The Home Grown Grain (Returns) (Revocation) Order, 1950

1950 No. 1081

Made - - - -	30*th June*, 1950
Laid before Parliament	30*th June*, 1950
Coming into Operation	9*th July*, 1950

In exercise of the powers conferred upon him by Regulations 55, 55AA and 98 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:—

1. The Home Grown Grain (Returns) (Great Britain) Order, 1943, as amended (**c**), is hereby revoked but without prejudice to any proceedings in respect of any contravention thereof.

2. This Order shall come into operation on the 9th day of July, 1950, and may be cited as the Home Grown Grain (Returns) (Revocation) Order, 1950.

Dated the 30th day of June, 1950.

Maurice Webb,
Minister of Food.

The Rye Order, 1950

1950 No. 1079

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.

(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. 1943 (No. 1449) II, p. 1328; 1944 (No. 717) II, p. 978; and 1945 (No. 822) II, p. 863.

"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 (Great Britain) Order, 1949, as amended(a), or the Rye (Northern Ireland) Order, 1949, as amended(b).

"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(c), authorising him to manufacture spirits from a mash of cereal grains.

"Grower" means a grower of rye in Great Britain or Northern Ireland and includes the seller or supplier thereof on the first sale or disposition after threshing.

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

"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.

"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.

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

"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 of rye and, except where the context otherwise requires, means threshed rye.

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

Restriction on growers

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

Decision whether rye is millable or potentially millable

3. 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 or potentially millable, the matter shall be referred

(i) in Great Britain to the Local Wheat Committee in whose area the rye is situate;

(ii) in Northern Ireland to the Ministry,

(a) S.I. 1949 (Nos. 1192, 1395 and 1743) II, pp. 456, 489 and 463.
(b) S.I. 1949 (Nos. 1199, 1395 and 1743) II, pp. 464, 489 and 463.
(c) S.R. & O. 1944 (No. 1103) II, p. 1021.
(d) S.R. & O. 1932 (No. 588) p. 1753.

and the decision of that Committee or of the Ministry, as the case may be, whether the rye is millable or potentially millable shall be final and conclusive.

Minimum prices

4. No grower shall sell and no person shall buy from a grower any millable or potentially millable rye at a price less than the minimum price applicable in accordance with the Schedule to this Order.

Price of M.A.F. sacks

5.—(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. 6d.

(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.

Artificial transactions; unreasonable charges

6. 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, licences and authorisations

7.—(1) The provisions of this Order are subject to any directions that 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, and to any licence or authorisation that may be granted by or on behalf of the Minister, or in respect of Northern Ireland by or on behalf of the Minister or the Ministry, under this Order; and the Minister hereby delegates to the Ministry the function of giving or granting any such directions, 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 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 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

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

Revocation

9.—(1) The Rye (Great Britain) Order, 1949, as amended(**a**), and the Rye (Northern Ireland) Order, 1949, as amended(**b**), are hereby revoked, but without prejudice to any proceedings in respect of any contravention thereof.

(**a**) S.I. 1949 (Nos. 1192, 1395 and 1743) II, pp. 456, 489 and 463.
(**b**) S.I. 1949 (Nos. 1199, 1395 and 1743) II, pp. 464, 489 and 463.

(2) Any licence granted under either of the said Orders, or continuing in force by virtue of either of the said Orders, 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 Orders 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

10.—(1) This Order shall not apply to rye sold or supplied for use as seed or for resale for such use.

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

Commencement and citation

11. This Order shall come into operation on the 1st day of July, 1950, and may be cited as the Rye Order, 1950.

Dated the 30th day of June, 1950.

Maurice Webb,
Minister of Food.

THE SCHEDULE

MINIMUM PRICES FOR MILLABLE AND POTENTIALLY MILLABLE RYE

1. Millable Rye—

On a sale by a grower the minimum price shall be at the rate of 23s. 0d. per cwt. net.

2. Potentially Millable Rye—

On a sale by a grower the minimum price shall be the price specified in paragraph 1 of this Schedule less 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.

3. Transport Charges—

The prices prescribed in paragraphs 1 and 2 of this Schedule are fixed on the basis of sale by the grower ex farm and accordingly all transport charges shall be for the account of the buyer.

EXPLANATORY NOTE

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

This Order replaces the Rye (Great Britain) Order, 1949, as amended, and the Rye (Northern Ireland) Order, 1949, as amended.

The principal changes are:—

(1) Fixed and maximum prices are discontinued but minimum prices are prescribed on a sale by a grower for millable and potentially millable rye.

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

(3) The restrictions on dealings in seed and the records requirements as to purchases and sales of rye are discontinued.

(4) Sellers are no longer required to notify buyers when rye has been artificially dried.