(iv) HOPS MARKETING

The Hops Marketing Scheme (Amendment) Order, 1949

1949 No. 2456

Made - - - - 30*th December,* 1949

The Minister of Agriculture and Fisheries, in exercise of the powers vested in him under Section 1 of the Agricultural Marketing Act, 1931(a), hereby makes the following Order:—

1. This Order may be cited as the Hops Marketing Scheme (Amendment) Order, 1949.

2. The Amendment of the Hops Marketing Scheme, 1932(b) (as amended by the Hops Marketing Scheme (Amendment) Order, 1934(c), the Hops Marketing Scheme (Amendment) Order, 1939(d), the Hops Marketing Scheme (Amendment) Order, 1945(e), and the Hops Marketing Scheme (Amendment) Order, 1948(f)) in the manner set forth in the Schedule hereto is hereby approved and shall come into force on the ninth day of January, 1950.

In witness whereof the Official Seal of the Minister of Agriculture and Fisheries is hereto affixed this thirtieth day of December, 1949.

(L.S.)

T. Williams,
Minister of Agriculture and Fisheries.

SCHEDULE

1. In paragraph 2—

after the definition of the words "English Hops", there shall be inserted the following definitions:—

"'Farm' means an agricultural unit (as defined in section one hundred and nine of the Agriculture Act, 1947(g)) some part of which consists of hop land;

'Hop Acreage' in relation to any farm means the number of acres of hop land on that farm and in relation to any producer means the number of acres of hop land which the producer is cultivating;

'Hop Land' means land in England on which hop plants are being cultivated so that in the ordinary course of cultivation they will yield marketable hops;"

in the definition of the word "Producer", all the words after "they will yield marketable hops" where those words first occur shall be omitted.

after the definition of the words "The Act", there shall be inserted the following definition:—

"'District' means one or other of the districts defined in paragraph 5;"

(a) 21 & 22 Geo. 5. c. 42.
(b) S.R. & O. 1932 (No. 505) p. 24.
(c) S.R. & O. 1934 (No. 841) I, p. 14.
(d) S.R. & O. 1939 (No. 444) I, p .24.
(e) S.R. & O. 1945 (No. 1486) I, p. 1.
(f) S.I. 1948 (No. 642) I, p. 23.
(g) 10 & 11 Geo. 6. c. 48.

after the definition of the word " Manager ", there shall be inserted the following definition: —

" ' The Minister ' means the Minister of Agriculture and Fisheries; "

the following definition shall be substituted for the definition of the word " Acre ": —

" ' Acre ' means four thousand eight hundred and forty square yards and in computing hop acreage there shall be included headlands and other land which by reason of the cultivation of the hop plants is (apart from temporary intercropping) incapable of being used for any other crop including land which cannot be so used by reason of the existence of wiring or stays; "

2. The following paragraph shall be substituted for paragraph 9: —

" 9. In the event of a vacancy occurring amongst the members of the Board the Board may, if they think fit, co-opt a person to fill the vacancy and the person so co-opted shall hold office until the next ensuing general election of district or special members as the case may be."

3. In paragraph 10, after the words " A committee shall not hold office beyond ", there shall be inserted the words " the end of ".

4. Paragraphs 10*a*, 11, 12, 13, 14 and 15 shall be renumbered 11, 12, 13, 14, 15 and 16 respectively.

5. Paragraph 16 shall be renumbered 17, and sub-paragraph (*d*) thereof shall be deleted.

6. Paragraphs 17 and 18 shall be renumbered 18 and 19 respectively.

7. Paragraph 19 shall be renumbered 20 (1), and the following sub-paragraphs shall be added: —

" (2) Registration of the name or style under which two or more persons carry on business in partnership as producers shall operate as the registration of all the partners for the time being so however that (*a*) for the purposes of the provisions of the Act and this Scheme which relate to elections, polls and voting at meetings and assessment of contributions on registered producers all the partners shall be regarded as constituting together a single registered producer and (*b*) a person registered as a partner as aforesaid shall not be deemed to be registered as a producer except in respect of transactions which form part of the partnership business.

