*a*) use any wheat product (other than flour sweepings, sack shakings and any product of non-millable wheat) otherwise than in the manufacture or preparation of an article of food, and no person shall buy or sell any such wheat product except for such purpose, and accordingly where any such wheat product has become unfit for use in the manufacture or preparation of an article of food it shall not be sold to or bought by any person other than the Minister;

(*b*) use any flour sweepings or sack shakings, or buy or sell any flour sweepings or sack shakings for use, otherwise than in the manufacture or preparation of a compound or a mixture, for feeding to livestock;

(*c*) use any product of non-millable wheat or any wheat by-product, or buy or sell any such product or by-product for use, otherwise than as, or in the manufacture or preparation of, an article of food or a feeding stuff for animals other than a mixture for feeding to cats or dogs.

(2) Any wheat product may be used, or bought or sold for use, in the preparation of a bait or mixture for destroying rats or mice.

(3) Any description of wheat by-product may be used, or bought or sold for use, in the preparation of a bait or mixture for destroying leather-jackets, caterpillars, slugs or snails.

(4) Where "D" flour has been bought by any person from, or under the authority of, the Minister, such person may use that flour in the manufacture or preparation of a compound or mixture for feeding to livestock.

(5) Nothing in this Article shall relieve any person from compliance with any other provisions of this Order, or with the provisions of any other Order or directions made or given by the Minister and for the time being in force.

(6) For the purposes of this Article—

(*a*) "Flour sweepings" means the product known as such, consisting mainly of flour that, through having been accidentally spilt in the ordinary course of trade, has become unfit for use in the manufacture or preparation of an article of food;

(*b*) "Livestock" means horses, mules, asses, cattle, sheep, pigs, goats, chickens, fowls, ducks, turkeys, guinea fowls and geese;

(*c*) "Sack shakings" means the product known as such, consisting mainly of flour extracted from flour bags that have previously been emptied as far as is practicable in the ordinary course of emptying flour bags;

(*d*) "Wheat products" means flour, flour sweepings, sack shakings and any other product obtained from wheat, except wheat by-products.

Restrictions on the use of Canadian Springs flour

20. Except under and in accordance with the terms of a licence granted by or on behalf of the Minister for the purpose of this paragraph no person shall use Canadian Springs flour for any purpose.

PART VI

CONTROL OF PRICES

Fixed and maximum prices

21.—(1) No flour miller, licensed factor or importer shall sell otherwise than by retail any flour or wheat by-product at a price other than the price applicable in accordance with the provisions of the First Schedule to this Order:

Provided that a sale by retail by a licensed factor does not, for the purposes of this article, include a sale to an institution.

(2) Paragraph (1) of this Article shall not apply to any sale—

(*a*) of " D " flour ;

(*b*) of 280 lb. of flour or less ;

(*c*) of any wheat by-product as, or for use in the manufacture or preparation of, any feeding stuff for animals other than a mixture for feeding to cats or dogs ;

(*d*) of any speciality flour, other than " W " flour, by a flour miller to a licensed factor ; or

(*e*) of any speciality flour, other than " W " flour, by a licensed factor.

(3) No person shall buy or sell by retail national flour, imported flour, self-raising flour or semolina, at a price exceeding the price applicable in accordance with the provisions of the Second Schedule to this Order.

PART VII

MISCELLANEOUS

Restrictions on the transport and delivery of flour

22.—(1) No person shall transport or consign for transport or offer or agree to transport or consign for transport any flour from a place in Great Britain to a place in Northern Ireland or from a place in Northern Ireland to a place in Great Britain.

(2) Except under and in accordance with the terms of a licence or authorisation issued for the purposes of this Article by the Regional Food Officer for Northern Ireland, no person shall in connection with any trade or business deliver during any calendar month to any other person in Northern Ireland whose normal residence or place of business is situate anywhere in Northern Ireland, any quantity of flour, other than semolina, in excess of the average monthly quantity thereof delivered by the first-mentioned person to the second-mentioned person at such residence or place of business during the twelve calendar months ended 30th June, 1939.

(3) Paragraph (2) of this Article shall not apply to any delivery made pursuant to a sale by retail. For the purposes of this Article, the expression " by retail " shall have the same meaning as in Article 18 (1) of this Order.

