The Non-Ferrous Metals Prices (No. 9) Order, 1951

1951 No. 2174

Made - - - -	10*th December*, 1951
Laid before Parliament	11*th December*, 1951
Coming into Operation	12*th December*, 1951

The Minister of Supply in exercise of the powers conferred on him by Regulations 55AA, 55AB, and 98, 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) Orders, 1950-51(**d**)), hereby orders as follows:—

Maximum Prices

1.—(1) No person shall buy or sell or agree or offer or invite an offer to buy or sell any material mentioned in the First Schedule to this Order and being material for which a scheduled maximum price is in force under this Order: except at a price which is either—

(*a*) not in excess of that scheduled maximum price; or

(*b*) defined in such a way that it cannot exceed such scheduled maximum price as may be in force under this Order in respect of that purchase or sale of that material at the time of delivery of that material; or

(*c*) permitted under the provisions of Article 2 or 3 of this Order.

Exemption for material situate abroad, and for export

(2) Notwithstanding anything contained in paragraph (1) of this Article: in any proceedings in respect of any purchase or sale or agreement or offer or invitation of an offer for the purchase or sale of any material in alleged contravention of any provision of that paragraph, it shall be a defence for the defendant to prove either—

(*a*) that at the time at which the purchase or sale or agreement or offer or invitation (as the case may be) was made, the material either (i) was situate outside the United Kingdom, or (ii) if in the United Kingdom, had at all times remained on board the ship or aircraft in which it was brought into the United Kingdom; or, if the agreement or offer or invitation did not relate exclusively to specific material, that no material landed or to be landed in the United Kingdom at the time of appropriation was or was intended to be appropriated to the agreement or proposed agreement; or

(*b*) that the material was neither delivered nor intended to be delivered otherwise than for export, that is to say delivered either—

(i) outside the United Kingdom, or

(ii) on board a ship or aircraft for exportation to some place outside the United Kingdom.

Authority to allow special prices for unusual sortings of scrap

2. Where the Minister of Supply is satisfied that for the purpose of securing a sufficiency of supplies essential to the wellbeing of the community it is desirable that any scrap material mentioned in the First Schedule to this Order

(**a**) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (Nos. 1618, 1611 and 1625) II, pp. 48, 39 and 56. (**b**) 10 & 11 Geo. 6. c. 55. (**c**) 14 & 15 Geo. 6. c. 25.
(**d**) S.I. 1950 (No. 1769) III, p. 51, and S.I. 1951 No. 2116, p. 27 above.

should be sorted to unusual requirements on the part of the purchaser, and that those requirements justify the receipt by the sorter on the sale of that scrap to that purchaser of some price in excess of such scheduled maximum price as may be in force under this Order for that transaction—he may authorize that sorter to sell and that purchaser to buy from him any so sorted scrap in such quantities and at such price in excess of that scheduled maximum price as he may, having regard to the public interest, deem reasonable.

Special Prices for Chemical Lead Users, and Educational Institutions

3.—(1) In any written and dated contract of sale of new chemical lead, made after the 4th day of May, 1951, and being a contract which binds the buyer of that new chemical lead to sell to the seller thereof scrap chemical lead, the scheduled maximum price of such quantity of the scrap as is equal in weight to the new may be ascertained as if in the First Schedule to this Order the Basis Price for the scrap were the same as the sale price for the new.

(2) The contract specified in paragraph (1) of this Article with respect to new chemical lead and scrap chemical lead, may be made with respect to any new material and the scrap of that material between any seller and any educational institution either comprized in a scheme of further education approved by the Minister of Education under Section 42 of the Education Act, 1944(a), or maintained or assisted by a local education authority under the provisions of Section 47 of that Act.

Sellers to give and preserve Price Records

4.—(1) Every person who sells any material mentioned in the First Schedule to this Order shall give to the buyer of that material an invoice or other document therefor (i) marked " Non-Ferrous Metals Prices Orders " (or " NFP Orders "), (ii) describing that material, (iii) stating the price charged for that material, and (iv) showing how the price for the sale documented is made up in accordance with the " Instructions for Ascertaining Maximum Prices " in the First Schedule to this Order, so soon as those details (ii–iv) above are known to him; and where any such details are for ascertainment by the buyer, the buyer shall furnish those details to the seller so soon as they are ascertained.

(2) Every seller who gives an invoice or other document under paragraph (1) of this Article shall at the time of giving it take a copy of it and shall keep and preserve that copy.

(3) In and for the purpose of this Article the expression " seller " includes also any person to whom any material is returned under the terms of any sale or return transaction and the expression " buyer " includes also any person who so returns any material.