(3) (*a*) A copy of any entry in the register purporting to be certified in writing by the Chairman, or Vice-Chairman, or Secretary, or Registrar for the time being of the Board, to be a true copy shall be evidence of such entry in the register, and

(*b*) A written statement purporting to be signed by the Chairman, or Vice-Chairman, or Secretary, or Registrar for the time being of the Board, that the name of a person does not appear on the register or did not appear on the register upon any stated date shall be evidence that such person is not a registered producer or was not a registered producer at the date stated as the case may be."

8. Paragraph 20 shall be renumbered 21, and in that paragraph after the words " on payment of a fee " there shall be inserted the words " of two shillings and an additional fee ", and for the words " one penny " there shall be substituted the words " two pence ".

9. Paragraph 21 shall be renumbered 22, and in that paragraph the words " South Eastern Agricultural College " shall be omitted, and after the word " Wye " there shall be inserted the word " College ".

10. Paragraph 22 shall be renumbered 23, and in that paragraph for the words " produce English hops " there shall be substituted the words " be a producer ".

11. Paragraphs 23, 24 and 25 shall be renumbered 24, 25 and 26 respectively.

12. Paragraph 26 shall be renumbered 27, and in that paragraph before the word " Schedule " there shall be inserted the word " First ".

13. Paragraph 27 shall be renumbered 28, and in that paragraph for the words "the number of acres of land in England on which he was growing hops on the qualifying date" there shall be substituted the words "his hop acreage".

14. Paragraphs 28, 29, 30 and 31 shall be renumbered 29, 30, 31 and 32 respectively.

15. Paragraph 32 shall be renumbered 33, and in that paragraph for the words "one shilling" there shall be substituted the words "two shillings".

16. Paragraph 33 shall be renumbered 34, and in that paragraph all the words after "the continuance in force of this Scheme" shall be deleted.

17. After the last mentioned paragraph there shall be inserted a new paragraph as follows:—

"35. The Board may do all or any of the following things, namely—

(*a*) Buy, sell, grade, pack, store, adapt for sale, insure, advertise and transport any English hops;

(*b*) Co-operate with any other person in doing anything which the Board is empowered to do under the foregoing provision of this paragraph;

(*c*) Encourage, promote and conduct co-operation, research and education in matters relating to the hop industry."

18. Paragraph 34 shall be renumbered 36.

19. Paragraph 35 shall be renumbered 37, and at the end of that paragraph there shall be inserted:—

"(iii) The Board may refuse to accept any hops tendered to the Board in breach of any conditions imposed by the Board pursuant to paragraph 56 (*a*) of this Scheme."

20. Paragraph 36 shall be renumbered 38, and in that paragraph for the words "accordingly the Board may sell them, grade them, pack them, store them, adapt them for sale, insure them, advertise them and transport them, may borrow money on the security thereof, and" there shall be substituted the words "the Board."

21. Paragraphs 37, 37*a*, 38 and 38*a* shall be omitted and the following new paragraphs 39, 40, 41 and 42 shall be inserted:—

"39.—(*a*) The Board shall in manner hereinafter mentioned ascertain the gross value of any hops accepted from a registered producer, that is to say the value thereof before making any deduction in respect of selling commission or in respect of the contributions provided for in paragraph 42.

(*b*) The Board shall deduct from the gross value ascertained as aforesaid the selling commission as hereinafter defined and the net sum so arrived at shall be treated as the net value of the said hops for the purposes of this Scheme. Provided that where hops are found after acceptance and valuation to be contaminated such deduction shall be made from the net value thereof as may, having regard to the circumstances of the case, be just, and if any sum already paid to the producer of such hops pursuant to this Scheme shall in consequence of such deduction be found to be excessive then the excess shall be repayable to the Board.

(*c*) The selling commission in respect of hops accepted from any registered producer shall be the commission which would be charged by a hop factor if the said hops had been sold through him for an amount equal to the gross value ascertained as aforesaid less the contributions provided for in paragraph 42.

(*d*) For the purpose of ascertaining the gross value of any hops accepted from a registered producer the Board shall—

(i) Estimate the gross value per hundredweight thereof and shall send to the producer a written notification of the estimate.

(ii) Whilst making the said estimate or at some later date cause the hops to be weighed and shall send to the producer a written notification of the weight so found.

(*e*) The information contained in the notifications provided for in the preceding sub-paragraph shall be final and conclusive unless and until varied by agreement between the Board and the producer or by an award under Part X of this Scheme.