(4) It shall be a defence for any person charged with an infringement of this Order by reason of his having transported any flour contrary to the provisions of this Article to prove that such flour was transported in the course of his business as a carrier, and that he had no reason to believe that the provisions of this Article were being infringed.

Use of returnable bags

23.—(1) A person other than a flour miller shall not—

(*a*) use any returnable bag except for the transport, storage or display for sale of such cereals or cereal products as were delivered to him in such bags;

(*b*) keep any returnable bag in his possession or under his control for an unreasonable period; or

(*c*) obliterate, deface, cover or alter any mark or name on any returnable bag:

Provided that nothing in this sub-paragraph shall prohibit any name or mark being temporarily defaced or covered by the use of such means, whether by way of labelling or otherwise, as are reasonably necessary to secure the proper transit of any such bag.

(2) Where any person to whom a returnable bag has been supplied receives from the owner or other person who supplied the bag to him a request in writing for the return thereof, it shall be an offence for him to fail to secure the return of the bag forthwith to the person making the request, unless the person requested shall show reasonable cause for such failure.

(3) Every person having in his possession or control any returnable bag shall exercise all reasonable care in its use and storage, so as to maintain it as far as is practicable in the condition in which he received it.

Records

24.—(1) Every person who carries on the undertaking of an authorised producer, licensed factor or importer shall—

(*a*) keep or cause to be kept at some convenient place accurate records of the carrying on of such undertaking, together with all books, documents and accounts relating thereto; and

(*b*) furnish to the Minister, at such times, in such manner and in such form as may be specified in a notice served upon him by or on behalf of the Minister, such estimates, returns or information relating to his undertaking as may be so specified.

(2) The foregoing paragraph shall, in its application to Northern Ireland, have effect as if there were substituted for the words "Every person who carries on the undertaking of an authorised producer, licensed factor or importer" the words "Every person who in the course of any undertaking sells flour otherwise than by retail."

(3) Every person who in the course of any undertaking sells any flour by retail shall keep or cause to be kept an accurate record showing—

(*a*) all sales by him of flour packed in bulk, and

(*b*) all purchases by him of flour,

every such record to include the date of the transaction, the name and address of the persons to whom flour was sold or from whom it was purchased, and particulars of the description and quantity sold or purchased and the price charged or paid.

(4) The retention by any person of an invoice or a copy of an invoice shall as regards the particulars mentioned in it be sufficient compliance by that person with the provisions of paragraph (3) of this Article.

(5) Every person who is required by this Article to keep any record shall retain it for one year from the date of the manufacture or transaction to which it relates.

Excessive quantities of flour not to be acquired

25.—(1) No person shall acquire any flour for himself or his household, or for any catering establishment or institution carried on by him, if as a result of such acquisition the quantity of flour in his possession or under his control would exceed the quantity reasonably required for consumption by him or his household or in such catering establishment or institution, as the case may be, during a period of four weeks or such longer period as ought fairly to be allowed by reason of circumstances of an exceptional character :

Provided that this restriction shall not apply to the acquisition by any person of flour which is lawfully acquired by him in the ordinary course of his business as a manufacturer, producer, dealer, merchant, carrier or warehouseman, or which is produced by him or in his household or establishment for consumption by him or his household or in his establishment.

(2) No person, other than a carrier or warehouseman acting in the course of his business as such, shall dispose of any flour to another person if the first-mentioned person knows, or ought to know, that by reason of such disposal the quantity of flour which may be lawfully acquired or held by the other person will be exceeded.

Evidence of certificates of analysis

26.—(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 such 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 or requirement ;

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

(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.

(**a**) 1 & 2 Geo. 6. c. 56. (**b**) 18 & 19 Geo. 5. c. 31.

Artificial transactions

27. No person shall in connection with the sale or disposition or proposed sale or disposition of any flour or wheat by-product enter or offer to enter into any artificial transaction or make or demand any unreasonable charge.

Directions, authorisations and licences

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

Infringements

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

Revocations

30.—(1) The Flour Order, 1947 as amended(a) is hereby revoked but without prejudice to any proceedings in respect of any contravention thereof:

Provided that any licences, authorisations or directions specified in the first and second columns of the Third Schedule to this Order and having effect under the Flour Order, 1947 immediately before the coming into force of this Order, shall continue to have effect as though granted under this Order, subject to the modifications (if any) specified in the third column of the said Schedule.

