(b) NORTHERN IRELAND

The Oats (Control and Prices) (Northern Ireland) Order, 1948

1948 No. 1763

Made - - - -	*27th July*, 1948
Laid before Parliament	*28th July*, 1948
Coming into Operation	*1st August*, 1948

In exercise of the powers conferred upon him by Regulations 55, 55AA and 55AB of the Defence (General) Regulations, 1939(a), as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(b) as extended by the Supplies and Services (Extended Purposes) Act, 1947(c), and of all other powers him enabling, the Minister of Food hereby makes the following Order:—

Interpretation.

1. In this Order—

" The Minister " means the Minister of Food.

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

" Approved buyer " means a person licensed as such by the Ministry for the purposes of this Order and includes a person who, immediately before the coming into force of this Order, was licensed as an approved buyer under the Oats (Control and Prices) (Northern Ireland) Order, 1947, as amended(d).

" Brewer " means a " brewer for sale " as defined in Section 20 of the Inland Revenue Act, 1880.

43 & 44 Vict. c. 20.

" Buy ", " obtain ", " sell " or " supply " includes offer or agree to buy, obtain, sell or supply, as the case may be.

" Feeding stuffs merchant " means a person licensed under Article 3 of the Feeding Stuffs (Control) (Northern Ireland) Order, 1944(e).

" Grower " means a grower of oats in Northern Ireland and includes the seller or supplier thereof on the first sale or disposition after threshing, but for the purposes of the Second Schedule to this Order shall not include an approved buyer.

" Horse owner " means the holder of a ration book issued to him by the Ministry which entitles him to obtain oats for feeding to horses, mules or asses engaged on work other than agricultural work.

" Livestock " means horses, mules and asses, kept for the purpose of agriculture and not used for any other purpose, and cattle, sheep, pigs, goats, chickens, fowls, ducks, turkeys, guinea fowls, geese and carrier pigeons.

(a) *See* Note, p. 15 above.
(b) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (Nos. 1611 and 1615–25) II, pp. 39 and 45–56.
(c) 10 & 11 Geo. 6. c. 55.
(d) S.R. & O. 1947 (Nos. 1575, 1905 and 2788) II, pp. 825, 819 and 821.
(e) S.R. & O. 1944 (No. 114) II, p. 701.

" Livestock owner " means a person having livestock in his ownership, possession or control.

" Milling oats " means oats sold to an oatmeal miller for use by him in the production or manufacture of any specified oat product or to an approved buyer for resale to an oatmeal miller buying for such purpose as aforesaid.

" Oatmeal miller " means a person licensed under the Oat Products (Control and Maximum Prices) Order, 1947(**a**), or any Order replacing that Order, to mill, manufacture or produce any specified oat product.

" Oats " means threshed oats and includes oat screenings and processed oats and oat products other than specified oat products.

" Oatflakes " includes white groats and rolled oats.

" Oatmeal " includes brown groats and all cuts of meal produced by the milling of oats, including the processes of dehusking and drying.

" Oat screenings " means any screenings mainly consisting of oats and produced in the course of threshing grain or any subsequent sifting of grain.

" Port Area Grain Committee " means the Northern Ireland Port Area Grain Committee.

" Processed oats and oat products " includes—

(*a*) specified oat products;

(*b*) any processed oats or oat products (sold for use as an animal feeding stuff or for resale for such use) for which a maximum price is prescribed by the Feeding Stuffs (Maximum Prices) Order, 1948(**b**), or by any other Order of the Minister for the time being in force prescribing prices in Northern Ireland for animal feeding stuffs; and

(*c*) flaked, ground or malted oats manufactured by an ultimate user of barley for use by him in brewing or for resale by him (after processing) to another ultimate user of barley or to a brewer for use in brewing.

" Seed oats " means oats sold and delivered during the seed season for use as seed or for resale for such use.

" Seed season " means the period from the 1st day of January to the 30th day of April (inclusive) in any year.

" Seed oat merchant " means a person licensed as such by the Ministry under this Order and includes a person who, immediately before the coming into force of this Order, was licensed as a seed oat merchant under the Oats (Control and Prices) (Northern Ireland) Order, 1947, as amended.

" Specified oat products " means oatmeal, oatflakes and oat flour.