(*f*) The Board may at any time sell or otherwise deal with any hops accepted by them notwithstanding that no such estimate as aforesaid has been made or that the hops have not been weighed or that the said written notifications have not been sent to the producer.

40.—(*a*) The rights of a registered producer in respect of any hops accepted by the Board from him, shall differ according as the hops are 'for quota account' or 'for non-quota account'.

(*b*) If the quantity of hops of any season accepted by the Board from a registered producer does not exceed his annual quota for that season as ascertained under Part VII of this Scheme all the hops of that season accepted by the Board from him shall subject to the provisions of sub-paragraph (*d*) of this paragraph be treated as 'for quota account'.

(*c*) If the quantity of hops of any season accepted by the Board from a registered producer exceeds his annual quota for that season as ascertained as aforesaid, then, of the hops so accepted, a quantity equal to the amount of that annual quota shall subject to the provisions of sub-paragraph (*d*) of this paragraph be treated as 'for quota account' and the remainder as 'for non-quota account': Provided that in selecting the hops which are to be treated as 'for quota account', the hops having the greatest value shall be selected, irrespective of where they were produced.

(*d*) Hops which on final examination are in the opinion of the Board insufficiently cured shall in every case be treated as 'for non-quota account'.

41.—(1) In this paragraph in relation to any season:

(*a*) 'Available sum' means the total sum realised by the Board from the hops of that season after deducting any selling commission paid by the Board in respect thereof;

(*b*) In relation to any registered producer 'valuation' means the total of the net values (ascertained in accordance with paragraph 39) of all the hops of that season supplied by that registered producer to the Board;

(*c*) 'Quota valuation' means the total of the net values (ascertained as aforesaid) of all the hops 'for quota account' of that season supplied by that registered producer to the Board;

(*d*) 'Non-Quota valuation' means the total of the net values (ascertained as aforesaid) of all the hops 'for non-quota account' of that season supplied by that registered producer to the Board.

(2) If the available sum is sufficient to provide for each registered producer an amount equal to his valuation then (subject to the provisions of the next following paragraph of this Scheme) the available sum shall be distributed by the Board amongst all the registered producers in proportion to their respective valuations.

(3) If the available sum is insufficient for the purpose aforesaid then subject as aforesaid:

(*a*) The available sum shall be distributed amongst registered producers in proportion to their respective quota valuations until there has been distributed to each of them an amount equal to his quota valuation;

(*b*) Any balance of the available sum shall be distributed amongst registered producers in proportion to their respective non-quota valuations;

(4) For the purpose of arriving at the sum distributable to any registered producer pursuant to this paragraph the Board shall disregard the question whether or not the particular hops supplied by that producer have in fact been sold by the Board and shall disregard the prices obtained for any particular hops which have in fact been sold.

42. There shall be deducted from the sum distributable to any registered producer under the foregoing paragraph such sum in respect of every hundredweight of hops of the season in question supplied by him, as the Board may prescribe in relation to hops of that season, in order to provide:

(*a*) for the expenses of the Board (other than selling commission) in respect of hops of that season; and

(*b*) a contribution to the fund so as to enable the Board to meet their general expenses and liabilities (including any liability to pay compensation under this Scheme) and, if they think fit, provide reserves;

Provided always that the amount to be deducted as aforesaid from the sum payable to any registered producer in respect of hops for non-quota account shall not exceed the sum payable to him in respect of such hops."

22. Paragraph 39 shall be renumbered 43, and in that paragraph for the words "The Board may advance to registered producers sums not exceeding in all two-thirds of the sum which the Board estimate the registered producers will respectively receive in respect of the hops supplied by them to the Board" there shall be substituted the words "The Board may advance to any registered producer sums not exceeding in all two-thirds of the sum which the Board estimate he will receive from the Board in respect of the hops produced or in course of production by him."

23. Paragraph 40 shall be renumbered 44, and in that paragraph the words "Subject to the limitations set out in the next succeeding paragraph", shall be omitted, for the words "of land on which English hops are being grown by him" there shall be substituted the words "of his hop acreage", and after the words "such sum" there shall be inserted the words "not exceeding one pound per acre in any period of twelve months expiring on the thirty-first day of December in any year".