(2) Every person shall, notwithstanding the revocation of the said Order, retain any record required to be kept by him thereunder for one year from the date of the transaction to which it relates.

Citation and Commencement

31. This Order may be cited as the Flour Order, 1951; and shall come into operation on the 17th day of June, 1951, except as to sub-paragraph (1) of paragraph 2 of Part II of the First Schedule hereto and sub-paragraph (*a*) of paragraph 2 of Part IV of the Second Schedule hereto, both of which sub-paragraphs shall come into operation on the 1st day of July, 1951.

Maurice Webb,
Minister of Food.

Dated the 13th day of June, 1951.

(a) S.R. & O. 1947 (Nos. 548, 1627 and 1868) II, pp. 667–690; S.I. 1949 (No. 1742) II, pp. 354–5; 1950 (Nos. 126, 1003 and 1313) III, pp. 616–8; and 1951 No. 530.

THE FIRST SCHEDULE

PRESCRIBED PRICES ON SALES OF FLOUR AND WHEAT BY-PRODUCTS, OTHERWISE THAN BY RETAIL, BY FLOUR MILLERS, LICENSED FACTORS AND IMPORTERS

(NOTE.—The prescribed prices do not apply on any sale mentioned in paragraph (2) of Article 21 of this Order. Other sales of certain self-raising flour in bulk may also be exempted by licence granted to the miller.)

PART I

TABLE I

PRESCRIBED PRICES OF FLOUR SOLD OTHERWISE THAN FOR EXPORT

Column 1		Column 2	
Description of Flour		Prescribed Price	
Item No.		s. d.	Per 280 lb. and pro rata.
1.	National flour		
2.	"M" flour	57 9	
3.	Any imported flour... ...		
4.	Canadian Springs flour produced in the United Kingdom	58 9	
5.	Self-raising flour sold in bulk	64 9	
6.	Semolina produced in the United Kingdom ...	108 6	
7.	High ratio cake flour produced in the United Kingdom	79 9	
8.	Any speciality flour of a description not included in Items 4 to 7 above (including self-raising flour sold otherwise than in bulk).	57 9	plus any addition which may be authorised by the terms of the licence granted by or on behalf of the Minister authorising the production of such flour.

The prices in Table I are subject to the provisions of Parts II and III of this Schedule and are in respect of 280 lb. net weight, except that in the case of flour sold by gross weight in non-returnable sacks or bags in accordance with trade custom the said prices are in respect of 280 lb. gross weight.

TABLE II

PRESCRIBED PRICES OF FLOUR SOLD FOR EXPORT

Column 1		Column 2
Description of Sale		Prescribed Price
Item No.		
9.	On a sale by a flour miller or an importer to any person in the United Kingdom for export.	The price prescribed by Table I for that description of flour, with— (*a*) in the case of semolina, no addition; (*b*) in the case of high ratio cake flour, an addition at the rate of 22s. 3d. per 280 lb.; (*c*) in the case of imported flour, an addition at the rate of 51s. 6d. per 280 lb.; (*d*) in the case of any other flour, an addition at the rate of 44s. 3d. per 280 lb.
10.	On an export sale by a flour miller or an importer.	The price prescribed by Table I for that description of flour, with— (*a*) in the case of semolina, no addition; (*b*) in the case of high ratio cake flour, an addition at the rate of 23s. 0d. per 280 lb.; (*c*) in the case of imported flour, an addition at the rate of 52s. 3d. per 280 lb. (*d*) in the case of any other flour, an addition at the rate of 45s. 0d. per 280 lb.

The prices in Table II are subject to the provisions of Parts II and III of this Schedule and are on the basis of f.o.b. at a port in the United Kingdom.

TABLE III

PRESCRIBED PRICES OF WHEAT BY-PRODUCTS EXCEPT WHEN SOLD AS OR FOR USE IN THE MANUFACTURE OF ANY FEEDING STUFF FOR ANIMALS OTHER THAN A MIXTURE FOR FEEDING TO CATS OR DOGS.

