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.

(*b*) sales of potatoes to any Government Department or local authority, or to any hospital, asylum, nursing home, school, orphanage, hotel, canteen or other similar institution;

(*c*) sales of potatoes to caterers, restaurant or cafe proprietors or to any other person for the purpose of their being sold by him in a cooked state or supplied by him as part of a meal;

"licensed grower-salesman" and "licensed merchant" mean respectively a grower-salesman and a merchant licensed by the Board 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;

"potatoes" means potatoes grown in the United Kingdom;

"registered grower-salesman" and "registered merchant" mean respectively a grower-salesman of potatoes and a potato merchant registered pursuant to Article 5 of this Order with the Ministry of Agriculture for Northern Ireland for the purposes of the guarantee arrangements in relation to potatoes in Northern Ireland;

"sale by retail" means any sale to a person buying otherwise than for the purpose of re-sale but does not include a direct sale or a sale to a manufacturer for the purposes of his manufacturing business;

"week" means the period of seven days commencing with Sunday the 2nd August, 1959, and each succeeding period of seven days.

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

3.—(1) Every licensed grower-salesman and registered grower-salesman shall keep or cause to be kept an accurate record showing—

(*a*) in relation to each sale (other than any sale by retail) of potatoes grown by him—

(i) the date of sale and the date of delivery of potatoes,

(ii) the name and address of the purchaser except where the sale is for cash in a market established by virtue of Crown grant, prescription or statute or in any other recognised market,

(iii) the net weight of the potatoes sold where the sale is by weight,

(iv) whether the potatoes are sold for human consumption,

(v) the price;

(*b*) the total net weight of potatoes grown by him which he sells by retail during each week.

(2) Every licensed merchant and registered merchant shall keep or cause to be kept in respect of transactions in potatoes (other than sales by retail) an accurate record showing—

(*a*) the date of each purchase by him of potatoes and the date of their delivery;

(*b*) the date of each sale by him;

(a) 52 & 53 Vict. c. 63.

(*c*) the name and address of each person from whom he buys and to whom he sells potatoes except where the transaction is for cash in a market established by virtue of Crown grant, prescription or statute or in any other recognised market;

(*d*) the net weight of potatoes bought or sold by him in each transaction where the purchase or sale is by weight;

(*e*) whether the potatoes bought or sold by him are for human consumption;

(*f*) the price or prices on each purchase and sale.

(3) Every such licensed grower-salesman, licensed merchant, registered grower-salesman and registered merchant shall retain each record required to be kept by him by this Article for two years from the date of the transaction to which it relates and shall produce the same on demand by any authorised officer of the Minister.

(4) For the purposes of this Article the retention of an invoice or receipt or a copy of an invoice or receipt shall, as regards the particulars mentioned therein, be sufficient compliance with the provisions of this Article.

4. Every licensed grower-salesman, licensed merchant, registered grower-salesman and registered merchant shall when so required by a notice in writing served on him by or on behalf of the Minister furnish to such person as may be specified in the said notice such information relating to the purchase or sale of potatoes as may be specified in the said notice, and such notice may require the information to be furnished at such times, in such manner and for such purposes as may be specified in that notice; and every such licensed grower-salesman, licensed merchant, registered grower-salesman and registered merchant shall produce on demand by any authorised officer of the Minister such books, accounts and records as may be necessary to verify the information.

5. In Northern Ireland—

(*a*) every grower-salesman who sells potatoes by direct sale or to a manufacturer for the purposes of his manufacturing business, and

(*b*) every merchant who buys potatoes from a grower for re-sale,

shall register with the Ministry of Agriculture for Northern Ireland before undertaking any such sales or purchases.

6. Any authorised officer of the Minister may at all reasonable times enter upon land used for the production, storage, grading, packing or sale of potatoes and may require the production of books, accounts and records relating to the purchase and sale of any such potatoes and may inspect and take samples of any potatoes found upon land so used.

7.—(1) Any notice required or authorised by this Order to be given to or served on any person shall be sufficiently given or served if it is delivered to him personally or left at his last known place of abode or business or sent by post addressed to him at the aforesaid place of abode or business.

(2) Any notice required or authorised by this Order to be given to or served on an incorporated company or body shall be sufficiently given or served if given to or served on the secretary or clerk of the company or body. For the purposes of this Order and of section 26 of the Interpretation Act, 1889,

the proper address of such secretary or clerk shall be that of the registered or principal office of the company or body.

8. The functions conferred or imposed on the Minister by this Order may be exercised in relation to Northern Ireland by the Ministry of Agriculture for Northern Ireland.

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.

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.

EXPLANATORY NOTE

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

This Order supports the new guarantee arrangements for home-produced potatoes having effect under Part I of the Agriculture Act, 1957, and commencing with the 1959 crop.

In Great Britain the Order—

(1) requires grower-salesmen and merchants dealing in potatoes to keep records relating to their trade in potatoes and if required by a notice in writing by the Minister to furnish information relating thereto; and

(2) enables authorised officers to enter on land used for the production, storage or sale of potatoes and to require the production of books, accounts and records relating to the purchase and sale of potatoes.

Similar provisions apply in Northern Ireland and in addition grower-salesmen and merchants are required to register with the Ministry of Agriculture for Northern Ireland before undertaking sales or purchases of potatoes.