EXPLANATORY NOTE

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

This amending Order alters the definition of oatmeal miller and provides that only such oatmeal millers as are licensed as approved buyers may purchase oats from growers.

(D) RYE

(a) *Control and Prices.* | (b) *Control of Mills and Products*, p. 470.

(a) CONTROL AND PRICES

(i) *Great Britain.* | (ii) *Northern Ireland*, p. 464.

(i) GREAT BRITAIN

The Rye (Great Britain) Order, 1949

1949 No. 1192

Made - - - -	25*th June*, 1949
Laid before Parliament	27*th June*, 1949
Coming into Operation	1*st July*, 1949

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.

"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 Rye (Control and Prices) (Great Britain) Order, 1947, as amended(c).

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

"Distiller" means a person holding a licence under Article 1 of the Potable Spirits (Licensing and Control) Order, 1944(d), authorising him to manufacture spirits from a mash of cereal grains.

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

(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.R. & O. 1947 (Nos. 1538 and 1889) II, pp. 833 and 840; and S.I. 1948 (No. 1747) II, p. 705.
(d) S.R. & O. 1944 (No. 1103) II, p. 1021.

"Local Wheat Committee" has the meaning assigned to it in the Wheat Bye-laws, 1932(a).

"Millable rye" means rye which is sweet and in fair merchantable condition, commercially clean as regards admixture and tailings and commercially free from heated or mouldy grains or objectionable taint, and capable of being manufactured into a sound sweet flour or meal fit for human consumption having regard to the customary methods employed in the milling industry for cleaning and conditioning.

"Non-millable rye" means rye which is neither millable nor potentially millable.

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

"Potentially millable rye" means any rye which by treatment can be converted into millable rye at a cost not exceeding 3s. 6d. per cwt., such cost to include proper allowance for wastage.

"Rye" includes tailings and screenings of rye and, except where the context otherwise requires, means threshed rye.

"Screenings" means the residue of grain remaining when the maximum quantity of millable, potentially millable or seed rye has been separated from any parcel of rye.

"Seed rye merchant" means a person licensed as such under this Order and includes any person who, immediately before the coming into force of this Order, was licensed as a seed rye merchant under the Rye (Control and Prices) (Great Britain) Order, 1947, as amended.

"Tailings" means broken, small or immature rye grains with or without other material separated in the course of threshing rye.

PART I—CONTROL

Restriction on growers

2. No grower shall sell or supply any rye grown by him except to an approved buyer or to a distiller and no person other than an approved buyer or a distiller shall buy or obtain any such rye from a grower.

Restriction on dealings for seed

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

(*a*) an approved buyer who is also a seed rye merchant may buy or obtain rye for resale as seed from a grower and a grower may sell or supply rye for resale as seed to any approved buyer unless the grower has reason to believe that such approved buyer is not also a seed rye merchant;

(*b*) a seed rye merchant may buy or obtain from or sell or supply to any other seed rye merchant, including a seed rye merchant licensed as such under the Rye (Control and Prices) (Northern Ireland) Order, 1947, as amended(b), or any Order replacing that Order, rye for resale as seed;

(a) S.R. & O. 1932 (No. 588) p. 1753.
(b) S.R. & O. 1947 (Nos. 1539 and 1889) II, pp. 842 and 840; and S.I. 1948 (No. 1747) II, p. 705.

(*c*) any person may buy or obtain rye for use as seed from a seed rye merchant and a seed rye merchant may sell or supply rye for use as seed to any such person; provided that the seller shall, not later than 7 days after giving delivery of the rye, demand from the buyer, and the buyer shall, not later than 14 days after taking delivery thereof, furnish to the seller a completed declaration and undertaking in the form set out in or containing the particulars provided for in the First Schedule to this Order, and the seller shall invoice such rye as seed for sowing.

(2) Any seller to whom any declaration and undertaking shall have been furnished under sub-paragraph (*c*) of paragraph (1) of this Article shall retain the same for not less than one year from the date of the transaction to which it relates.

(3) A person who has bought any rye for use as seed shall not sell or otherwise dispose of any such rye or use any such rye for any purpose other than seed.

Decision whether rye is millable, potentially millable or non-millable

4. If in relation to a sale or proposed sale of any rye by a grower to an approved buyer or by one approved buyer to another approved buyer any difference shall arise between the buyer and seller as to whether the rye is millable, potentially millable or non-millable, the matter shall be referred to the Local Wheat Committee in whose area the rye is situate and the decision of that Committee as to whether the rye is millable, potentially millable or non-millable shall be final and conclusive.

Keeping of Records

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

(*a*) the date thereof;

(*b*) whether the rye in question was millable, potentially millable or non-millable;

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

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

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

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

PART II—PRICES

Fixed and maximum prices

6.—(1) No person shall buy or sell any rye at a price other than the fixed price applicable in accordance with the Second Schedule to this Order or at a price exceeding the maximum price so applicable, together with any additions to such prices made in accordance with the provisions of the Third Schedule to this Order.

(2) The provisions of the foregoing paragraph of this Article shall not apply to the purchase or sale of rye for use as seed or for resale for such use.

Price of M.A.F. sacks

7.—(1) Where rye is 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. 5d.

(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 rye, has not been emptied since being originally filled with rye by the grower and was in a new condition at the time of being so filled.

PART III—GENERAL

Notification that rye artificially dried

8. Where rye (other than non-millable rye) has been artificially dried before sale the seller shall, at or before the time of sale, notify the buyer in writing that the rye has been artificially dried; provided that it shall be a defence in any proceedings for an infringement of this Article for the defendant to prove that he had no reason to believe that the rye had been artificially dried.