Column 1		Column 2
Description of Wheat By-Product		Prescribed Price
Item No.		Per ton and pro rata £ s. d.
11.	Wheat germ produced in the United Kingdom	37 0 0
12.	Any wheat by-product other than wheat germ	22 10 0

The prices in Table III are subject to the provisions of Parts II and III of this Schedule and are—

(*a*) in respect of gross weight in the case of wheat by-products sold in non-returnable containers; and

(*b*) in respect of net weight in the case of wheat by-products sold in returnable containers.

PART II

ADDITIONS TO AND DEDUCTIONS FROM THE PRESCRIBED PRICES

(Except where otherwise expressly provided, the additions and deductions specified in this Part of this Schedule are compulsory and not optional)

1. Additions for non-returnable containers (Flour and Wheat by-products)

(1) On a sale, otherwise than for export, of any flour or wheat by-products in non-returnable bags provided by the seller, a charge shall be made in accordance with the following scale:—

Flour other than Semolina Quantity per bag	Semolina Quantity per bag	Additional charge
		At the rate of:— s. d.
Less than 1½ lb. (net) ...	½ lb. or 1 lb. (gross or net) ...	28 6 per 288 lb.
Not less than 1½ lb. but less than 1¾ lb. (net).	—	27 0 ,,
Not less than 1¾ lb. but less than 3 lb. (net).	—	26 6 ,,
3 lb. (net)	More than 1 lb. but not more than 3 lb. (gross or net).	24 0 ,,
6 ,, ,, ...	More than 3 lb. but not more than 6 lb. (gross or net).	20 6 ,,
12 ,, ,, ...	More than 6 lb. but not more than 12 lb. (gross or net).	18 6 ,,
24 ,, ,, ...	More than 12 lb. but not more than 24 lb. (gross or net).	16 0 ,,

	Semolina and Wheat by-products Quantity per bag	Cotton Bags	Hessian Bags	All Other Bags
		s. d.	s. d.	s. d.
More than 28 lb. but less than 112 lb. (gross or net).	More than 24 lb. but less than 112 lb. (gross or net).	2 3 per bag	1 6 per bag	6 per bag
112 lb. or more (gross or net).	112 lb. or more (gross or net)	3 3 per bag	1 9 per bag	6 per bag

(2) Notwithstanding anything in the above table wheat by-products when sold for the purposes of Table III of Part I of this Schedule must be sold gross weight when in non-returnable containers.

(3) There shall be added to the prescribed price—

(*a*) on any sale of flour in non-returnable containers provided by the seller, other than bags, and

(*b*) on a sale for export of flour in non-returnable bags provided by the seller, a charge equal to the customary charge.

2. Additions for returnable containers (Flour and Wheat by-products)

(1) On a sale of any flour or wheat by-product in returnable bags or 224-lb. or 280-lb. sacks, a charge by way of deposit shall be made in addition to the prescribed price in accordance with the following scale:—

	s.	d.	
In the case of returnable 140-lb. flour bags of a type customarily used as such prior to 3rd September, 1939	7	6	per bag
In the case of any other returnable bags	5	0	per bag
In the case of 224-lb. or 280-lb. sacks	10	0	per sack

(2) On a sale of any wheat by-product in a returnable container other than a container specified in sub-paragraph (1) of this paragraph, a charge by way of deposit shall be made, in addition to the prescribed price, equal to the customary deposit charge for such container.

(3) On a sale of flour in a returnable outer container, other than a container specified in the sub-clause (1) of this paragraph, it shall be permissible (but not compulsory) for the seller to make a reasonable charge by way of deposit in addition to the prescribed price.

(4) Any such deposit charged in accordance with the foregoing sub-paragraph shall be repaid by the seller to the buyer on the re-delivery to the seller of the container in such condition as is reasonable having regard to its condition when supplied and to ordinary wear and tear.

3. Other provisions as to containers

(1) On a sale otherwise than for export of any flour packed in more than one container there shall be added, or, as the case may be, may be added, to the prescribed price a charge in accordance with the preceding paragraphs of this Part of this Schedule in respect of each of the said containers to which any such paragraph applies.

(2) Save as provided in this Part of this Schedule no addition to the prescribed prices shall be made in respect of the provision of bags, sacks or other containers.