24. Paragraph 41 shall be omitted.

25. Paragraph 42 shall be renumbered 45, and in that paragraph all the words after "the operation of this Scheme" shall be omitted, and there shall be substituted therefor the words "after meeting the Board's administrative and other expenses and losses (if any) shall be distributed in such manner as may be determined by a resolution passed at a general meeting of registered producers."

26. Paragraphs 43 and 44 shall be renumbered 46 and 47 respectively.

27. Paragraph 45 shall be renumbered 48, and in that paragraph there shall be inserted, at the end of sub-paragraph (*b*):

"or

(*c*) obstructs or interferes with any person authorised by the Board under paragraph 47 hereof;"

the word "and" immediately preceding the words "not exceeding" shall be omitted, for the words "any other contravention" there shall be substituted the words "a contravention of paragraph 46 hereof", for the words "land on which English hops were being grown by him" there shall be substituted the words "his hop acreage", and after the words "the date of such contravention" there shall be inserted the words "and not exceeding, in the case of a contravention of paragraph 47 hereof, twenty pounds".

28. Paragraph 45*a* shall be renumbered 49, and in that paragraph for the expression "paragraphs 34, 45, 46 and 63" there shall be substituted the expression "paragraphs 36, 48, 50 and 75".

29. Paragraph 46 shall be renumbered 50.

30. Part VI*a*, comprising paragraphs 46*a*, 46*b*, 46*c*, 46*ca*, 46*d*, 46*e*, 46*f*, 46*g*, and 46*h*, shall be omitted, and the following shall be inserted:—

"

Part VII

Determination of Quota.

51.—(1) Subject to the provisions of this part of this Scheme a registered producer shall have an annual quota for any season if and only if he was on the

relevant date (as hereinafter defined) in occupation of a farm to which Basic Quota (hereinafter called 'the Basic Quota of the farm') had been or is deemed to have been allotted and his annual quota for that season shall be calculated in accordance with the provisions of the next succeeding paragraph by reference to—

(*a*) The Basic Quota of the farm, and

(*b*) The estimated total market demand for English hops of that season.

(2) In this paragraph the expression 'relevant date' means the date on which the picking of hops ceased on the farm or (if no hops were picked on that farm) the date on which in the opinion of the Board the picking of hops would have ceased had picking taken place.

52. The total market demand for English hops of each season shall be estimated as follows:—

(*a*) If the quantity of English hops which may be sold by the Board or producers during the period when the main part of the English hops of that season is likely to be sold has been determined by or under any Act, that quantity shall be taken to be the total market demand for English hops of that season;

(*b*) If that quantity has not been so determined the Board shall, so soon as may be, themselves estimate the said total market demand.

The annual quota of a registered producer for any season shall be such quantity as bears to the total market demand for English hops of that season, estimated as aforesaid, the like proportion, as near as may be, as the Basic Quota of the farm on the first day of May in that season bears to the total of the Basic Quotas (as shown in the records of the Board on the said first day of May) of all the farms occupied by registered producers on that day.

Provided that:—

(i) If a registered producer delivers under a contract valid under section eight of the Act, or uses for brewing, any hops grown in any season on land in England occupied by him during that season, his annual quota for that season shall be reduced by the amount of hops so delivered or used;

(ii) If the Board, before the first day of September in any season resolve that the following provisions of this proviso are to have effect in relation to hops of that season, any two registered producers may, subject to such conditions (if any) as may be fixed by the Board from time to time, jointly request the Board in writing that the annual quota of the one for that season shall be increased, and that of the other diminished, by an amount specified in the request, and the annual quotas of those registered producers for that season shall thereupon be increased and diminished accordingly.

53. On the thirty-first day of March, 1950, all Basic Quota previously allotted under this Scheme shall lapse and with effect from the same date the Board shall allot Basic Quota in accordance with the provisions of the Second Schedule to this Scheme.

54.—(1) The Board shall, after the thirty-first day of March, 1950, periodically review the allotment of all Basic Quota and every such review is hereinafter referred to as a general review. There shall be a general review on or before the thirty-first day of March, 1955, and thereafter within five years after each previous general review.

(2) On every general review the Board may, after consultation with the Permanent Joint Hops Committee or with such other persons as in the opinion of the Board are best qualified to express the view of buyers of hops, determine the total amount (hereinafter called 'the total allotment') of Basic Quota to be allotted to all the farms occupied by registered producers and the Board may either:—

(*a*) Determine upon a general reallotment, namely that all Basic Quota previously allotted shall lapse or be deemed to have lapsed on the prescribed date, or

(*b*) Determine that the Board will within a period prescribed by the Board allot additional Basic Quota or accept surrenders of Basic Quota by agreement.

