EXPLANATORY NOTE

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

The Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951, provides that, in certain circumstances, a tenant of an agricultural holding who is performing a period of service shall have special protection in addition to that given by the Agricultural Holdings Act, 1948. In particular, when a notice to quit the holding states reasons which would, but for the special protection, deprive a tenant of his right to serve a counter-notice under s. 24 (1) of the 1948 Act, the service man may still have the right to do so. This Order provides that in cases where the operation of the 1948 Act is modified in this way, the Agricultural Land Tribunals and Notices to Quit Order, 1959, (S.I. 1959/81) shall be modified accordingly.

GUARANTEED PRICES AND ASSURED MARKETS

1959 No. 983

The Potatoes (Guaranteed Prices) Order, 1959

Made - - - -	*5th June*, 1959
Laid before Parliament	*10th June*, 1959
Coming into Operation	*1st July*, 1959

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland, acting jointly, in exercise of the powers conferred upon them by section one and subsection (1) of section nine of the Agriculture Act, 1957(a), and of all other powers enabling them in that behalf, with the consent of the Treasury and after consultation with such bodies of persons as appear to the said Ministers to represent the interests of the producers of potatoes, hereby make the following Order:—

1. This Order may be cited as the Potatoes (Guaranteed Prices) Order, 1959; and shall come into operation on the 1st day of July, 1959.

2.—(1) In this Order, except where the context otherwise requires—

"the Board" means the Potato Marketing Board constituted by the Potato Marketing Scheme, 1955(b), which has effect as if made under the Agricultural Marketing Act, 1958(c);

"guaranteed price" means the price determined by the Ministers pursuant to Article 3 of this Order;

"licensed grower-salesman" and "licensed merchant" mean respectively a grower-salesman and a merchant licensed under paragraph 75 of the Potato Marketing Scheme, 1955;

"the Ministers" means the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland acting jointly;

"the Minister" in relation to any part of the United Kingdom means either that one of the Ministers who is concerned with agriculture in that part, or that Minister and either or both of the others acting jointly;

(a) 5 & 6 Eliz. 2. c. 57. (b) S.I. 1955/690 (1955 I, p. 148). (c) 6 & 7 Eliz. 2. c. 47.

" the Ministry " means the Ministry of Agriculture for Northern Ireland acting as agent for the Minister;

" potatoes " means potatoes grown in the United Kingdom;

" potatoes sold for human consumption " does not include new potatoes (that is to say, potatoes which are sold and delivered before 1st August in the calendar year in which they have been grown and harvested);

" producer " means in Great Britain a producer registered under the Potato Marketing Scheme, 1955, and in Northern Ireland a grower of potatoes registered with the Ministry for the purposes of the guarantee arrangements in Northern Ireland;

" registered grower-salesman " and " registered merchant " mean respectively a grower-salesman of potatoes and a potato merchant registered as such with the Ministry of Agriculture for Northern Ireland for the purposes of the guarantee arrangements in Northern Ireland;

" specified " means for the time being prescribed by the Ministers, with the approval of the Treasury, in the light of their conclusions from a review held under section two of the Agriculture Act, 1947(a);

" year " means a period of twelve months commencing with the first day of August in any calendar year.

(2) The Interpretation Act, 1889(b), shall apply to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

3. The Ministers shall, with the consent of the Treasury and in the light of their conclusions from a review held under section 2 of the Agriculture Act, 1947, determine in respect of each year a guaranteed price per ton for potatoes sold for human consumption by producers.

4.—(1) The Ministers shall make, in such manner and at such time as appear to them to be appropriate, an estimate of the quantity of potatoes sold or to be sold for human consumption by producers in each year being potatoes of their own growing and including such potatoes sold or to be sold—

(*a*) in Great Britain—

(i) by producers (including licensed grower-salesmen and licensed merchants) to licensed merchants;

(ii) by licensed grower-salesmen and licensed merchants other than to licensed merchants;

(iii) by producers otherwise than as mentioned in sub-paragraphs (i) and (ii) above but in accordance with the terms of a licence issued by the Board;

(*b*) in Northern Ireland—

(i) by producers (including registered grower-salesmen and registered merchants) to registered merchants;

(ii) by registered grower-salesmen and registered merchants other than to registered merchants.

(2) There shall be deducted from each yearly quantity of such potatoes estimated by the Ministers under paragraph (1) of this Article the proportion, if any, thereof which is estimated by the Ministers to be, or to have been, exported from the United Kingdom to a place outside the United Kingdom during the year otherwise than for use as ships' stores loaded in the United Kingdom; and the resulting quantity is hereinafter referred to as " the annual quantity ".