" Ultimate buyer " in relation to oats means a person buying the same otherwise than for the purpose of resale or of sale after processing or manufacture, but for the purposes of the Second Schedule to this Order includes an ultimate user of barley buying oats—

(*a*) for use by him in brewing or malting, or

(*b*) for resale by him (after processing) to another ultimate user of barley, or to a brewer for use in malting or brewing.

(**a**) S.R. & O. 1947 (No. 1985) II, p. 929.
(**b**) S.I. 1948 Nos. 169 and 1685, noted, p. 546 above.

"Ultimate user of barley" means a maltster licensed as such under the Malt (Restriction) Order, 1940(**a**), or any Order replacing that Order, or any person licensed as an ultimate user under the Barley (Control and Prices) (Northern Ireland) Order, 1947, as amended(**b**), or any other Order of the Minister for the time being in force prescribing prices in Northern Ireland for barley.

Sale, etc., for milling.

2. No grower shall sell or supply any oats for oatmeal milling or for resale for such milling except to an approved buyer or an oatmeal miller and no person other than an approved buyer or an oatmeal miller shall buy or obtain any such oats from a grower.

Sale, etc., for seed.

3.—(1) No person shall buy or obtain or sell or supply any seed oats except in accordance with the following provisions:—

(*a*) a seed oat merchant may buy or obtain any seed oats from a grower, an approved buyer or a seed oat merchant; and a grower, approved buyer or seed oat merchant may sell or supply any such oats to a seed oat merchant,

(*b*) a seed oat merchant may buy or obtain Scottish seed oats from a seed oat merchant in Scotland,

(*c*) a grower or a seed oat merchant may sell or supply any seed oats to an ultimate buyer and an ultimate buyer may buy or obtain any such oats from a grower or a seed oat merchant, provided that the ultimate buyer shall have furnished to the seller a completed declaration and undertaking in the form set out in Part I of the First Schedule to this Order.

(2) Where an ultimate buyer has bought or obtained any seed oats, he shall not sell or otherwise dispose of any such oats and shall not use any such oats except as seed.

Restriction on dealings.

4. No person shall sell or supply or buy or obtain any oats (other than milling or seed oats) except in accordance with the following provisions, namely, by sale or transfer—

(*a*) from the grower thereof to an approved buyer;

(*b*) from the grower thereof to a livestock owner;

(*c*) from an approved buyer to the Port Area Grain Committee;

(*d*) from an oatmeal miller (of oats purchased as milling oats but unsuitable for milling) to the Port Area Grain Committee;

(*e*) from a seed oat merchant (of oats purchased for resale as seed but not required for such sale or for sale as milling oats) to the Port Area Grain Committee;

(*f*) from a feeding stuffs merchant (of oats purchased from the Port Area Grain Committee) to another feeding stuffs merchant or to a horse owner;

(*g*) from a feeding stuffs merchant (of oats purchased from another feeding stuffs merchant) to a horse owner;

(*h*) from an approved buyer (of oats which he has offered to the Port Area Grain Committee and which the Port Area Grain Committee has certified to be unsuitable for purchase) to a feeding stuffs merchant, or, if the approved buyer is a feeding stuffs merchant, to a livestock owner;

(**a**) S.R. & O. 1940 (No. 1668) II, p. 671.
(**b**) S.R. & O. 1947 (Nos. 1637, 1887 and 2775) II, pp. 762, 773 and 775.

(*i*) from a feeding stuffs merchant (of oats purchased in accordance with paragraph (*h*) of this Article to a livestock owner; or
(*j*) from the Port Area Grain Committee to any person.

Restriction on delivery.

5. No person shall deliver any oats or cause any oats to be delivered to any place outside Northern Ireland.

Restriction on dealings by approved buyers.

6. An approved buyer shall—
(*a*) within seven days from the date on which he has acquired any oats (other than seed oats) from a grower, offer such oats for sale either—
(i) as milling oats to an oatmeal miller, or
(ii) at not more than the maximum price for oats other than milling oats to the Port Area Grain Committee;
(*b*) within seven days of receipt by him of notice in writing from an oatmeal miller that any oats offered to the oatmeal miller under paragraph (*a*) (i) of this Article are unsuitable for purchase as milling oats, offer such oats at not more than the maximum price for oats other than milling oats to the Port Area Grain Committee;
(*c*) offer any oats, purchased by him for resale as seed and not sold by him for that purpose at the end of the seed season, in accordance with the provisions of paragraphs (*a*) and (*b*) hereof as if they had been oats purchased by him from a grower on the day following the date of the expiration of the seed season.

