1952 No. 1230

The Oats (Great Britain) Order, 1952

Made - - - -	*24th June*, 1952
Laid before Parliament	*25th June*, 1952
Coming into Operation	*1st July*, 1952

The Minister of Food, in pursuance of the powers conferred upon him by Regulations 55, 55AA and 55AB of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(**a**) (as extended by the Supplies and Services (Extended Purposes) Act, 1947(**b**) and the Supplies and Services (Defence Purposes) Act, 1951(**c**), and continued in force by the Supplies and Services (Continuance) Order, 1951(**d**)), and of all other powers him enabling in that behalf, hereby orders as follows:—

Commencement and citation

1. This Order shall come into operation on the 1st day of July, 1952, and may be cited as the Oats (Great Britain) Order, 1952.

Interpretation

2. In this Order—

" The Minister " means the Minister of Food.

" Approved buyer " means a person licensed as such under 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 (Great Britain) Order, 1950, as amended(**e**).

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

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

" Home grown oats " means oats grown in the United Kingdom.

" Isle of Man oats " means oats grown in the Isle of Man.

" Local Wheat Committee " has the meaning assigned to it in the Wheat Bye-Laws, 1932(**f**).

" Member of a Local Oats Panel " means a person appointed as such by or on behalf of the Minister for the purpose of this Order or the Oats (Great Britain) Order, 1950, as amended.

(**a**) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945/1611, 1615–25; 1945 II, pp. 39, 45–56.
(**b**) 10 & 11 Geo. 6. c. 55. (**c**) 14 & 15 Geo. 6. c. 25.
(**d**) S.I. 1951/2116; 1951 III, p. 27.
(**e**) S.I. 1950/1074; 1951/1120, 1574, 2039: 1950 III, p. 654; 1951 III, pp. 306, 309–10.
(**f**) S.R. & O. 1932/588; Rev. I, p. 750; 1932, p. 1753.

"M.A.F. sack" means a sack sold to a grower by the Minister of Agriculture and Fisheries made from 11 ounce/45 inch standard Hessian and measuring when empty approximately 25 inches by 44 inches.

"Oats" means threshed oats and includes oat screenings.

"Oats for human consumption" means oats which are sold for use—

(i) in brewing or malting or for resale for such use;

(ii) in the manufacture of human food or for resale for such use.

"Oat screenings" means any screenings mainly consisting of oats and produced in the course of threshing grain grown in the United Kingdom or Isle of Man or in the course of any subsequent sifting of such grain.

"Seed oat merchant" means a person licensed as such 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 (Great Britain) Order, 1950, as amended.

"Ultimate buyer" means a person buying oats otherwise than for the purpose of resale or of sale after processing or manufacture.

PART I.—CONTROL

Restrictions on dealings by growers

3. No grower shall sell or supply any oats grown by him (other than oats sold or supplied for use as seed or for resale for such use) except to an approved buyer and no person other than an approved buyer shall buy or obtain any such oats from a grower.

Isle of Man oats

4. No person except an approved buyer shall buy or obtain any Isle of Man oats, for delivery in the United Kingdom, from any person in the Isle of Man.

Sales, etc. for seed

5.—(1) No person shall buy or obtain or sell or supply any oats for use as seed or for resale for such use except in accordance with the following provisions:—

(*a*) a seed oat merchant may buy or obtain any home grown oats for resale as seed from a grower, an approved buyer or a seed oat merchant (including a seed oat merchant licensed as such under the Oats (Northern Ireland) Order, 1952(a)), and a grower, approved buyer or seed oat merchant (including a seed oat merchant licensed as such under the Oats (Northern Ireland) Order, 1952), may sell or supply any such oats to a seed oat merchant;

(*b*) an approved buyer who is also a seed oat merchant may buy or obtain any Isle of Man oats for resale as seed from any person in the Isle of Man;

(*c*) a seed oat merchant may sell or supply any oats for use as seed to an ultimate buyer and an ultimate buyer may buy or obtain any oats for use as seed from a seed oat merchant.

(2) An ultimate buyer shall not sell or otherwise dispose of any oats bought by him for use as seed, and shall not use any such oats for any purpose other than seed.

(a) S.I. 1952/1231, p. 3198 below.

Restrictions on Delivery

6. No person owning or having in his possession any oats in Great Britain shall deliver them or cause them to be delivered to any place in Northern Ireland for use as an animal feeding stuff or for resale for such use.

PART II.—PRICES

Minimum and Maximum prices

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

(2) The provisions of paragraph (1) of this Article shall not apply to oats sold for use as seed or for resale for such use.

