The Leather (Charges) (No. 3) Order, 1948

1948 No. 1312

Made - - - -	18*th June*, 1948
Laid before Parliament	22*nd June*, 1948
Coming into Operation	30*th June*, 1948

Whereas under subsection (1) of Section 2 of the Emergency Powers (Defence) Act, 1939(**a**), and Section 5 of the Supplies and Services (Transitional Powers) Act, 1945(**b**), the Treasury provided by the Leather (Charges) (No. 1) Order, 1947(**c**) (hereafter in this Order called the " Principal Order "), for imposing and recovering in connection with a scheme of control of leather established (by the Minister of Supply) under the Defence (General) Regulations, 1939(**d**) (and, by virtue of the Minister of Supply and Board of Trade (Various Controls) (No. 1) Order, 1946(**e**), administered by the Board of Trade), the charges specified in that Order on hides, skins and tanning materials used in the production of leather:

And Whereas it is provided by that subsection that any order made in exercise of the powers conferred by that subsection may be varied or revoked by a subsequent order made by the Treasury:

And Whereas the Principal Order has been varied by the Leather (Charges) (No. 2) Order, 1948(**f**) (whereby the day on which the charge under the Principal Order shall be due and payable is postponed to the 1st day of July, 1948):

And Whereas it is desired to vary the Principal Order further in the manner hereinafter appearing:

Now, therefore, the Lords Commissioners of His Majesty's Treasury in exercise of the powers conferred upon Them by subsection (1) of Section 2 of the Emergency Powers (Defence) Act, 1939(**g**), and Section 5 of the Supplies and Services (Transitional Powers) Act, 1945(**h**), and of all other powers enabling Them in that behalf, hereby make the following Order:—

1. The Principal Order as varied as aforesaid is hereby further varied—

(1) by inserting between Articles 3 and 4 thereof, the Articles set out in the First Schedule to this Order (which Articles reduce the liability to charge);

(2) by substituting for Part II of Division I of Section A of the First Schedule thereto, the Part II set out in the Second Schedule to this Order (which substituted Part II reduces the liability to charge);

(**a**) 2 & 3 Geo. 6. c. 62.
(**b**) 9 & 10 Geo. 6. c. 10.
(**c**) S.R & O. 1947 (No. 2800) II, p. 1421.
(**d**) *See* Note, p. 15 above.
(**e**) S.R. & O. 1946 (No. 407) II, p. 62.
(**f**) S.I. 1948 No. 550, p. 1051 above.
(**g**) 2 & 3 Geo. 6. c. 62.
(**h**) 9 & 10 Geo. 6. c. 10.

(3) by making in Section F of the First Schedule thereto, the amendments specified in the Third Schedule to this Order (which amendments impose a charge); and

(4) by making in Sections A, E, and F, of the First Schedule thereto, the amendments set out in the Fourth Schedule to this Order.

2.—(1) This Order shall come into force on the 30th day of June, 1948; and may be cited as the Leather (Charges) (No. 3) Order, 1948, and this Order and the Principal Order(**a**), and the Leather (Charges) (No. 2) Order, 1948(**b**), may be cited together as the Leather (Charges) (Nos. 1-3) Orders, 1947-8.

(2) The Interpretation Act, 1889(**c**), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Dated this 18th day of June, 1948.

C. James Simmons,
Joseph Henderson,
Two of the Lords Commissioners of His Majesty's Treasury.

THE FIRST SCHEDULE

Articles to be inserted between Articles 3 and 4 of the Principal Order

3A. In this Order the following expressions have the meanings hereby respectively assigned to them—

(i) " Head I Charge " means charge imposed by Head (I) of Article 2 of this Order :

(ii) " Head I Material " means any material with reference to which Head I Charge is imposed :

(iii) " Section AB Material " means any material being of any of the descriptions set out in Section A or B of the First Schedule to this Order : and

(iv) " two-thirds " means in relation to any sum of money, two-thirds calculated to the lowest penny.

3B. Where the Board of Trade is satisfied that any Head I Material in process immediately before the 1st day of January, 1948, is material which was put into soak before the 1st day of July, 1947, and has, since so being put into soak, continued to be in process up to immediately before the said 1st day of January, 1948, no charge shall be paid in respect of that material.