Minimum and maximum prices.

7.—(1) No person shall buy or sell any oats at a price exceeding the maximum price applicable in accordance with the provisions of the Second Schedule to this Order or at a price less than the minimum price so applicable.

(2) The provisions of paragraph (1) of this Article shall not apply to—
(*a*) seed oats;
(*b*) processed oats and oat products.

(3) The minimum prices prescribed by this Order shall not apply—
(*a*) to oat screenings; or
(*b*) to oats which have been certified by the Ministry not to be sound, sweet or commercially clean.

Notification that oats artificially dried.

8. Where oats (other than processed oats) have been artificially dried before sale the seller shall, at or before the time of sale, notify the buyer in writing that the oats have been artificially dried; provided that it shall be a defence to proceedings under this Article if the defendant shows that he had no reason to believe that the oats had been artificially dried.

Restriction on milling oats.

9. Except under the authority of the Ministry no oatmeal miller shall use or cause to be used for milling any oats which he has bought at a price exceeding the maximum price applicable to milling oats in accordance with the provisions of the Second Schedule to this Order.

Declaration on sale of milling oats.

10. On a sale of milling oats to an oatmeal miller at a price exceeding the price which would have been applicable on that sale had the oats been oats (other than milling oats) to which paragraph (1) of Article 7 of this Order applies—
(*a*) the seller shall before giving delivery of the oats obtain from the buyer, and the buyer shall before taking delivery thereof furnish to the seller, a completed declaration and undertaking in the form set out in Part II of the First Schedule to this Order; and
(*b*) the seller shall invoice such oats as milling oats.

11. Each declaration and undertaking furnished to a seller under sub-paragraph (*c*) of paragraph (1) of Article 3 or paragraph (*a*) of Article 10 of this Order shall be retained by him for not less than one year from the date of receipt.

Keeping of records.

12. Every approved buyer, every oatmeal miller and every seed oat merchant shall keep or cause to be kept such records of his dealings in oats as are necessary to show that the provisions of this Order and of any directions, authorisations or licences issued thereunder are being complied with.

Particulars of additions to be furnished.

13. On any sale of any oats, other than a sale of seed oats or a sale by a grower, the amount of each charge made in addition to the maximum price in accordance with Part II of the Second Schedule to this Order shall be specified in writing as a separate item on an invoice to be furnished by the seller to the buyer within 3 days of the delivery of the oats.

Artificial transactions; unreasonable charges.

14. No person shall in connection with the sale or disposition or proposed sale or disposition of any oats enter or offer to enter into any artificial transaction or make or demand any unreasonable charge.

Directions, authorisations and licences.

15.—(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 the Ministry; and

(*b*) any licence or authorisation which may be granted under this Order 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 direction, licence or authorisation 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.

Infringements.

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

Revocation.

17. The Oats (Control and Prices) (Northern Ireland) Order, 1947, as amended(a) is hereby revoked but without prejudice to any proceedings in respect of any contravention thereof, provided that any licence or authorisation granted thereunder and subsisting immediately before the coming into force of this Order, shall continue to have effect as though granted under this Order.

Application.

18.—(1) This Order shall not apply to any oats grown outside the United Kingdom.

(2) This Order shall apply only to Northern Ireland.

Commencement and citation.

19. This Order shall come into force on the 1st day of August, 1948, and may be cited as the Oats (Control and Prices) (Northern Ireland) Order, 1948.

John Strachey,
Minister of Food.

Dated the 27th day of July, 1948.

(a) S.R. & O. 1947 (Nos. 1575, 1905 and 2788) II, pp. 825, 819 and 821.

THE FIRST SCHEDULE

PART I

DECLARATION AND UNDERTAKING IN RESPECT OF OATS BOUGHT FOR USE AS SEED
(Art. 3)

To..... (Name and address of Seller)

.....

.....

I hereby declare that I require.....cwt. of oats to sow.....acres for next harvest on the farm(s) situated at the following place(s) :—

..... (Name and address of farm(s))

.....

.....