4. Carriage provisions in respect of sales of flour

(1) The prescribed prices on sales of flour include the cost of transport to the buyer's premises, and no addition to the prescribed prices may be made on any such sale in respect of transport or delivery. Where on any such sale delivery is given in the United Kingdom by arrangement between the parties elsewhere than at the buyer's premises, a deduction shall, subject as provided in sub-paragraph (2) of this paragraph, be made from the prescribed prices in accordance with the following provisions:—

(*a*) If delivery is given within any of the districts mentioned in this sub-paragraph (hereafter called a " special district ") to a buyer whose premises are situate within that special district—

(i) in the district recognised by the South Eastern Group of Flour Millers as " Inner London ", a deduction at the rate of 9d. per 280 lb.;

(ii) in the districts known as the Liverpool and Manchester Districts and recognised by the North Western Group of Flour Millers on the 2nd September, 1939, as those in which a delivery charge of 6d. per 280 lb. was authorised, a deduction at the rate of 6d. per 280 lb.;

(iii) in the district recognised by the Glasgow Flour Millers' Association as the Glasgow City District, a deduction at the rate of 7d. per 280 lb.;

(*b*) If delivery is given elsewhere than in a special district, or if delivery is given in a special district other than the special district of Inner London to a buyer whose premises are not situate within the special district in which delivery is

given, a deduction according to the distance by the most direct route from the place where delivery is given to the buyer's premises in accordance with the following scale:—

Distance	Rate of deduction per 280 lb. (where delivery is taken in Great Britain)	Rate of deduction per 280 lb. (where delivery is taken in Northern Ireland)
	s. d.	s. d.
3 miles and under	4½	4½
Over 3 miles and up to 5 miles ...	6	4½
,, 5 ,, ,, 10 ,, ...	7½	6
,, 10 ,, ,, 20 ,, ...	9	9
,, 20 ,, ,, 30 ,, ...	10½	1 0
,, 30 ,, ,, 40 ,, ...	1 0	1 1½
,, 40 ,, ,, 50 ,, ...	1 3	1 3
,, 50 ,, ,, 60 ,, ...	1 4½	1 6
,, 60 ,, ,, 80 ,, ...	1 6	1 9
,, 80 ,, ,, 100 ,, ...	1 7½	2 0
Any distance over 100 miles	1 9	2 0

(*c*) If delivery is given in the special district of Inner London to a buyer whose premises are not situate within that special district, a deduction of the amount ascertained by adding together the appropriate deduction specified in sub-paragraph (*b*) of this paragraph in respect of the distance from the boundary of the "Inner London" district to the buyer's premises, and the appropriate deduction specified in such sub-paragraph in respect of the distance from the place where delivery is taken to the point at which, in making delivery to the buyer's premises, the boundary of the "Inner London" district would be crossed; provided that the rate of the deduction to be made in accordance with this sub-paragraph shall be not less than 9d. or more than 1s. 9d. per 280 lb.

(2) On a sale of flour by a flour miller or importer to a licensed factor, no deduction shall be made from the prescribed prices by reason of the fact that delivery is given elsewhere than at the buyer's premises.

5. Optional additions for carriage on sales of wheat by-products

The prescribed prices on sales of wheat by-products are fixed on the basis that delivery is given by the seller at the place where the wheat by-products are lying at the time of sale; and, accordingly, where, at the request of the buyer, delivery is given at any other place, there may be added to the said prescribed prices the amount of any costs and charges reasonably paid or payable by the seller in respect of transport from the place where the wheat by-products are lying at the time of sale to the place at which delivery is given; but, except as aforesaid, no additional charge may be made on any such sale in respect of transport or delivery.

6. Additions for drying flour

On any sale of flour which has at the request of the purchaser been dried to a specified moisture content, there shall be added to the prescribed price—

(*a*) a charge at the rate of 2s. per 280 lb.; and,

(*b*) in the case of any flour dried to a moisture content of less than 12½ per cent., a further charge at the rate of 3s. per 280 lb. for every one per cent. and fraction of one per cent. below 12½ per cent.

7. Sale of flour for ships' stores

Where any flour is sold for shipment as ships' stores, there shall be added to the prescribed price a charge equal to the actual cost incurred by the seller in respect of the sealing of the bags or other containers in accordance with the requirements of any Act, Regulation or Order, in respect of breaking bulk, and in respect of additional labour and transport costs.