3C. Where with respect to any person liable to pay Head I Charge under the provisions of this Order exclusive of this Article and Articles 3D and 3E thereof the Board of Trade is satisfied that—

(i) he is liable under any contracts of sale made before the 1st day of January, 1948, to supply (by way of sale) for export to some place outside the United Kingdom and the Channel Islands and the Isle of Man leather produced wholly by him and wholly from Section AB Material,

(ii) that leather has under such contracts and before the 1st day of October, 1948, been so exported, and

(iii) the aggregate of the prices at which that leather is sold under those contracts falls short of the sum approved by the Board of Trade as being the aggregate of the Board's approved maximum footwear leather prices at which such leather could have been sold on the 1st day of July, 1948,

then the Head I Charge which that person is liable as aforesaid to pay shall be reduced by the shortfall in head (iii) above.

(**a**) S.R. & O. 1947 (No. 2800) II, p. 1421.
(**b**) S.I. 1948 No. 550, p. 1051 above.
(**c**) 52 & 53 Vict. c. 63.

3D. Where the Board of Trade certifies that the amount of Head I Charge which would be payable by any person under the provisions of this Order exclusive of this Article and Article 3E thereof does not exceed One thousand pounds, the amount of Head I Charge payable by that person shall be reduced by two-thirds.

3E.—(1) The amount of Head I Charge which would but for the provisions of this Article be payable by any person in respect of whom no reduction is made under Article 3D of this Order, shall be reduced by two-thirds in respect of any such person who—

(A) satisfies the Board of Trade that—

(i) in a manner approved by the Board he has created and will maintain, in a business (or businesses) recognised by the Board, such Leather Charges Order Stock Reserve Depreciation Accounts as the Board may require covering (by such distribution amongst the Accounts as the Board may approve) all the Head I Material in respect of which he would be so liable to pay Head I Charge,

(ii) he will, by transfer (at such times as the Board may require or approve) from the profit and loss account of each business in which such Leather Charges Order Stock Reserve Depreciation Accounts are maintained, credit each such Account with two-thirds of the amount of Head I Charge which would be so payable in respect of the Head I Material covered by that Account, and

(iii) no such Account will be debited with any thing other than an " approved debit " as defined in paragraph (2) of this Article ; and

(B) gives the Board of Trade such undertaking or undertakings (and in such manner and form) as the Board may require in respect of the matters comprised in the immediately preceding head (A) :

Provided that upon any breach of any undertaking given under head (B) of this paragraph of this Article, so much of the full amount of Head I Charge as has by virtue of the provisions of this paragraph of this Article remained unpaid by the person giving that undertaking shall, whether or not all of that sum is related to the undertaking broken, forthwith become due and payable under this Order by that person—except in so far as it may for the occasion of that breach only be excused by the Board of Trade.

(2) In paragraph (1) of this Article an " approved debit " means in relation to any Leather Charges Order Stock Reserve Depreciation Account in any business—

(A) (i) so much of the amount of (*a*) Income Tax at standard rate, and (*b*) Profits Tax (if any), for any financial year of that business being a year in which any credit is transferred to that Account as, calculated at the rates in force immediately before the end of that year and being leviable in respect of that business, the Board of Trade may recognise as properly attributable for the purpose of this Order to the credits transferred in that year to that Account ; and

(ii) in cases where Surtax is leviable in respect of income or profits from that business—such amount of Surtax as, calculated at the rates in force immediately before the end of any financial year of that business being a year in which any credit is transferred to that Account, the Board of Trade may recognise as properly attributable for the purpose of this Order to the inclusion in Surtax assessment with respect to income or profits from that business of any of the credits transferred in that year to that Account : and

(B) so much as the Board of Trade may approve of the amounts of such losses (if any) from time to time suffered in that business as are in the opinion of the Board wholly and exclusively the result of a fall in the price of material being material—

(i) bought for and in the carrying on of that business, and

(ii) of the same description as any Head I Material, and

(*b*) The CHARGE in respect of any Tabled description of material which the Board of Trade is satisfied was specifically in process for products other than sole leather, is calculated as zero.