I undertake that except under the authority of the Ministry these oats will not be used or disposed of otherwise than for sowing on the said land.

Dated the.....day of ....., 194 .

Signature of Buyer.....

Address in full .....
.....
.....

PART II

DECLARATION AND UNDERTAKING IN RESPECT OF MILLING OATS
(Art. 10)

To..... (Name and address of Seller)

.....

.....

I hereby declare that I have purchased from you.....cwt. of home grown oats for milling, and I undertake that except under the authority of the Ministry these oats will not be used or disposed of otherwise than for milling.

Dated the ..... day of ....., 194 .

Signature of Buyer.....

Address in full .....
.....
.....

THE SECOND SCHEDULE

PART I—MINIMUM AND MAXIMUM PRICES OF OATS (OTHER THAN SEED OATS)

Description of Sale	Minimum and Maximum Prices															
	For delivery in August or September, 1948		For delivery in October, 1948		For delivery in November, 1948		For delivery in December, 1948		For delivery in January, 1949		For delivery in February or March, 1949		For delivery in April or May, 1949		For delivery in June, 1949	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Column 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8	Col. 9	Col. 10	Col. 11	Col. 12	Col. 13	Col. 14	Col. 15	Col. 16	Col 17.
	At the rate of (per cwt. net) s. d.	At the rate of (per cwt. net) s. d.	At the rate of (per cwt. net) s. d.	At the rate of (per cwt. net) s. d.	At the rate of (per cwt. net) s. d.	At the rate of (per cwt. net) s. d.	At the rate of (per cwt. net) s. d.	At the rate of (per cwt. net) s. d.	At the rate of (per cwt. net) s. d.	At the rate of (per cwt. net) s. d.	At the rate of (per cwt. net) s. d.	At the rate of (per cwt. net) s. d.	At the rate of (per cwt. net) s. d.	At the rate of (per cwt. net) s. d.	At the rate of (per cwt. net) s. d.	At the rate of (per cwt. net) s. d.
I. ON A SALE OF MILLING OATS—																
1. On a sale by a grower	18 3	19 11	18 3	20 1	18 5	20 1	18 7	20 3	18 9	20 7	18 9	20 11	18 9	21 3	18 9	21 5
2. On a sale by an approved buyer who has bought from a grower, or who is the first seller of the oats after threshing	18 9	20 5	18 9	20 7	18 11	20 7	19 1	20 9	19 3	21 1	19 3	21 5	19 3	21 9	19 3	21 11
3. On any sale other than a sale mentioned in 1 or 2 above	—	20 8	—	20 10	—	20 10	—	21 0	—	21 4	—	21 8	—	22 0	—	22 2
II. ON A SALE OF OATS (OTHER THAN MILLING OATS OR SEED OATS)—																
4. On a sale by a grower	18 3	19 8	18 3	19 10	18 5	19 10	18 7	20 0	18 9	20 4	18 9	20 8	18 9	21 0	18 9	21 2
5. On a sale to any person other than an ultimate buyer by an approved buyer who has bought from a grower, or who is the first seller of the oats after threshing	18 9	20 2	18 9	20 4	18 11	20 4	19 1	20 6	19 3	20 10	19 3	21 2	19 3	21 6	19 3	21 8
6. On a sale to an ultimate buyer by an approved buyer who has bought from a grower, or who is the first seller of the oats after threshing	18 9	20 4	18 9	20 6	18 11	20 6	19 1	20 8	19 3	21 0	19 3	21 4	19 3	21 8	19 3	21 10
7. On any sale other than a sale mentioned in 4, 5 or 6 above	—	20 8	—	20 10	—	20 10	—	21 0	—	21 4	—	21 8	—	22 0	—	22 2

PART II

Charges which may be made by the seller in addition to the maximum prices

1. *Credit*

The maximum prices are fixed on the basis of net cash; where credit is given by the seller to the buyer a reasonable charge may be made therefor, provided that the amount of such charge is quoted by the seller on the invoice.

2. *Transport Charges*

(1) The maximum prices are fixed on the basis that all transport charges after sale by the grower " ex farm " are for the account of the ultimate buyer, and accordingly there may be added to such prices all transport charges after sale by the grower " ex farm," provided that such charges so added shall not exceed any reasonable amounts actually and properly paid or payable and any other reasonable sums representing transport costs properly incurred.