(3) The minimum prices prescribed by this Order shall not apply to oat screenings or to oats which are not sound, sweet or commercially clean, or which are not in fair merchantable condition, provided that, on a sale of oats which, though sound, sweet and commercially clean, are not in fair merchantable condition but are capable of being converted into a fair merchantable condition at a cost not exceeding 2s. 0d. per cwt., the price shall be not less than the appropriate minimum price specified in the Schedule to this Order less an amount equal to the cost of such conversion, such amount to include proper allowance for loss of weight and not to exceed 2s. 0d. per cwt.

8. If in relation to a sale or proposed sale of any oats at less than the appropriate minimum price prescribed by this Order any difference shall arise as to whether the oats are sound, sweet or commercially clean or in fair merchantable condition, the matter shall be referred—

(i) in England and Wales to the Local Wheat Committee in whose area the oats are situate ;

(ii) in Scotland to two members (not more than one of whom shall be an approved buyer) of a Local Oats Panel ;

and the decision of such Committee or of such members of such Panel, as the case may be, shall be final and conclusive.

Price of M.A.F. sacks

9.—(1) Where oats are sold in an M.A.F. sack each sack shall on every sale be charged by the seller as non-returnable and the price to be charged and paid therefor shall be 1s. 8d.

(2) The provisions of paragraph (1) of this Article shall not apply unless the said sack is at the time of sale in a suitable condition for the commercial transport of oats, has not been emptied since being originally filled with oats by the grower and was in a new condition at the time of being so filled.

PART III.—GENERAL

Keeping of Records

10.—(1) Every approved buyer and every seed oat merchant shall keep or cause to be kept an accurate record of all purchases and sales by him of oats specifying, in respect of each purchase and sale—

(*a*) whether the oats in question were bought or sold as oats for human consumption or for use as seed or for resale as seed or otherwise, as the case may be ;

(*b*) the name and address of the person from whom the oats were purchased or to whom they were sold ;

(*c*) the quantity purchased or sold, and the price paid or charged.

(2) Retention by any person of an invoice or a copy of an invoice shall, as respects the particulars mentioned in that document, be sufficient compliance by that person with the provisions of this Article.

(3) Every person required by this Order to keep any record shall retain it for not less than one year from the date of the transaction to which it relates.

Particulars of additons to be furnished

11. On any sale of oats other than oats for human consumption the seller shall, on demand being made of him in writing by the buyer within 14 days of the date of the invoice, furnish to the buyer forthwith such written particulars as the buyer may require of any additional charges made under Part II of the Schedule to this Order in respect of that sale.

Artificial transactions; unreasonable charges

12. 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, licences and authorisations

13.—(1) The provisions of this Order are subject to any directions which may at any time be given by or on behalf of the Minister and to any licence or authorisation that may be granted by or on behalf of the Minister 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.

(3) Every licence or authorisation granted under this Order is and shall remain the property of the Minister; and the licensee or any person being in possession of any such licence or authorisation shall, if requested to do so by or on behalf of the Minister, produce or deliver it to such person or to a person of such class or description and within such time as may be specified in the request.

Infringements

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

Revocation

15. The Oats (Great Britain) Order, 1950, as amended(a), is hereby revoked but without prejudice to any proceedings in respect of any contravention thereof; provided that any licence granted or having effect under the said Order and subsisting immediately before the date of the coming into force of this Order shall continue to have effect as though granted under this Order.

Application

16.—(1) This Order shall not, with the exception of the provisions relating to Isle of Man oats, apply to any oats grown outside the United Kingdom.

(2) This Order shall not apply to the supply of oats for use as seed by way of export from the United Kingdom.

(3) This Order shall not apply to Northern Ireland.

G. Lloyd-George,
Minister of Food.

Dated the 24th day of June, 1952.

(a) S.I. 1950/1074; 1951/1120, 1574, 2039: 1950 III, p. 654; 1951 III, pp. 306, 309–10.