(3) (*a*) If, on any general review, the Board determine upon a general reallotment, the Board shall, with effect from the prescribed date, allot Basic Quota to the amount of the total allotment.

(*b*) The said Basic Quota shall be allotted to farms occupied by registered producers upon such basis as the Board may determine.

(4) (*a*) If, on any general review, the Board determine to allot additional Basic Quota by agreement, such additional Quota shall be allotted to such farms as the Board may, in agreement with the registered producer in occupation thereof select, and the Board may as a condition of the allotment of such Quota to any farm, require payment to the funds of the Board of such sum as may be agreed upon.

(*b*) If, on any general review, the Board determine to accept surrenders of Basic Quota by agreement, then the Board may, in agreement with the registered producer in occupation of any farm, determine that the Basic Quota previously allotted to that farm shall lapse, and the Board may pay to the said occupier out of the funds of the Board such sum as may be agreed upon.

55. Except as otherwise provided in this part of this Scheme:—

(*a*) The Basic Quota allotted to a farm with effect from the thirty-first day of March, 1950, shall remain constant unless and until it lapses pursuant to a determination by the Board made on any general review, and the Basic Quota allotted to a farm on any general review shall remain constant unless and until it lapses pursuant to a determination by the Board made on any subsequent general review.

(*b*) Basic Quota shall be allotted to a farm only with effect from the thirty-first day of March, 1950, or on a general review.

56.—(*a*) As a condition of the allotment, or the continuance of the allotment, of Basic Quota to any farm, the Board may impose such conditions relating to the quality or quantity of the hops grown on that farm which may be tendered to the Board pursuant to paragraph 37 of this Scheme as the Board may think desirable. In the event of the breach of any of such conditions, the Board may determine that the said Basic Quota or such part thereof as the Board think just shall lapse or be deemed to have lapsed on the prescribed date and the Board may with effect from the same date allot Basic Quota in the same quantity to such other farm or farms as they think fit.

(*b*) If the cultivation of hops on a farm ceases, the Basic Quota previously allotted to that farm shall lapse or be deemed to have lapsed on the prescribed date and (except in the circumstances referred to in paragraph 57) the Board may with effect from the same date allot Basic Quota in the same quantity to such farm or farms as they think fit.

(*c*) If, after the allotment of any Basic Quota to a farm, the hop acreage of that farm has been substantially reduced and, in the opinion of the Board should remain reduced, then such part of the Basic Quota allotted to that farm as the Board think just shall lapse or be deemed to have lapsed on the prescribed date and (except in the circumstances referred to in paragraph 57) the Board may with effect from the same date allot Basic Quota in the same quantity to such other farm or farms as they think fit.

(*d*) The Board may, if they think fit, as a condition of any allotment of Basic Quota made pursuant to the foregoing provisions of this paragraph, require payment to the funds of the Board of such sum as the Board may determine.

57. If the whole or any part of the hop land on any farm ceases to form part of that farm and becomes part of another farm or farms then the whole, or such part as the Board think just, of the Basic Quota allotted to the first-named farm

shall lapse or be deemed to have lapsed upon the prescribed date and Basic Quota in the same quantity shall, with effect from the same date, be allotted to the second-named farm or farms.

58.—(*a*) In this part of this Scheme the expression 'prescribed date' in relation to a lapse of Basic Quota means such date as the Board may determine.

(*b*) Before determining pursuant to the provisions of sub-paragraph (4) of paragraph 54 or paragraph 56 that any Basic Quota allotted to a farm shall lapse or be deemed to have lapsed, the Board shall consult:—

(i) The present occupier thereof and (if the occupier is a tenant of the hop land comprised in that farm) the landlord of such hop land;

(ii) any other person who may have been the occupier thereof on the prescribed date.

In this paragraph, the expression 'landlord' means the person for the time being entitled to receive from the occupier the rents and profits of the land.

(*c*) Upon determining pursuant to the said provisions that any Basic Quota shall lapse or be deemed to have lapsed, the Board shall forthwith in writing notify the persons brought into consultation as aforesaid."

