EXPLANATORY NOTE

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

This Order replaces with amendments the Milk (Control and Maximum Prices) (Northern Ireland) Order, 1951, as amended.

The principal changes are the introduction of seasonal retail prices for milk operative from 1st May, 1953, and the abolition of the provisions relating to the control of milk bottles.

1953 No. 552

The Cream and Use of Milk (Revocation) Order, 1953

For the text of this Order *see* p. 2081 above.

1953 No. 1277

The Oils and Fats (No. 2) Order, 1953

Made - - - -	17*th August*, 1953
Laid before Parliament	18*th August*, 1953
Coming into Operation	23*rd August*, 1953

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, 1952(d)), and of all other powers him enabling in that behalf, hereby orders as follows:—

PART I

Commencement and Citation

1. This Order shall come into operation on the 23rd day of August, 1953; and may be cited as the Oils and Fats (No. 2) Order, 1953.

Interpretation

2. In this Order:

"The Minister" means the Minister of Food.

"Buy" includes "offer or agree to buy" and "Sell" includes "offer or agree to sell or expose for sale".

"Cooking fats" means any mixture fit for human food or for use in the manufacture, preparation or treatment of human food, consisting of two or more of the oils specified in the Second Schedule to this Order or of one or more of the said oils mixed with any other oil or fat, and having a melting point which when determined by the method specified in the Fourth Schedule to this Order is not less than 30 degrees centigrade; but does not include margarine.

"First-hand sale" in relation to home-produced lard, means a sale by the manufacturer thereof to a wholesaler.

(a) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945/1611, 1618; 1945 II, pp. 39, 48.
(b) 10 & 11 Geo. 6. c. 55. (c) 14 & 15 Geo. 6. c. 25. (d) S.I. 1952/2094; 1952 III, p. 3006.

" Lard " means rendered fat derived from a pig and having a melting point which when determined by the method specified in the Fourth Schedule to this Order is not less than 25 degrees centigrade, but (except for the purposes of Article 8 of this Order) does not include hog grease whether or not refined or bleached, or fat resulting from the cooking of bacon, ham or pork.

" Margarine " includes any vegetarian butter other than peanut butter or paste or sunflower butter or paste ; it does not include cocoa butter.

" Mineral Oil " means any hydrocarbon product, whether liquid, semi-solid or solid, derived from any substance of mineral origin and includes liquid paraffins, white oils, petroleum jellies and hard paraffins.

" Sale by retail " means a sale to a person buying otherwise than for the purpose of re-sale, but does not include a sale to a trade-user.

" Sale by wholesale " means any sale other than a sale at first-hand or a sale by retail ; provided that for the purpose of Articles 3 and 8 of this Order it shall include a sale at first-hand.

" Trade-user " means any person using any oil or fat in the course of his business in the manufacture, preparation, or treatment of any article other than an oil or fat.

" Vegetarian butter " means any soft fatty paste fit for human consumption consisting of vegetable oils or fats or a mixture of both, and containing also other material derived from oilseeds, nuts or kernels.

PART II

CONTROL

Licences

3. Subject as hereinafter provided, except under and in accordance with the terms of a licence granted under this Order, a person shall not—

(*a*) engage in the obtaining of oil by crushing, expelling, extraction or by any other process from any of the oilseeds, nuts and kernels specified in the First Schedule to this Order ;

(*b*) engage in the refining, bleaching, deodorising, hardening or finishing of any of the oils or mixtures specified in the Second Schedule to this Order, or of lard ;

(*c*) sell by wholesale any cooking fats, margarine or lard ;

(*d*) engage in the manufacture of any margarine, cooking fats or lard, provided that any person licensed to produce bacon under the Bacon Order, 1953(**a**) as amended(**b**) may engage in the manufacture of lard on the licensed premises and any person selling rationed carcase meat by retail may engage in the manufacture of lard from materials supplied to that person by or on behalf of the Minister for the purposes of his retail business.

Permits

4.—(1) Except under and in accordance with the terms of a buying permit issued for the purposes of this Order by or on behalf of the Minister, no trade-user shall obtain or agree or offer or attempt to obtain, and no person shall supply or agree or offer or attempt to supply to a trade-user any of the oils and mixtures specified in the Second Schedule to this Order, other than any mixture containing more than 25 per cent. of mineral oil.

(2) A person who uses any oil or fat in the course of his business for the manufacture, preparation, or treatment of any oil or fat shall not use any of the oils and mixtures specified in paragraph (1) of this Article

(**a**) S.I. 1953/284, p. 2057 above. (**b**) S.I. 1953/1255

obtained by him for the purpose of that business, for the manufacture or preparation of any article other than an oil or fat.