THE SCHEDULE

PART I

MINIMUM AND MAXIMUM PRICES

* *(For application of prices in Columns 2 and 3 consult text at foot)*

Description of Sale	For delivery from 1st July to 15th Aug., 1952 (inclusive) * See text at foot.		For delivery from 16th Aug. to 30th Sept. 1952 (inclusive)	For delivery during the month of: October 1952	November 1952	December 1952	January 1953	February 1953	March 1953	April 1953	May 1953	June 1953
Col. 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
	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. Minimum Prices of Home Grown Oats:												
1. On a sale by a grower	20 10	20 10	20 10	21 2	21 2	21 2	21 2	21 2	21 2	21 8	21 8	21 8
II. Maximum Prices of Home Grown Oats other than Oats for Human Consumption:												
2. On a sale by a grower	26 4	24 10	24 10	25 0	25 2	25 4	25 6	25 8	25 10	26 0	26 2	26 4
3. 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	26 11½	25 5½	25 5½	25 7½	25 9½	25 11½	26 1½	26 3½	26 5½	26 7½	26 9½	26 11½
4. 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 ...	27 1½	25 7½	25 7½	25 9½	25 11½	26 1½	26 3½	26 5½	26 7½	26 9½	26 11½	27 1½
5. On a sale other than a sale mentioned in 2, 3 or 4 above	27 5½	25 11½	25 11½	26 1½	26 3½	26 5½	26 7½	26 9½	26 11½	27 1½	27 3½	27 5½
III. Maximum Prices of Isle of Man Oats other than Oats for Human Consumption:												
6. On any sale	27 5½	25 11½	25 11½	26 1½	26 3½	26 5½	26 7½	26 9½	26 11½	27 1½	27 3½	27 5½

* 1. The prices in Column 2 apply to oats which are the produce of oats sown prior to 1st July, 1951.

2. The prices in Column 3 apply to oats which are the produce of oats sown on or after 1st July, 1951.

PART II

CHARGES WHICH MAY BE MADE BY THE SELLER IN ADDITION TO THE MAXIMUM PRICES

1. Credit

The maximum prices prescribed by this Order 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 on a Sale of Home Grown Oats

(1) The maximum prices for home grown oats prescribed by this Order 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 on a sale of any home grown oats there may be added to such maximum 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 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 payable in respect thereof.

3. Sacks

(1) Where the seller provides returnable sacks (owned or hired by him) he may make a reasonable charge therefor, provided that—

(*a*) he specifies on an invoice to be furnished to the buyer—

(i) the amount of such charge or the rate thereof;

(ii) whether or not such charge or any part thereof is made by way of deposit; and

(iii) if part of such charge is made by way of deposit, the amount thereof;

(*b*) any charge made 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, other than M.A.F. sacks, the seller may make a charge for each sack at a rate not exceeding 1s. 6d. per cwt. of the contents sold, or in the case of a sale of less than 1 cwt. at a rate not exceeding 1s. 9d. per cwt.

4. Storage and Handling Charges

On a sale, other than a sale by a grower, of 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 80 cwt. or less or have been both re-bagged and re-weighed by the seller, the seller may make the following charges:—

(*a*) a charge not exceeding 3½d. 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 1½d. per cwt. in respect of oats sold by the seller for delivery during October, 1952 to June, 1953, inclusive, the oats having been delivered to the seller in a month prior to that in which they were sold for delivery by him.

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. ...	3½ per cwt.
5 cwt. or more but less than 10 cwt. ...	7 per cwt.
1 cwt. or more but less than 5 cwt. ...	1 2 per cwt.
½ cwt. or more but less than 1 cwt. ...	1 10 per cwt. or 11d. per ½ cwt.
28 lb. or more but less than ½ cwt.... ...	3 0 per cwt., 1s. 1½d. per 42 lb. or 9d. per 28 lb.
14 lb. or more but less than 28 lb.	3 8 per cwt., 8½d. per 21 lb. or 5½d. per 14 lb.
Under 14 lb.	4 8 per cwt. or 3½d. per 7 lb.

6. Charges in respect of Transport, Insurance, Freight, Containers, Storage and Handling on a sale of Isle of Man Oats

(1) Charges of and incidental to delivery from the Isle of Man to the buyer in the United Kingdom, including charges in respect of transport, insurance, freight, and the provision of containers shall be such as may be approved by or on behalf of the Minister.

(2) Subject to the provisions of the preceding sub-paragraph such charges may be made by the seller on a sale of Isle of Man oats as are permitted by this Part of this Schedule in relation to home grown oats.

(3) On a sale of Isle of Man oats a charge may be made by the seller in respect of warehousing (including handling) both at the place of despatch in the Isle of Man and also at the place of arrival in the United Kingdom, provided that such charge in each case is reasonable and does not exceed 2d. per cwt. and is properly incurred, paid or payable.

7. Prohibition of Further Additions

Except as provided in this Part of this Schedule no charge shall be made in addition to the maximum prices prescribed 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 (Great Britain) Order, 1950, as amended.

It sets out minimum and maximum prices for oats in Great Britain for each month from July, 1952, to June, 1953, inclusive, reduces the price of M.A.F. sacks from 1s. 9d. to 1s. 8d., and reduces the maximum permitted charge for other non-returnable sacks to 1s. 6d. per cwt. of contents, or, on a sale of less than 1 cwt., to 1s. 9d. per cwt.