Artificial transactions; unreasonable charges

9. No person shall in connection with the sale or disposition or proposed sale or disposition of any rye enter or offer to enter into any artificial transaction or make or demand any unreasonable charge.

Directions, authorisations and licences

10.—(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 licences or authorisations which 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

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

Revocation

12.—(1) The Rye (Control and Prices) (Great Britain) Order, 1947, as amended(**a**), is hereby revoked, but without prejudice to any proceedings in respect of any contravention thereof.

(**a**) S.R. & O. 1947 (Nos. 1538 and 1889) II, pp. 833 and 840; and S.I. 1948 (No. 1747) II, p. 705.

(2) Any licence granted under the said Order, or continuing in force by virtue of the said Order, and subsisting immediately before the date of the coming into force of this Order, shall continue to have effect as if it had been granted under this Order.

(3) Every person shall notwithstanding the revocation of the said Order retain any record or declaration and undertaking required to be kept by him thereunder until the expiration of one year from the date of the transaction to which it relates.

Application

13.—(1) This Order shall not apply to Northern Ireland.

(2) This Order shall not apply to rye grown outside the United Kingdom.

Commencement and citation

14. This Order shall come into force on the 1st day of July, 1949, and may be cited as the Rye (Great Britain) Order, 1949.

Dated the 25th day of June, 1949.

John Strachey,
Minister of Food.

THE FIRST SCHEDULE

DECLARATION IN RESPECT OF RYE BOUGHT FOR USE AS SEED

To.....(Name and address of Seller)

.....

.....

I hereby declare that I require.....cwt. of home grown rye to sow.....acres for next harvest on the following farm(s):—

.....(Name and address of farm(s))

.....

.....

.....

I undertake that except under the authority of the Minister this rye will not be used or disposed of otherwise than for sowing on the said land.

Dated the day of , 19 .

Signature of Buyer.....

Address in full .....
.....
.....
.....

THE SECOND SCHEDULE

PRICES OF MILLABLE, POTENTIALLY MILLABLE AND NON-MILLABLE RYE

Column 1	Column 2
Section 1	s. d.
Millable Rye—	
A. Fixed price on a sale by a grower	23 3 per cwt. net
B. Maximum price on a sale by an approved buyer who has bought from a grower ..	23 9 per cwt. net
C. Maximum price on a sale by an approved buyer who has bought from another approved buyer	24 3 per cwt. net
D. Maximum price on any other sale	23 9 per cwt. net.
Section 2	s. d.
Non-Millable Rye—	
A. Maximum price on a sale by a grower	19 9 per cwt. net
B. Maximum price on a sale by an approved buyer who has bought from a grower ..	20 3 per cwt. net
C. Maximum price on a sale by an approved buyer who has bought from another approved buyer	20 9 per cwt. net
D. Maximum price on any other sale	20 3 per cwt. net

Section 3.

Potentially Millable Rye—

On a sale—

(*a*) by a grower the price shall be the fixed price specified in Section 1A of this Schedule;

(*b*) by a person other than a grower the price shall be the appropriate maximum price specified in Sections 1B, 1C or 1D of this Schedule, as the case may be;

less in each case a reasonable deduction not exceeding 3s. 6d. per cwt. representing the cost of converting the potentially millable rye into millable rye and proper allowance for wastage.

THE THIRD SCHEDULE

CHARGES WHICH MAY BE MADE BY THE SELLER IN ADDITION TO THE PRICES SPECIFIED IN THE SECOND SCHEDULE OF THIS ORDER

1. *Credit*

The 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 the charge is quoted by the seller on the invoice.

2. *Transport Charges*

The prices 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 there may be added to such prices all transport charges after such sale; 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.

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 from the date of sale and ½d. per sack(a) for each subsequent 7 days of hire, or, where the sacks were hired by him, a charge not exceeding the charge actually paid or incurred by the seller for the hire of the sacks during the same period, whichever is the less;

(*b*) make a further charge, by way of deposit, which shall not exceed:—

(i) 7s. for any sack weighing 3½ lb. or more;

(ii) 5s. 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, other than M.A.F. sacks, the seller may make a charge for each sack at a rate not exceeding 1s. 5d. per cwt. of the contents sold, or in the case of a sale of less than one cwt. at a rate not exceeding 1s. 8d. per cwt.

*4. *Storage and Handling Charges*

Where on a sale other than a sale by a grower any rye has been taken into and delivered out of the seller's store, the seller may make in respect of each lot of rye so sold by him a charge of 3d. per cwt.

5. *Prohibition of Further Additions*

Except as provided in this Schedule or under the authority of the Minister no charge shall be made in addition to the fixed or maximum prices in respect of credit(b) transport, containers, storage or handling.

EXPLANATORY NOTE

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

This Order replaces the Rye (Control and Prices) (Great Britain) Order, 1947, as amended.

The principal changes are:—

(1) Fixed and maximum prices are prescribed for millable and non-millable rye, and separate price provisions are included for potentially millable rye.

(2) The maximum permitted charge for non-returnable sacks, other than M.A.F. sacks, is increased to 1s. 5d. per cwt. of contents, or on a sale of less than 1 cwt. to 1s. 8d. per cwt.

(3) Growers are permitted to retain the whole of the rye grown by them but may sell such rye only to an approved buyer or a distiller.

(4) Approved buyers and seed rye merchants are permitted to sell to or buy from Northern Ireland approved buyers and seed rye merchants.

(5) The provisions relating to damaging rye and the manner of threshing and the requirement that growers should keep records are discontinued.

(6) The provision requiring rye to be certified as non-millable before sale or use as such is discontinued.

* Art. 4A added, *see* p. 463 below.

(a) "¾d." substituted, *see* p. 489 below.

(b) "Breaking bulk" added, *see* p. 463 below.