(2) Where on a sale of oats by the Minister (or the Ministry) an average or flat rate is charged in respect of transport, the amount so charged shall be deemed to be a reasonable amount actually and properly paid or payable in respect thereof.

3. *Sack Charges*

(1) Where the seller provides returnable sacks (owned or hired by him) the seller may—

(*a*) make a charge at a rate not exceeding 1d. per sack for the first 14 days of hire from the date of sale and ½d. per sack for each 7 days of subsequent hire provided that where the sacks were hired by him the charge made to the buyer shall not exceed the charge actually paid or incurred by the seller for the hire of the sacks during the same period;

(*b*) make a further charge by way of deposit which shall not exceed:—

(i) 7s. 0d. for any sack weighing 3½ lb. or more;

(ii) 5s. 0d. for any sack weighing 2 lb. or more but less than 3½ lb.;

(iii) 2s. 6d. for any sack weighing less than 2 lb.

Any sum charged by way of deposit shall be repaid by the seller to the buyer on the re-delivery by the buyer of the sack (carriage paid) in such condition as is reasonable having regard to its condition when supplied and to ordinary wear and tear.

(2) Where the seller provides non-returnable sacks he may make a charge for each sack at a rate not exceeding 1s. 3d. per cwt. of the contents sold, provided that on a sale of less than 1 cwt. of oats such charge may be at a rate not exceeding 1s. 6d. per cwt.

4. *Storage and Handling Charges*

On a sale, other than a sale by a grower, of any oats, which have been taken into and delivered out of the seller's store and where either the oats are delivered by the seller at the request of the buyer in a quantity of 81 cwt. or less or have been both re-bagged and re-weighed by the seller, the seller may make the following charges (only):—

(*a*) a charge not exceeding 3d. per cwt. in respect of oats sold by the seller for delivery during the same period for maximum prices mentioned in Part I of this Schedule, as that in which the oats were delivered to him;

(*b*) a charge not exceeding 1d. per cwt. in respect of oats delivered to the seller before 30th September, 1948, and sold by him for delivery during October or November, 1948;

(*c*) a charge not exceeding 1d. per cwt. in respect of oats delivered to the seller before 30th November, 1948, and sold by him for delivery during December, 1948; and

(*d*) a charge not exceeding 1d. per cwt. in respect of oats delivered to the seller before 31st May, 1949, and sold by him for delivery during June, 1949.

5. *Small Lots*

Where on a sale to an ultimate buyer, oats are at the request of the buyer delivered by the seller in any of the undermentioned quantities, a charge may be made by the seller in accordance with the following scale:—

Quantity delivered	Charge at a rate not exceeding—
	s. d.
10 cwt. or more but less than 20 cwt. ...	3 per cwt.
5 ,, ,, ,, 10 ,, ...	6 ,,
1 ,, ,, ,, 5 ,, ...	1 0 ,,
½ ,, ,, ,, 1 ,, ...	1 6 per cwt. or 9d. per ½ cwt.
28 lb. ,, ,, ,, ½ ,, ...	2 6 per cwt., 11¼d. per 42 lb. or 7½d. per 28 lb.
14 lb. ,, ,, ,, 28 lb. ...	3 0 per cwt., 6¾d. per 21 lb. or 4½d. per 14 lb.
Under 14 lb....	4 0 per cwt. or 3d. per 7 lb.

6. *Prohibition of Further Additions*

Except as provided in this Part of this Schedule no charge shall save under the authority of the Minister or of the Ministry be made in addition to the maximum prices prescribed by Part I of this Schedule in respect of credit, breaking bulk, transport, containers, storage and handling, or cleaning.

EXPLANATORY NOTE

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

This Order replaces the Oats (Control and Prices) (Northern Ireland) Order, 1947.

The principal changes are—

(1) the Order sets out the maximum and minimum prices for oats in Northern Ireland for each month from August, 1948, to June, 1949, inclusive, and makes provision for storage and handling charges;

(2) the permitted additions for non-returnable sacks are increased;

(3) charges for cleaning oats are prohibited;

(4) the provision prohibiting a seed oat merchant who is also an oatmeal miller from using for milling oats which he has bought for seed is replaced by a provision prohibiting an oatmeal miller from using for milling oats which he has bought at a price exceeding the maximum price for milling oats.