(*c*) The CHARGE in respect of any Tabled description of material in respect of which the Board of Trade is not satisfied as to what it was specifically in process for, is calculated in accordance with the provisions of § 1 above.

THE THIRD SCHEDULE

Amendments to Section F of the First Schedule to the Principal Order

In the Table —

(A) *for* the Sub-Section " Powdered Extracts " (which contains items 30 to 40 and is at p. 45 of the Principal Order as printed) *substitute*—

POWDERED EXTRACTS

Item No.	*Description*			Price (*per long ton, naked ex works*)	Rate of CHARGE (*per long ton*)
	Name	*Basis* (which is defined below this Sub-Section)	*Tannin content* (*per centum*) *nominal*		
(1)	(2a)	(2b)	(3)	(4)	(5)
		Item No.		£ s. d.	£ s. d.
30	Myrabolam	9	60	44 18 0	11 8 0
31	Myrabolam	9	58	43 10 0	11 0 0
32	Quebracho	1	77	49 8 3	21 11 0
33	Quebracho/Myrabolam	5	70	45 14 0	18 8 0
34	Mimosa Bark	12	70	46 4 0	23 1 0
35	Mimosa Bleach ...	14	62	46 1 0	20 8 0
36	Quebracho Bleach ...	4	66	45 4 0	19 15 0
37	Valonea from Cups ...	17(*a*)	60	65 17 0	23 16 0
38	Valonea from Beards ...	17(*b*)	60	64 2 0	21 19 0
39	Chestnut Substitute without Valonea	20	60	42 18 0	16 19 0
40	Chestnut Substitute without Valonea	20	67	47 10 0	18 19 0

" *Basis* " in Column (2b) of the above sub-Section means the raw material from which the powdered extract is made, which material is indicated by quoting in Column (2b) the Item Number against which that material is described in the Sub-Section of this Table headed " Home Manufactured Extracts ".

and (B) *for* the Rate of CHARGE in—

		£ s. d.
Item No. 43	*substitute*	9 14 0
,, 46	,,	8 18 0
,, 70	,,	7 13 0
,, 73	,,	7 8 0

THE FOURTH SCHEDULE

Amendments to Sections A, E, and F, of the First Schedule to the Principal Order

1. In SECTION A, in Division I thereof, in Part I of that Division, in the Table therein (see p. 8 of the printed Order)—

for the Rate of CHARGE in—

Item No.	105	*substitute*	6½d.
,,	106	,,	6½d.
,,	107	,,	6½d.
,,	108	,,	6½d.
,,	109	,,	6½d.

2. In SECTION E, and in SECTION F (exclusive of that subsection of Section F which is dealt with at (A) in the Third Schedule to this Order), in the heading to Column (3) throughout the Table in each of those Sections, add to the end of that heading the word "*nominal*".

EXPLANATORY NOTE

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

The Order amends the Leather (Charges) (No. 1) Order, 1947 (S.R. & O. 1947 No. 2800), in respect of material other than "Section D" Material, by—removing long process material (6 months or more) from charge, reducing the charge in respect of exports under contracts made before 1948 and executed before the 1st October, 1948, remitting two-thirds of the remaining charge where it does not exceed £1,000, and in cases where it does exceed that figure remitting two-thirds provided that the remitted sum (after allowance for tax) is applied (under specified safeguards) solely to meeting stock losses; and correcting certain figures for the rate of charge.

The calculation of charge on raw hides and skins in process for bottom leather (which was originally cast on a general averaging basis) is re-cast to enable processors using more precise methods of identification to retain the benefit of so doing, and to make a minor adjustment in adaptation to the various sole leather "offal" practices.

4. EXTENSION OF SUPPLIES AND SERVICES (EXTENDED PURPOSES) ACT, 1947

The Supplies and Services (Extended Purposes) (Isle of Man) Order in Council, 1948

1948 No. 873

Made - - - - 27th April, 1948

At the Court at Buckingham Palace, the 27th day of April, 1948.

Present,

The King's Most Excellent Majesty in Council

Whereas by subsection (4) of section one of the Supplies and Services (Extended Purposes) Act, 1947(a), it is provided that His Majesty may by

(a) 10 & 11 Geo. 6. c. 55.