31. Part VII shall be renumbered Part VIII.

32. Paragraphs 47, 48, 49, 50 and 51 shall be renumbered 59, 60, 61, 62 and 63 respectively.

33. Paragraph 52 shall be renumbered 64, and in that paragraph for the words "limited company", where they occur for the second time, there shall be substituted the words "registered producer".

34. Paragraphs 53 and 54 shall be renumbered 65 and 66 respectively.

35. The following paragraph shall be substituted for paragraph 55:—

"67. On the taking of a vote on the basis of acreage a registered producer shall, except in the case of an election, have one vote in respect of each acre of his hop acreage. In the case of an election of special members he shall have one, two, three or four votes in respect of each acre of his hop acreage according as there are one, two, three or four members to be elected but shall not give more than one vote per acre in favour of any one candidate. In the case of an election of district members he shall have one, two or three votes in respect of each acre of his hop acreage in that district according as there are one, two or three members to be elected but shall not give more than one vote per acre in favour of any one candidate."

36. Paragraphs 56, 57 and 58 shall be renumbered 68, 69 and 70 respectively.

37. Part VIII shall be renumbered Part IX.

38. Paragraph 59 shall be renumbered 71.

39. Paragraph 60 shall be renumbered 72, and in that paragraph for the words "are growing hops on" there shall be substituted the words "have a hop acreage of", the words "of land in England" shall be omitted, and before the word "Schedule" there shall be inserted the word "First".

40. Paragraph 61 shall be renumbered 73.

41. Paragraph 62 shall be renumbered 74, and in that paragraph for the words "number of acres of land in England on which" there shall be substituted the words "hop acreage of", and the words "was growing hops" shall be omitted.

42. Part IX shall be renumbered Part X.

43. Paragraph 63 shall be renumbered 75, and in that paragraph for the word "valuation" where that word first occurs there shall be substituted the word "notification", for the words "made under paragraph 37" there shall be substituted the words "given under paragraph 39", for the expression "Part VI*a*" there shall be substituted the expression "Part VII", for the words "properly made" there shall be substituted the word "correct", and for the words "made within one month from the date" there shall be substituted the words "received by the Board on or before the twenty-eighth day after the day".

44. Paragraph 64 shall be renumbered 76, and in that paragraph before the words "any rights or liabilities" there shall be inserted "(*a*)"; and at the end of the paragraph the fullstop shall be omitted and there shall be added the following:—

", (*b*) any question arises as to the boundaries of any district the Board shall define the boundaries."

45. Paragraphs 65, 65*a* and 66 shall be renumbered 77, 78 and 79 respectively.

46. Paragraph 67 shall be renumbered 80, and in sub-paragraph (1) thereof for the words "by an Affirmative Resolution of both Houses of Parliament" there shall be substituted the words "under any order made by the Minister pursuant to the Act", the words "resolved to be" shall be omitted, the words "to be" immediately preceding the word "substituted" shall be omitted, for the word "Resolutions" in each place where that word occurs, there shall be substituted the word "order", for the words "take effect", in each place where those words occur, there shall be substituted the words "takes effect" and for the word "require", there shall be substituted the word "requires".

47. The Schedule shall be omitted, and the following inserted:—

THE FIRST SCHEDULE

FORM OF VOTING PAPER

THE HOPS MARKETING BOARD

(1) The Board must fill in the name and address of registered producer.

To (1) .....
.....
.....

A poll is being held under the Hops Marketing Scheme, 1932, on the following question, viz:—

(2) The Board must fill in the question on which the poll is being taken.

(2).....
.....

Do you wish this question to be answered 'Yes' or to be answered 'No'. (Answer Yes or No).....

(3) The Board must fill in the qualifying date.

What was your total acreage under hops in England (3) on the of ?
(Read the note below before replying)
Signature of registered producer.....
Address.....
.....

(4) The Board must fill in the address of their office.

N.B.—Your vote will not count unless this paper, properly filled in and signed, reaches the offices of the Hops Marketing Board (4)
.....
on or before 6 p.m. on (5).....

(5) The Board must fill in the fourteenth day after the qualifying date.

If you wilfully mis-state the number of acres which you are asked to state above, you will render yourself liable to imprisonment or a fine or both.

