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) (Great Britain) Order, 1948, as amended.

The principal changes are:—

(1) The Order contains a new definition of oats and also defines oats for human consumption.

(2) It sets out minimum and maximum prices for oats in Great Britain for July to December, 1950.

(3) Maximum prices apply only to oats other than oats for human consumption and minimum prices are prescribed only on sales by a grower.

(4) The price of M.A.F. sacks is increased from 1s. 5d. to 1s. 6d.

(5) Sellers are no longer required to notify buyers when oats have been artificially dried.

(6) Declarations are no longer required when oats are bought for use as seed or for human consumption.

(7) Certain restrictions on approved buyers are discontinued.

The Oats (Northern Ireland) Order, 1950

1950 No. 1075

Made - - - -	30*th June*, 1950
Laid before Parliament	30*th June*, 1950
Coming into Operation	1*st July*, 1950

In exercise 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 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, 1948, as amended(**c**).

(a) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (Nos. 1611 and 1615–25) II, pp. 39 and 45–56.

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

(c) S.I. 1948 (No. 1763) II, p. 696; 1949 (Nos. 1163, 1395 and 2039) II, pp. 452, 489 and 455; and 1950 No. 474.

" 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(a).

" 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 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.

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

" 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 or any subsequent sifting of grain.

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

" 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, 1948, as amended.

" 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.

Sale, etc., for seed

2.—(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 any seed oats from or sell or supply any seed oats to a seed oat merchant licensed as such under the Oats (Great Britain) Order, 1950(b) ;

(a) S.R. & O. 1944 (No. 114) II, p. 701. (b) S.I. 1950 No. 1074, p. 654 above.

(*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.

(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

3. No person shall sell or supply or buy or obtain any oats (other than oats for human consumption 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 a seed oat merchant (of oats purchased for resale as seed but not required for such sale) to the Port Area Grain Committee;

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

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

(*g*) 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;

(*h*) from a feeding stuffs merchant (of oats purchased in accordance with paragraph (*g*) of this Article) to a livestock owner; or

(*i*) from the Port Area Grain Committee to any person.

Restriction on delivery

4. No person owning or having in his possession any oats in Northern Ireland shall deliver them or cause them to be delivered to any place in Great Britain for use as an animal feeding stuff or for resale for such use, and no person shall deliver any oats or cause any oats to be delivered to any place outside the United Kingdom.

Restriction on dealings by approved buyers

5. 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 oats for human consumption, or

(ii) at not more than the maximum price for oats other than oats for human consumption to the Port Area Grain Committee;

(*b*) within seven days of receipt by him of notice in writing from a proposed buyer to whom the oats have been offered in accordance with the provisions of sub-paragraph (i) of paragraph (*a*) of this Article that the oats so offered are unsuitable for purchase as oats for human consumption, offer such oats at not more than the maximum price for oats other than oats for human consumption 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*) of this Article 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

6.—(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 seed oats.

(3) The minimum prices prescribed by this Order shall not apply—

(*a*) to oat screenings; or

(*b*) 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.

7. 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 whether the oats are sound, sweet or commercially clean or in fair merchantable condition, the matter shall be referred to the Ministry and the decision of the Ministry whether the oats are sound, sweet or commercially clean or in fair merchantable condition shall be final and conclusive.

Keeping of records

8. Every approved buyer 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

9. On a sale of any oats, other than a sale of seed oats or oats for human consumption 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 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 three days of the delivery of the oats.

Artificial transactions; unreasonable charges

10. 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

11.—(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.

(3) Every licence or authorisation granted under this Order is and shall remain the property of the Minister or the Ministry, and the licensee or any person being in possession of such licence or authorisation shall, if requested to do so by or on behalf of the Minister or the Ministry, 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

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

Revocation

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

Application

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

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

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

Commencement and citation

15. This Order shall come into operation on the 1st day of July, 1950, and may be cited as the Oats (Northern Ireland) Order, 1950.

Dated the 30th day of June, 1950.

Maurice Webb,
Minister of Food.

(**a**) S.I. 1948 (No. 1763) II, p. 696; 1949 (Nos. 1163, 1395 and 2039) II, pp, 452, 489 and 455; and 1950 No. 474.

THE SCHEDULE

(For new Part I substit. by S.I. 1950 No. 2050, *see* p. 669 below.)

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 ¾d. 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. 5d. 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. 8d. 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 80 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, 1950, and sold by him for delivery during October or November, 1950; and

(*c*) a charge not exceeding 1d. per cwt. in respect of oats delivered to the seller before 30th November, 1950, and sold by him for delivery during December, 1950.

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 cwt. or more but less than 10 cwt.	6 per cwt.
1 cwt. or more but less than 5 cwt.	1 0 per cwt.
½ cwt. or more but less than 1 cwt.	1 6 per cwt. or 9d. per ½ cwt.
28 lb. or more but less than ½ cwt.	2 6 per cwt., 11¼d. per 42 lb. or 7½d. per 28 lb.
14 lb. or more but less than 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.

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The principal changes are—

(1) the Order contains a new definition of oats and also defines oats for human consumption.

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