(a) 10 & 11 Geo. 6. c. 48. (b) 52 & 53 Vict. c. 63.

(3) The Ministers shall also make as aforesaid an estimate of the average price per ton received by the producers for each annual quantity of potatoes (hereinafter referred to as " the average price ").

5.—(1) If in the case of any year the average price is less than the guaranteed price the Minister may, subject to such terms and conditions as he may, with the consent of the Treasury, prescribe, make payment for the benefit of producers of an amount equal to the difference in respect of each ton of potatoes in the annual quantity.

(2) Any amount which may be paid in accordance with the last foregoing paragraph shall be paid, in specified proportions, to the Board as respects Great Britain and to the Ministry as respects Northern Ireland.

6. Subject to such terms and conditions as the Minister, with the consent of the Treasury may prescribe, the Minister may make payment to the Board of such sums as in his opinion are expedient and proper in respect of expenses incurred by the Board in furtherance of the Minister's arrangements in Great Britain for providing guaranteed prices or assured markets for producers there.

7. Subject to such terms and conditions as the Minister, with the consent of the Treasury, may prescribe, the Minister may for the purposes of Articles 5 and 6 hereof make available by way of advance such sums as he may from time to time think fit.

8.—(1) The Minister may, with the consent of the Treasury, approve such measures as the Ministry may from time to time propose to take in furtherance of the Minister's arrangements in Northern Ireland for the provision of guaranteed prices or assured markets for producers there.

(2) Where in pursuance of the last foregoing paragraph approval is given to the maintenance and operation of potato processing factories and the sum of the amounts paid to producers for potatoes processed in such factories, together with any storage and related charges paid in respect of the product, exceeds the sum of the amounts received by the Ministry for the product on sale ex factory or store, the excess shall be a first charge on any sum payable to the Ministry under Article 5 hereof.

9. The Potatoes (Guaranteed Prices) Order, 1955(a), is hereby revoked but without prejudice to any right acquired or any liability incurred before the date of the said revocation.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this fourth day of June, nineteen hundred and fifty-nine.

(L.S.) *John Hare,*
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland this fourth day of June, nineteen hundred and fifty-nine.

(L.S.) *John S. Maclay,*
Secretary of State for Scotland.

(a) S.I. 1955/1154 (1955 I, p. 101).

Given under the hand of the Secretary of State for the Home Department this fifth day of June, nineteen hundred and fifty-nine.

R. A. Butler,
Secretary of State for the Home Department.

We consent this fifth day of June, nineteen hundred and fifty-nine.

Martin Redmayne,
R. Brooman-White,
Two of the Lords Commissioners of Her Majesty's Treasury.

EXPLANATORY NOTE

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

This Order revokes the Potatoes (Guaranteed Prices) Order, 1955, and makes provision under section 1 of the Agriculture Act, 1957, for providing deficiency payments on potatoes, commencing with the 1959 crop. The Order provides for the deficiency payments to be related to guaranteed prices determined by Ministers after reviews held under section 2 of the Agriculture Act, 1947. It also provides for any deficiency due under the guarantee to be paid to the Potato Marketing Board for the benefit of producers in Great Britain and to the Ministry of Agriculture for Northern Ireland for the benefit of producers in that country.

1959 No. 984

The Potatoes (Protection of Guarantees) Order, 1959

Made - - - -	*5th June*, 1959
Laid before Parliament	*10th June*, 1959
Coming into Operation	*1st August*, 1959

The Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with agriculture in Scotland and Northern Ireland, acting jointly, in exercise of the powers conferred upon them by section five and subsection (4) of section nine of the Agriculture Act, 1957(a), and of all other powers enabling them in that behalf, hereby make the following Order:—

1. This Order may be cited as the Potatoes (Protection of Guarantees) Order, 1959; and shall come into operation on the 1st day of August, 1959.

2.—(1) In this Order, except where the context otherwise requires—

"the Board" means the Potato Marketing Board constituted by the Potato Marketing Scheme, 1955(b), which has effect as if made under the Agricultural Marketing Act, 1958(c);

"Direct sale" means a sale of any of the following classes, namely:—

(*a*) sales of potatoes to a retailer;

(a) 5 & 6 Eliz. 2. c. 57. (b) S.I. 1955/690 (1955 I, p. 148). (c) 6 & 7 Eliz. 2. c. 47.