Notes: In computing 'acreage' you must include headlands and other land which by reason of the cultivation of the hop plants is (apart from temporary intercropping) incapable of being used for any other crop including land which cannot be so used by reason of the existence of wiring or stays.

If your total acreage is not an exact number of acres you should treat the odd fraction as an acre.

For the Hops Marketing Board,

.....
Secretary.

THE SECOND SCHEDULE

ALLOTMENT OF BASIC QUOTA WITH EFFECT FROM THE THIRTY-FIRST DAY OF MARCH, 1950

Total Allotment

1. The Board shall, after consultation with the Permanent Joint Hops Committee or with such other persons as in the opinion of the Board are best qualified to express the views of buyers of hops, determine the total amount of the Basic Quota to be allotted to all the farms in England occupied by registered producers and shall allot Basic Quota to that amount, hereinafter called 'the total allotment'.

Allotment to individual Hop Farms

2.—(*a*) The Board shall estimate the aggregate productive capacity, namely the sum total of the productive capacities of all the farms occupied by registered producers on the thirty-first day of March, 1950. The Board's said estimate shall not be reopened by reason of any subsequent adjustment of the Board's assessment of the productive capacity of any particular farm or farms, or by reason of the discovery of any facts not known to the Board when making the said estimate.

(*b*) The Board shall allot to each such farm Basic Quota in such a quantity as bears to the total allotment the like proportion, as near as may be, as the productive capacity of that farm bears to the aggregate productive capacity.

(*c*) Every allotment of Basic Quota purporting to have been made pursuant to this Schedule shall be conclusively presumed to have been properly made unless on or before the twenty-eighth day after the day on which he first has notice thereof the occupier of the farm in writing refers to arbitration the question whether such allotment is incorrect by reason of an error in the Board's assessment of the productive capacity of the farm.

(*d*) If, as a result of any such reference as aforesaid, the Basic Quota allotted to a farm is increased then the increase shall be additional to the total allotment and the allotment of Basic Quota to other farms shall not be re-opened.

Calculation of Productive Capacity

3.—(*a*) The productive capacity of a farm shall be the average yield of hops per acre of that farm multiplied by the 'relevant acreage' of that farm.

(*b*) In this paragraph the expression 'relevant acreage' means the hop acreage of the farm as it was on the fourth day of June, 1948, after deducting the acreage of any hops which (i) ought to have been grubbed whether before or after that date in accordance with any conditions imposed or instructions issued by a County War Agricultural Executive Committee or by a County Agricultural Executive Committee, or (ii) were planted in breach of any Statutory Rules and Orders or Statutory Instruments for the time being in force.

(*c*) For the purpose of this paragraph, the farm shall be taken to have comprised on the fourth day of June, 1948, the same land as it comprised on the thirty-first day of March, 1950.

Provided:

(i) that if the hops on any hop land have been grubbed after the fourth day of June, 1948, and before the thirty-first day of March, 1950, and if such land, after the hops have been grubbed, ceases to form part of the farm of which it formed part on the fourth day of June, 1948, it shall nevertheless be deemed to have formed part of that farm on the thirty-first day of March, 1950, and not of any other farm, unless the hops were grubbed in accordance with conditions imposed or instructions issued by a County War Agricultural Executive Committee or a County Agricultural Executive Committee;

(ii) that if on the thirty-first day of March, 1950, any land, which on the fourth day of June, 1948, was hop land, was in the occupation of a person who was not entitled to registration as a producer under this Scheme, then such land may be deemed to have formed part of such farm or farms on the thirty-first day of March, 1950, as the Board shall deem just.

Average Yield per Acre

4.—(*a*) The average yield of hops per acre of a farm (other than a new hop farm as hereinafter defined) shall be the mean of the two highest yields of hops per acre of that farm in any of the years 1946, 1947 and 1948.

(*b*) The yield of hops per acre of a farm (other than a new hop farm) in any year shall be taken to be the total weight of merchanted hops (as hereinafter defined) grown on the farm in that year, divided by the hop acreage of the farm as it was on the fourth day of June of that year, but excluding the acreage of land under first year hops.

The expression 'merchanted hops' means hops which during the relevant year were (a) tendered to the Board, or (b) delivered under a contract valid under section eight of the Act, or (c) retained by the registered producer thereof and used for brewing.