Old higher-priced Contracts

5. Nothing in this Order shall prohibit or restrict any contract described in Column (2) of the Second Schedule to this Order from being performed in the manner permitted for that contract in Column (3) of that Schedule.

Interpretation

6. In and for the purpose of this Order, the expression—

" scheduled maximum price " means in relation to any purchase or sale of any material, the maximum price ascertained for that purchase or sale of that material from the First Schedule to this Order in accordance with the " Instructions for Ascertaining Maximum Prices " in that Schedule:

" chemical lead " means lead complying with the requirements of British Standard Specification No. 334 : 1934 : and the expressions

(a) 7 & 8 Geo. 6. c. 31.

"H.C.", "D.O.", and "V.C.", respectively mean in relation to any copper and to any material containing copper, "high conductivity", "de-oxidized", and "vertically cast".

Revocations

7. The Non-Ferrous Metals Prices (Nos. 4, 6, 7, and 8) Orders, 1951(a), are hereby revoked.

Coming into Operation; Citation

8. This Order shall come into operation on the 12th day of December, 1951; and may be cited as the Non-Ferrous Metals Prices (No. 9) Order, 1951.

Dated this 10th day of December, 1951.

Duncan Sandys,
Minister of Supply.

THE FIRST SCHEDULE

INSTRUCTIONS FOR ASCERTAINING MAXIMUM PRICES

1. Unless otherwise stated all prices are per long ton of 2,240 pounds avoirdupois.

2.—(1) *Basis—Price, Quality, and Delivery:* the *Basis* Price for each description of material in each CLASS in the Table of *Basis* Prices below is on the basis of that material being—

(*a*) '*clean and in strict conformity to specification*' in accordance with the custom of the trade; and

(*b*) '*delivery ex depot*', that is, by the seller loading the material (after putting it into bags, if so required) on to a conveyance provided by the buyer at the address at which that material is lying.

(2) "*In proportion*" *prices:* a price given in the Table of *Basis* Prices as "in proportion" for any description of material means a price for that description of material bearing such relation to the price which would result from Heads (A) and (B) of Instruction 3 below for other Tabled descriptions of the same CLASS, as may be agreed between the buyer and seller to be reasonable,

Provided that (i) no such price shall be agreed at any figure in excess of the highest price which would result from those Heads for any other description of material in that CLASS; and (ii) in the case of CLASS I—COPPER SCRAP, any element not being copper in the material to be priced, shall be reckoned as if it were copper.

3. THE MAXIMUM PRICE for any purchase or sale of any description of material shall be ascertained by—

(A) taking its *Basis* Price as given in Column (2) of the "Table of *Basis* Prices" below (except where the material is therein priced "in proportion", when Instruction 2 (2) above shall be followed):

(B) deducting from (A) immediately preceding (but not from the result of Instruction 2 (2) above) any proper allowance in accordance with the custom of the trade for *Inferior Quality* (that is, for the material not being in compliance with Head (*a*) of Instruction 2 (1) above): and

(C) applying to the result of (A) and (B) immediately preceding, or, as the case may be, to the result of Instruction 2 (2) above, such of the following *deductions* and *additions* as may be applicable—

(1) '*briquetting*': add not more than £2 per ton;

(2) *delivery elsewhere than ex depot:* add so much of the seller's normal commercial rate for making that delivery from the place at which the material is lying as, being in fact incurred for that delivery, does not

(a) S.I. 1951 Nos. 773, 1318, 1650, and 1793. Orders 1–3 and 5 are already revoked.

exceed the cost of correspondingly making that delivery by services provided by the British Transport Commission,

Provided that in the case of all material falling within CLASS II—LEAD or within CLASS II—LEAD SCRAP this addition shall nevertheless not exceed £2 per ton;

(3) *non-returnable bags supplied by the seller:* add not more than 1s. 6d. per bag supplied; and

(4) *Trade:* where the seller is *bona fide* a Non-Ferrous Metal Scrap Merchant (which expression in the case of a sale of material being CLASS II—LEAD, or CLASS II—LEAD SCRAP *Other than cable sheathing*, includes a Builders' Merchant), add to the *Basis* Price for—

(*a*) any re-melted lead, any lead scrap, any lead alloy scrap	Not more than 1½ per centum.
(*b*) any unwrought brass, any unwrought copper	Nil.
(*c*) any material other than in (*a*–*b*) above ...	Not more than 3 per centum.