8. Discount

The prescribed prices are fixed on the basis of payment after 21 and within 28 days from the appropriate date. Where payment is made within 21 days from the appropriate date, discount shall be allowed as follows on the prescribed price and any additions thereto made in accordance with paragraph 1 of this Part of this Schedule in respect of non-returnable containers:—

	At the rate of:—
Payment within 7 days from the appropriate date ...	4d. in the £
Payment after 7 days but within 14 days from the appropriate date	3d. in the £
Payment after 14 days but within 21 days from the appropriate date	2d. in the £

In this paragraph " the appropriate date " means, in the case of a sale of imported flour by an importer, the date of the delivery order, and, in the case of any other sale, the date on which the goods were despatched from the seller's premises or from the premises where the goods were held on the seller's behalf.

9. Fractions of a penny

Where the prescribed price calculated in accordance with this Schedule includes a fraction of a penny, such fraction if less than one halfpenny shall be disregarded, and if one halfpenny or more shall be treated as one penny.

Part III

Provisions in connection with sales by Flour Millers and Importers to Licensed Factors

1. Except as provided in paragraph 3 of this Part of this Schedule, where any flour is sold to a licensed factor by a miller or importer named in the factor's licence, and re-sold by the licensed factor at the price prescribed by Parts I and II of this Schedule for flour of that description, the flour miller or importer may make the licensed factor an allowance or refund in accordance with the following provisions:—

(*a*) an allowance or refund at the rate of 1s. 3d. per 280 lb. in respect of flour re-sold by the licensed factor (whether or not in lots of more than 280 lb.) in the original containers in which that flour was received by him from the flour miller or importer:

Provided that—

(i) no allowance or refund shall be made in respect of flour re-sold by the licensed factor by retail, other than on sales to an institution, and

(ii) the maximum quantity of flour in respect of which a flour miller or importer may make an allowance or refund to a licensed factor in accordance with sub-paragraph (*a*) of this paragraph shall be the quantity specified in the licensed factor's licence against the name of that flour miller or importer for the period specified therein;

(iii) this sub-paragraph shall have effect in relation to flour delivered in Scotland by the licensed factor to the purchaser as if there were substituted for the words " at the rate of 1s. 3d. per 280 lb." the words " at the rate of 1s. 4½d. per 280 lb.";

(*b*) an allowance or refund at the rate of 6d. per 280 lb. in respect of any flour which with reasonable cause has been delivered into the licensed factor's approved store in a consignment or lot of 2 tons or more and re-sold by him (whether or not in lots of more than 280 lb.) in the original containers in which that flour was received by him from the flour miller or importer:

Provided that no allowance or refund shall be made in respect of any flour re-sold by the licensed factor by retail other than to an institution. In this sub-paragraph " approved store " means a store approved for the time being by or on behalf of the Minister for the purposes of this paragraph.

2. The foregoing provisions of this Part of this Schedule shall not apply to—

(*a*) sales of flour for export, or

(*b*) sales by a flour miller of speciality flour other than " W " flour to a licensed factor.

3. Where any wheat by-product is sold by a flour miller or importer to a licensed factor and re-sold by the licensed factor at the price prescribed by Parts I and II of this Schedule, the flour miller or importer may make an allowance or refund to the licensed factor at the rate of 6s. per ton.

4. Except as provided in this Part of this Schedule, and without prejudice to any other provisions of this Order, no refund, allowance, charge or deduction shall be made on or in connection with a sale of any flour or wheat by-product by a flour miller or importer to a licensed factor, except such as might be made in accordance with this Order on a sale by a flour miller or importer to a person other than a licensed factor.

THE SECOND SCHEDULE

[New Second Schedule substituted by S.I. 1951 No. 2198, *see* p. 265 below.]