(3) Where any oil or fat or mixture of oils and fats is authorised under this Order to be obtained for any purpose specified on the relevant buying permit or on the application therefor, or on any other document issued in connection therewith, it shall not be used except for that purpose.

PART III

MAXIMUM PRICES

Maximum Prices

5. A person shall not buy or sell any lard at a price exceeding the maximum price applicable in accordance with the provisions of the Third Schedule to this Order, and a person shall not make any charge in addition to the maximum price in any case except as provided in Part II of the said Schedule:

Provided that notwithstanding the maximum prices prescribed in Part I of the said Third Schedule to this Order the following sales shall be at a price not exceeding the appropriate maximum price in force immediately before the coming into operation of this Order:—

(*a*) first-hand sales and sales by wholesale of lard made on or before 5th September, 1953 under the authority of permits marked "CP 2" or "O.F. 266" issued by or on behalf of the Minister and valid for use during the 8-week period ending on 5th September, 1953;

(*b*) first-hand sales and sales by wholesale of lard made under the authority of permits marked "Misc. 2" issued by or on behalf of the Minister and dated on or before 5th September, 1953;

(*c*) sales by retail of lard made on or before 5th September, 1953 against the appropriate coupons for cooking fats in any ration document valid for use during ration period No. 4 ending on 5th September, 1953 or under authorisations marked "EA 2/SA 2" issued by or on behalf of the Minister and valid for use during the 8-week period ending on 5th September, 1953.

Wrappers or Containers

6. When lard is sold weighed in a wrapper or container the weight of the lard sold shall for the purposes of this Order be deemed to include the weight of the wrapper or container if that weight does not exceed 2½ drams per lb. of the lard sold.

Artificial transactions

7. A person shall not in connection with the sale or disposition or proposed sale or disposition of any lard enter or offer to enter into any artificial transaction or make or demand any unreasonable charge.

PART IV

GENERAL

Records

8.—(1) Every person carrying on any undertaking in the course of which he sells by wholesale any of the oilseeds, nuts and kernels specified in the First Schedule to this Order or any of the oils or mixtures specified in the Second Schedule to this Order shall keep or cause to be kept an accurate record of:—

(*a*) every purchase and sale by him thereof, the record to include:—

(i) the name and address of the person from whom the article was purchased or to whom it was sold;

(ii) the quantity and description of the article purchased or sold ; and
(iii) the price paid or charged ;

(*b*) the stocks thereof held by him from time to time.

(2) Every person carrying on any undertaking in the course of which he sells lard by retail shall keep or cause to be kept an accurate record of every purchase thereof by him, the record to include :—

(*a*) the name and address of the person from whom the lard was purchased ;

(*b*) the quantity purchased ; and

(*c*) the price paid or charged.

(3) Every person licensed under paragraph (*a*), (*b*) or (*d*) respectively of Article 3 of this Order shall keep or cause to be kept an accurate record showing his dealings in any of the articles or commodities in respect of which he is licensed.

(4) Every person required by this Article to keep any record shall retain it for at least one year from the date of the transaction to which it relates or in the case of a record of stocks, from the date when he took delivery thereof.

(5) The retention by any person of any invoice or a copy of an invoice shall, in relation to the particulars mentioned in that document, be a sufficient compliance by that person with the provisions of this Article.

Invoices

9. Every person who sells by wholesale any lard shall furnish the buyer with an invoice for each sale, showing the price charged, and stating separately any charge additional thereto made in accordance with Part II of the Third Schedule to this Order.

Certificates

10.—(1) In any proceedings in respect of an infringement of this Order and in which the composition or quality of any substance is in question, the production by one of the parties of (i) a document purporting to be a certificate of a public analyst or the Government Chemist or (ii) a document supplied to him by the other party as being a copy of such a certificate shall be sufficient evidence of the facts stated therein, unless in the case mentioned under head (i) above the other party requires that the person making the analysis shall be called as a witness.

(2) In any such proceedings :—

(*a*) if the prosecution intends to produce a certificate of a public analyst or the Government Chemist a copy of such certificate shall be served with the summons ; and

(*b*) if a defendant intends to produce a certificate of a public analyst or the Government Chemist, or to require that the person making the analysis shall be called as a witness, he shall give to the other party at least three days' clear notice of his intention,

and if any of these requirements is not complied with, the Court may, if it thinks fit, adjourn the hearing on such terms as it deems proper.