The expression 'acreage under first year hops' in relation to the year 1946 means acreage on which young hops were planted after September, in the year 1945; in relation to the year 1947 means acreage on which young hops were planted between the fourth day of June, 1946, and the fourth day of June, 1947; and in relation to the year 1948 means acreage on which young hops were planted between the fourth day of June, 1947, and the fourth day of June, 1948, as shown in each case in the records of the Board.

5.—(*a*) In this Schedule the expression 'new hop farm' means a farm on which no hop plants were cultivated on the first day of October, 1944.

(*b*) The average yield of hops per acre of a new hop farm shall be the average yield of hops per acre calculated in accordance with the provisions of the preceding paragraph of this Schedule, or in accordance with the provisions of the next following sub-paragraphs of this paragraph, whichever shall be the higher.

(*c*) Subject, as aforesaid, the average yield of hops per acre of a new hop farm shall for the purposes of this paragraph be such quantity of hops as in the opinion of the Board was the mean of the two highest district yields of hops per acre in any of the said years 1946, 1947 and 1948 of the district in which the hop farm is situated.

(*d*) The district yield of hops per acre in any year shall be the total weight of merchanted hops grown on farms in that district in that year, divided by such figure as, in the opinion of the Board, represents the total of the hop acreages of all the hop farms in that district on which merchanted hops were produced as such acreages were on the fourth day of June of that year, but excluding acreage under first year hops.

EXPLANATORY NOTE

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

This order provides that all Basic Quota allotted by the Hops Marketing Board prior to the thirty-first day of March, 1950, shall lapse on that date and that a complete re-allotment shall be made, the total amount of which shall be determined by the Board and based on the aggregate productive capacity of all the farms in England occupied by registered producers on the thirty-first day of March, 1950.

Thereafter the position will be subject to periodic general reviews, the first to be held on or before the thirty-first day of March, 1955, and thereafter within five years after each previous general review according as circumstances render such action necessary. On every general review the Board may make a general re-allotment of Basic Quota, or an adjustment by issuing additional Basic Quota, or accepting surrenders of Basic Quota by agreement.

This order further lays down the method by which the determination and allotment of Basic Quota and Annual Quota are to be carried out, re-defines the existing powers of the Board under section 5 of the Agricultural Marketing Act, 1931, in respect of the regulation of the marketing of the product and the encouragement of co-operation, education and research, and makes minor and consequential amendments in the body of the Scheme which are a necessary corollary to the main amendments.

(5) AGRICULTURAL WAGES

(i) *Wages Board.* | (ii) *Wages Committees*, p. 67.

(i) WAGES BOARD

The Agricultural Wages Board Regulations, 1949

1949 No. 1884

Made - - - -	10*th August*, 1949
Laid before Parliament	10*th October*, 1949
Coming into Operation	1*st November*, 1949

The Minister of Agriculture and Fisheries, in exercise of the powers conferred on him by Section 1 and the First Schedule of the Agricultural Wages Act, 1948(**a**), hereby makes the following regulations:—

1. These Regulations may be cited as the Agricultural Wages Board Regulations, 1949, and shall come into operation on the first day of November, 1949.

2.—(1) In these Regulations the following expressions have the meanings hereby assigned to them:—

"The Act" means the Agricultural Wages Act, 1948(**a**);

"The Minister" means the Minister of Agriculture and Fisheries;

"The Board" means the Agricultural Wages Board for England and Wales referred to in Section 1 of the Act;

"Appointed Members" means members of the Board appointed by the Minister in accordance with paragraph 1 (*b*) of the First Schedule thereto.

(2) The Interpretation Act, 1889(**b**), shall apply to the interpretation of these Regulations as it applies to an Act of Parliament.

3. The members of the Board representing employers shall be nominated by the Council of the National Farmers' Union, and of the members representing workers in agriculture five shall be nominated by the Executive Committee of the National Union of Agricultural Workers and three by the General Executive Council of the Transport and General Workers' Union. If the said Council or Executive Committee or General Executive Council, as the case may be, shall fail to nominate within such period of the occurrence of any vacancy, as the Minister may direct, a person to fill such vacancy, the Minister may fill the vacancy by nominating any person whom he may consider to be fit and proper for that purpose to act as a member of the Board.

(**a**) 11 & 12 Geo. 6. c. 47. (**b**) 52 & 53 Vict. c. 63.