THE THIRD SCHEDULE

LICENCES CONTINUING IN EFFECT

First Column	Second Column	Third Column
Description of Document	Order under which Granted	Modification
Factor's Licence ...	The Flour (Control and Prices) Order, 1941(a).	—
Miller's Licence ...	The Flour (Control and Prices) Order, 1941(a).	—
Licence to produce Speciality flour.	The Flour (Control and Prices) Order, 1941(a).	—
Licence to produce manufacturers' flour.	The Flour (Control and Prices) Order, 1941(a).	Substitute in paragraph 1 for the words " manufacturers' flour," the words " 'M' flour" and delete paragraph 2.
Licence bearing the serial letter " M," authorising the manufacture and or packing of self-raising flour.	The Flour and Flour Mixtures (Licensing and Control) Order, 1942(b).	(1) Paragraph 1 shall have effect as though there were substituted for the words " flour mixtures " the word "Flour"; and (2) Sub-paragraph (*b*) of Condition 1 in the Schedule thereto shall cease to apply in so far as it relates to the size of the container.
Licence bearing the serial letter " P," authorising the packing of flour.	The Flour and Flour Mixtures (Licensing and Control) Order, 1942(b).	(1) Paragraph 1 shall have effect as though there were substituted for the words " flour mixtures " the word " flour "; and (2) Sub-paragraph (*b*) of Condition 1 in the Schedule thereto shall cease to apply in so far as it relates to the size of the container.
Any description of licence, authorisation or direction.	The Flour Order, 1943(c) or The Flour Order, 1944(d) or The Flour Order, 1945(e) or The Flour Order, 1947(f).	—

(a) S.R. & O. 1941 (Nos. 1291, 1478 and 1529) II, p. 840; and 1942 (Nos. 451, 1493 and 1917) II, p. 1215.
(b) S.R. & O. 1942 No. 348. (c) S.R. & O. 1943 Nos. 11, 625, 797, and 1275.
(d) S.R. & O. 1944 Nos. 1, 1088 and 1436.
(e) S.R. & O. 1945 (Nos. 1, 1149 and 1347) II, pp. 599-624; and 1946 (Nos. 249, 545, 1155 and 1536) II, pp. 668, 782–5.
(f) S.R. & O. 1947 (Nos. 548, 1627 and 1868) II, pp. 667–690; S.I. 1949 (No. 1742) II, pp. 354–5; 1950 (Nos. 126, 1003 and 1313) III, pp. 616–8: and 1951 No. 530.

EXPLANATORY NOTE

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

This Order consolidates, with amendments, the Flour Order, 1947. The principal changes are:—

(1) A "sale by retail" in Northern Ireland does not now include sales to catering establishments and institutions.

(2) A sale by a licensed Factor to an institution is not now a retail sale.

(3) Licences for the pre-packing of flour have been abolished.

(4) The prices of wheat germ and other wheat by-products have been increased and a charge has been introduced for non-returnable containers for wheat by-products.

(5) The deposit charges on returnable sacks and bags, and the charges for non-returnable bags have been increased.

(6) The maximum retail prices for some of the smaller sized bags of pre-packed flour have been increased.

(7) The prescribed price of semolina on sales by flour millers, licensed factors and importers (other than sales by retail) has been increased.

(8) The maximum retail price of semolina has been increased except when sold pre-packed in ½ lb. containers.

The Flour (Amendment No. 2) Order, 1951

1951 No. 2198

Made - - - -	13*th December*, 1951
Laid before Parliament	15*th December*, 1951
Coming into Operation	16*th December*, 1951

The Minister of Food, in pursuance of the powers conferred upon him by Regulations 55 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 the Supplies and Services (Defence Purposes) Act, 1951(c), and continued in force by the Supplies and Services (Continuance) Order, 1950(d) and by the Supplies and Services (Continuance) Order, 1951(e)), and of all other powers him enabling in that behalf, hereby orders as follows:—

1. This Order may be cited as the Flour (Amendment No. 2) Order, 1951; and shall come into operation on the 16th day of December, 1951.

2. The Flour Order, 1951(f) shall be amended as follows:—

(*a*) by substituting in Column 2 of Table I of Part I of the First Schedule thereto for the figure "64s. 9d." (relating to self-raising flour sold in bulk) the figure **"68s. 9d."**.

NOTE: Heavy type indicates changes made by this Order.

(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) 14 & 15 Geo. 6. c. 25.

(d) S.I. 1950 (No. 1769) III, p. 51.

(e) S.I. 1951 No. 2116, p. 27 above.

(f) S.I. 1951 No. 1042, p. 245 above.