(3) In this Article " public analyst " has, in relation to England and Wales, the meaning assigned to it by the Food and Drugs Act, 1938(**a**), in relation to Scotland the meaning assigned to it by the Food and Drugs (Adulteration) Act, 1928(**b**), and, in relation to Northern Ireland, the meaning assigned to it by the Sale of Food and Drugs Acts (Northern Ireland), 1875 and 1939 ; and " Government Chemist " means in relation to Northern Ireland, the Government Chemist for Northern Ireland.

(**a**) 1 & 2 Geo. 6. c. 56. (**b**) 18 & 19 Geo. 5. c. 31.

Infringements

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

Directions, Licences and Authorisations

12.—(1) The provisions of this Order are subject to—

(*a*) any directions which may at any time be given by or on behalf of the Minister, or in respect of Northern Ireland, by or on behalf of the Minister or the Ministry of Agriculture for Northern Ireland, in relation to the articles to which this Order applies; and

(*b*) any licence or authorisation which may be granted under this Order by or on behalf of the Minister, or in respect of Northern Ireland, by or on behalf of the Minister or the said Ministry:

and the Minister hereby delegates to the said Ministry the function of giving or granting any such direction, licence or authorisation in respect of Northern Ireland.

(2) Every person holding a licence or authorisation granted under this Order shall comply with every condition imposed by that licence or authorisation.

13.—(1) The Oils and Fats Order, 1953(**a**), the Oils and Fats (Amendment) Order, 1953(**b**) and the Oils and Fats (Amendment No. 2) Order, 1953(**c**) are hereby revoked, but without prejudice to any proceedings in respect of any contravention thereof: provided that any licence, authorisation, permit or other document granted or issued under the said Orders or having effect as though granted or issued under those Orders and subsisting immediately before the coming into force of this Order shall continue to have effect as though granted or issued under this Order.

(2) Every person shall notwithstanding the revocation of the said Orders retain any record required to be kept by him thereunder until the expiration of one year from the date of the transaction to which it relates.

By Order of the Minister of Food.

Charles Hill,
Parliamentary Secretary.

Dated the 17th day of August, 1953.

THE FIRST SCHEDULE

OILSEEDS

Copra.
Cotton Seed.
Gingelly (Sesame Seed).
Ground Nuts (Undecorticated).
Ground Nuts (Decorticated).
Kapok Seed.
Palm Kernels.
Shea Nuts.
Soya Beans.
Sunflower Seed.

(**a**) S.I. 1953/210. (**b**) S.I. 1953/865. (**c**) S.I. 1953/1155.

THE SECOND SCHEDULE

Any of the following oils, in any state of manufacture whether crude, refined, deodorised, hardened, pressed or bleached:—

Coconut Oil.
Cotton Seed Oil.
Gingelly (Sesame) Oil.
Ground Nut Oil.
Herring Oil.
Kapok Seed Oil.
Maize Oil.
Palm Oil.
Palm Kernel Oil.
Pilchard Oil.
Seal Oil.
Shea Butter or Oil.
Soya Bean Oil.
Sunflower Seed Oil.
Whale Oil.

Any residue arising from the refining of any of the above oils.

Any mixture of any two or more of the above oils and residues and any mixture of any one or more of the above oils and residues with any other oil, not being margarine or cooking fats as defined in Article 2 of this Order.

THE THIRD SCHEDULE

[New Third Schedule substituted by S.I. 1953/1515, *see* p. 2153 below.]

THE FOURTH SCHEDULE

METHOD OF DETERMINING MELTING POINTS

For the purpose of this Order, melting points shall be determined with the apparatus and by the method of determining "drop points" specified in British Standard No. 894, dated April, 1940—"British Standard Specification for the Determination of the Flow and Drop Points of Fats and Allied Substances (Apparatus and Method of Use)", as amended by Amendment No. 1 to British Standard No. 894, dated February, 1947; provided that for the purpose of Section B of the said British Standard, as amended, the cup referred to therein shall be filled, at a room temperature, with the fat to be treated without the application of heat to the sample.

EXPLANATORY NOTE

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

This Order replaces the Oils and Fats Order, 1953, as amended. The following are the principal changes:

(i) The maximum retail price of lard is increased by 2d. per lb.

(ii) The maximum first-hand and wholesale prices are also increased.

(iii) Provision is made for the new prices to apply to all sales of lard relating to the ration period beginning on 6th September, 1953, but not to any sales relating to the ration period ending on 5th September, 1953.

(iv) The definition of "cooking fats" is revised to exclude all oils and fats other than mixtures containing any of the oils shown in the Second Schedule to the Order.

(v) Restrictions on the sale of technical tallow and rendered pig fat other than lard are removed and the definition of "lard" is amended to exclude the fat obtained by cooking pork.