The Fruit, Vegetables and Flowers (Returnable Containers) Order, 1951

1951 No. 1723

Made - - - -	*26th September*, 1951
Laid before Parliament	*27th September*, 1951
Coming into Operation	*1st October*, 1951

The Minister of Food, in pursuance of the powers conferred upon him by Regulation 55 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:—

Citation and commencement

1. This Order may be cited as the Fruit, Vegetables and Flowers (Returnable Containers) Order, 1951; and shall come into operation on the 1st day of October, 1951.

Interpretation

2. In this Order—

"The Minister" means the Minister of Food.

"The Ministry" means the Ministry of Agriculture for Northern Ireland.

"Flowers" includes decorative foliage.

"Fruit" and "vegetables" include fruit and vegetables which have been preserved by gas or cold storage or by any other method of storage, but do not include (i) fruit and vegetables which have been canned or bottled or preserved otherwise than as aforesaid or (ii) frozen fruit and vegetables.

"Returnable container" means any container made wholly or mainly of softwood timber other than a chip basket.

"Softwood timber" means timber produced from a coniferous tree.

Supply of returnable containers

3. Where any person in the course of his business as a grower or other trader in fruit, vegetables or flowers (i) sells (or sends to an agent for sale on commission) fruit, vegetables or flowers packed in a returnable container or (ii) lends or hires a returnable container to any other person for use by him for the transport, storage or display for sale of fruit, vegetables or flowers, the following provisions shall apply:—

(*a*) every such container shall be deemed to be supplied on the terms that it is to be returned to the supplier thereof;

(*b*) every such container shall be clearly and indelibly marked with the trade mark, name or initials of the owner thereof and with the amount of the deposit chargeable thereon under paragraph (*c*) of this Article, such trade mark and the characters of such other marking to be not less than one inch in height;

(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.

(*c*) a deposit as security for the return of every such container shall be charged by the supplier thereof to the person obtaining the container, such deposit to be repaid or credited by the supplier to such person upon his returning the container to the supplier in accordance with the provisions of this Order in such condition as is reasonable having regard to its condition when supplied and to ordinary wear and tear; but unless the container is so returned the deposit shall be wholly forfeited. Such deposit shall in the case of the supply of the container by the owner be not less than the value of the container, and in any other case shall be an amount equal to the deposit which has been charged to the supplier;

(*d*) the person to whom any such container is supplied shall—

(i) return it to the person who supplied it to him as soon as is reasonably practicable, regard being had to the purpose for which it was supplied; and

(ii) forthwith return it to such supplier if so requested in writing by him; provided that it shall be a defence in any proceedings under this sub-paragraph of this Article in respect of any container for the defendant to show reasonable cause for his failure to return the container, and in particular where he has supplied the container to any other person to show that he has taken all reasonable steps to secure the return of the container from that person.

Tampering with marks on containers

4. No person shall obliterate, deface, cover or alter, or permit to be obliterated, defaced, covered or altered, any name or mark on any returnable container pursuant to this Order unless such person is either the owner of the container or is acting with the consent of the owner (or of any person authorised by him to give such consent); provided that it shall be a defence in any proceedings under this Article for the defendant to prove that he acted without intent to deceive.

Return of returnable containers

5. References in this Order to the return by any person of a returnable container shall be construed as meaning delivery or consignment of such container carriage paid to the premises of the supplier unless the parties otherwise agree.

Restriction of use of containers to fruit, vegetables and flowers trade

6. No person shall use or cause or permit to be used except for the purpose of the transport, storage or display for sale of fruit, vegetables or flowers, any returnable container that has been used for the transport, storage or display for sale of fruit, vegetables or flowers; provided that it shall be a defence in any proceedings for an infringement of this Article for the defendant to prove that the container in question was no longer reasonably fit for any of the said purposes.

Care of returnable containers

7. Every person having in his possession or control any returnable container shall exercise all reasonable care in the use and storage thereof so as to maintain it as far as practicable in the same condition as when he received it and in particular (without prejudice to the generality of the foregoing) shall take all reasonable steps to keep it dry, and shall not in unpacking any article packed therein cut, mutilate or destroy the container except in the case of unavoidable necessity.

Exemptions

8. This Order shall not apply to any container—

(*a*) in which fruit, vegetables or flowers have been imported into the United Kingdom ;

(*b*) supplied or used for the packing of fruit, vegetables or flowers for export from the United Kingdom ;

(*c*) supplied or used for the packing of

(i) seed potatoes (as defined in the Seed Potatoes Order, 1950, as amended(**a**), or in any Order amending or replacing the said Order) ; or

(ii) fruit or vegetables for ships' stores.

Directions, authorisations and licences

9.—(1) The provisions of this Order are subject to—

(*a*) any direction which may at any time be given by or on behalf of the Minister, or in respect of Northern Ireland by or on behalf of the Minister or the Ministry, in relation to the articles to which this Order applies ;

(*b*) any licence or authorisation which may be granted under this Order by or on behalf of the Minister or in respect of Northern Ireland by or on behalf of the Minister or the Ministry,

and the Minister hereby delegates to the Ministry the function of giving or granting any such direction, licence or authorisation in respect of Northern Ireland.

(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 or the Ministry ; 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 or the Ministry, 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.

Offences

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

Revocation

11. The Fresh Fruit, Vegetables and Flowers (Use of Containers) Order, 1944, as amended(**b**), is hereby revoked but without prejudice to any proceedings in respect of any contravention thereof.

Maurice Webb,
Minister of Food.

Dated the 26th day of September, 1951.

(**a**) S.I. 1950 (Nos. 1236 and 1962) III, pp. 715–727; and 1951 No. 289.
(**b**) S.R. & O. 1944 (No. 87) II, p. 869; 1946 (No. 1802) II, p. 934; 1947 (No. 1928) II, p. 750; and S.I. 1948 (No. 79) II, p. 592.

EXPLANATORY NOTE

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

This Order replaces the Fresh Fruit, Vegetables and Flowers (Use of Containers) Order, 1944, as amended.

The principal changes are:—

(1) The Order relates only to containers made of softwood, which are required to be treated as returnable containers;

(2) Containers in which fruit, vegetables or flowers have been imported and containers used for the export of fruit, vegetables or flowers are no longer required to be treated as returnable containers.

The Glucose Order, 1951

1951 No. 873

Made - - - -	15*th May*, 1951
Laid before Parliament	16*th May*, 1951
Coming into Operation	20*th May*, 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.

" Distributing dealer " means a person buying for resale, other than a person buying for the purpose of the manufacture or preparation by him of any other article.

" Glucose " means glucose commercially known as liquid glucose.

" Original container " means the container in which glucose is supplied by the manufacturer thereof.

" Sell " includes offer or agree to sell or expose for sale; and

" buy " includes offer or agree to buy.

Maximum prices

2. No person shall sell or buy any glucose at a price exceeding the maximum price applicable in accordance with the provisions of the First Schedule to this Order:

Provided that additions may be made to, and deductions shall be made from, the maximum price in accordance with the provisions of the Second Schedule to this Order.

Containers

3. No glucose shall be sold unless it is packed in a container of a description and capacity specified in the first column of Part I of the First Schedule to 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) S.I. 1950 (No. 1769) III, p. 51.