THE TABLE OF *BASIS* PRICES

[*Note: an asterisk* (*) *denotes a new* Basis *price, and a parallel* (‖) *a* Basis *decrease, since the last Order. Unmarked prices are unchanged*]

PART I—MATERIAL OF THE CLASS AND TRADE DESCRIPTION STATED AND BEING NEITHER FABRICATED NOR SCRAP

Class and Trade Description (1)	*Price* (2)
CLASS I—SECONDARY COPPER	£
1. *Ingot Bars* or *Wire Bars:* of the following Qualities—	
(*a*) Electrolytic	225½*
(*b*) Fire refined—	
(i) Equivalent to H.C.	225½*
(ii) Minimum 99·88 per cent copper	225 *
(iii) „ 99·70 „ „ „	224½*
(iv) „ 99·50 „ „ „	224 *
(*c*) Other than (*a*–*b*) above	200 *
2. *Cathodes*	224½*
3. *Special Shapes and Extra Specifications (other than Cathodes) in the Qualities in* 1 *above*—	
For — Add to the Ingot Bar or Wire Bar Price: £ s. d.	
(*a*) *Ingots*	1 0 0
(*b*) *Billets*—	
(i) H.C.—	
Not less than 3-in. but under 4-in. diam.	6 10 0
4-in. or more diam.	5 10 0
(ii) D.O., and containing up to 0·08 per cent. P.—	
Not less than 2½-in. but under 3-in. diam.	8 10 0
Not less than 3-in but under 4-in. diam.	7 10 0
Not less than 4-in. but under 5-in. diam.	6 10 0
5-in. or more diam.	6 0 0

Class and Trade Description (1)	£ s. d.	*Price* (2)
(iii) Containing up to 0·50 per cent. As.—		
Not less than 3-in. but under 4-in. diam.	7 0 0	
Not less than 4-in. but under 5-in. diam.	6 10 0	
5-in. or more diam.	6 0 0	
(iv) Containing up to 0·50 per cent. As. and up to 0·08 per cent. P.—		
Not less than 2½-in. but under 3-in. diam.	9 0 0	
Not less than 3-in. but under 4-in. diam.	8 0 0	
Not less than 4-in. but under 5-in. diam.	7 0 0	
5-in. or more diam.	6 10 0	
(v) Cutting to specified lengths less than 45-in.	7 6	
(vi) Cupping	7 0	
(*c*) *V.C. Cakes*—		
(i) H.C.—		
200-lb. or more and not less than 3-in. thick	4 0 0	
Less than 200-lb. and not less than 2½-in. thick	4 10 0	
(ii) D.O.—		
200-lb. or more and not less than 3-in. thick	5 10 0	
(iii) Containing up to 0·50 per cent. As.—		
200-lb. or more and not less than 3-in. thick	4 10 0	
(iv) Containing up to 0·50 per cent. As. and up to 0·08 per cent. P.—		
200-lb. or more and not less than 3-in. thick	6 0 0	
(*d*) *V.C. 750-lb. wire bars*	5 10 0	
(*e*) *Mossy Copper*	4 10 0	
(*f*) *Any Special Shape or Extra Specification (or both) other than in (a–e) above*	Nil	
4. Other than 1–3 above	... ...	200*
Class II—Lead		
Re-melted, containing by weight not less than 96·00 and not more than 99·96 per centum of lead		160
Class IIIA—Zinc		
1. Re-melted		181
2. Hard spelter		17
Class IIIB—Zinc Alloy		
1. To B.S.S. No. 1141		204
2. Other than 1 above		In proportion

Class and Trade Description (1)	*Price* (2)
	£
CLASS VIII—BRASS	
1. To B.S.S. No. 218 or 249—	
(*a*) Cropped billets	225 ‖
(*b*) Uncropped billets	223 ‖
(*c*) Ingot	220 ‖
(*d*) Other than (*a*–*c*)	220 ‖
2. 65/35 casting quality—	
(*a*) Ingot	219 ‖
(*b*) Other than ingot	219 ‖
3. 70/30 casting quality (minimum 68 per cent. copper)—	
(*a*) Ingot	224 ‖
(*b*) Other than ingot	224 ‖
4. 63/37 strip ingot for rolling	231 ‖
5. 70/30 strip ingot for rolling	235 ‖
6. Other than 1–5 above	In proportion

PART II—SCRAP OF THE CLASS AND TRADE DESCRIPTION STATED

Class and Trade Description (1)	*Price* (2)
	£
CLASS I—COPPER SCRAP	
1. Clean bright—untinned or tinned wire; commutator bar	202 ‖
2. Fire box cut to crucible size	202 ‖
3. Fire box not cut	197 ‖
4. No. 1 wire	192 ‖
5. Clean heavy	187 ‖
6. No. 2 wire	182 ‖
7. Braziery	166 ‖
8. Other than 1–7 above	In proportion
CLASS II—LEAD SCRAP	
1. Cable sheathing	160
2. Other than cable sheathing and containing by weight not less than 96 per centum of lead	156
CLASS IIIA—ZINC SCRAP	
1. Cuttings	161
2. Old zinc free from tar	142
3. Other than 1–2 above	In proportion
CLASS IIIB—ZINC ALLOY SCRAP	
1. Alloy die-castings free from inserts	181
2. Alloy die-castings not free from inserts	156
3. Other than 1–2 above	In proportion

Class and Trade Description (1)	*Price* (2)
	£
CLASS IV—ADMIRALTY GUNMETAL SCRAP	
In any form—	
(*a*) not less than 9 per centum tin and not more than 0·5 per centum lead	250 ‖
(*b*) other than (*a*) above	In proportion
CLASS V—COMMERCIAL GUNMETAL SCRAP	
In any form	212 ‖
CLASS VI—CUPRO-NICKEL SCRAP	
1. 70/30 process scrap	246 ‖
2. 70/30 used condenser tubes	206 ‖
3. 80/20 process scrap	223 ‖
4. Other than 1–3 above	In proportion
CLASS VII—GILDING METAL SCRAP	
In any form	199 ‖
CLASS VIII—BRASS SCRAP	
1. QF cases free from primers	197 ‖
2. QF cases not free from primers	191 ‖
3. SAA cases mechanically treated or fired	187 ‖
4. SAA cases muffled or furnaced	181 ‖
5. Cuttings	189 ‖
6. Rod and fuze scrap not burned	179 ‖
7. Swarf	169 ‖
8. Heavy	164 ‖
9. Other than 1–8 above	In proportion

THE SECOND SCHEDULE (Art. 5)

OLD HIGHER-PRICED CONTRACTS

(1)	*Description of Contract* (2)	*Permitted Performance* (3)
1	"NOTIFIED" 1951 UNWROUGHT BRASS CONTRACT, that is— a written contract for the sale of unwrought brass, whereof each person relying thereon for the purpose of Article 5 of the Order had, before the 30th day of September, 1951, furnished to the Minister of Supply—(i) the date of making, (ii) the names of the parties, (iii) a description of the unwrought brass the subject thereof, (iv) the quantities and prices of that unwrought brass, and (v) a statement that the contract is in writing.	By delivering that unwrought brass not later than, and paying the contract price of that unwrought brass not later than, the 31st December, 1951.

(1)	*Description of Contract* (2)	*Permitted Performance* (3)
2	A contract which (i) is for the sale of a material which was, at the time at which that contract was made, subject to a maximum price under a Non-Ferrous Metals Prices Order identified below, (ii) was made in writing before the governing date given below for that Order, and (iii) has not been continued by an option exercised or a renewal effected after its governing date:— *Order* — *Governing Date* (No. 6) Order, 1951 (a) — 13th September, 1951 (No. 7) Order, 1951 (b) — 8th October, 1951 (No. 8) Order, 1951 (c) — 12th December, 1951	In such manner as would have been lawful immediately before its governing date.
3	"NOTIFIED" 1951 UNWROUGHT COPPER CONTRACT, that is— a contract for the sale of unwrought copper complying in all respects (but for the unwrought copper) with the requirements for a "Notified" 1951 Unwrought Brass Contract (at 1 above) save that the furnishing of the particulars to the Minister of Supply shall have been done before the 31st day of December, 1951.	By delivering that unwrought copper not later than, and paying the contract price of that unwrought copper not later than, the 31st March, 1952.

EXPLANATORY NOTE

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

The Order consolidates the previously subsisting Non-Ferrous Metals Prices Orders, and—

(1) provides maximum prices for secondary unwrought copper in common or special shapes and specifications; and

(2) reduces as shewn the maximum prices for other non-ferrous metals, alloys and scrap.

(18) PAPER

The Newsprint (Prices) (Amendment No. 5) Order, 1951

1951 No. 1323

Made - - - -	23*rd July*, 1951
Laid before Parliament	23*rd July*, 1951
Coming into Operation	30*th July*, 1951

The Minister of Materials in pursuance of the powers conferred upon him by Regulation 55AB of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act,

(a) S.I. 1951 No. 1318. (b) S.I. 1951 No. 1650. (c) S.I. 1951 No. 1793.