The Seed Potatoes Order, 1950

1950 No. 1236

Made - - - -	*26th July*, 1950
Laid before Parliament	*27th July*, 1950
Coming into Operation	*1st August*, 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

(a) *General*

1. In this Order—

" The Minister " means the Minister of Food.

" The Ministry " means the Ministry of Agriculture for Northern Ireland.

" Agricultural land " has the meaning assigned to it by the Defence (General) Regulations, 1939.

" As grown " in relation to potatoes sold by a grower thereof has the meaning usually assigned thereto by the potato industry.

" Buy " includes offer or agree to buy, " sell " includes offer or agree to sell or expose for sale, and " dispose of " and " obtain " respectively include offer or agree to dispose of or obtain.

" His potatoes " with reference to a grower of potatoes means potatoes grown by such grower.

" Licensed seed potato merchant " means a person who is licensed as such by or on behalf of the Minister.

" Potatoes of the 1950 crop " means potatoes which are the produce of potatoes planted during the 12 calendar months preceding 1st day of September, 1950.

(b) *Sales*

" Sale by retail " means a sale of less than 6 cwt. of any one variety of seed potatoes.

" Sale by wholesale " means any sale other than a sale by retail or a sale by the grower but includes a sale by the grower other than a sale by retail if he is a licensed seed potato merchant.

(c) *Seed Potatoes*

(i) " Seed Potatoes " means potatoes in sound condition and fit for planting, of a classification mentioned in sub-paragraphs (ii), (iii) and (iv) of Article 1 (*c*) hereof which will pass through a top riddle operated horizontally which has such mesh as is specified in Part I of the First Schedule to this Order but will not pass without manipulation through a bottom riddle operated horizontally which has such mesh as is specified in the aforesaid Schedule and shall include any potatoes which a person is authorised to sell as seed potatoes under a licence granted for the purposes of this Order by or on behalf of the Minister or the Ministry;

(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.

Provided that potatoes shall be deemed to be seed potatoes if they are reasonably free from potatoes which do not comply with the above definition, so however that in any one purported hundredweight of seed potatoes there shall not be more than 4 lb. of potatoes which do not comply with the above definition.

(ii) " Certified (Scotch) ", " Certified (Northern Ireland) ", " Certified (Eire) ", " Certified (English) " and " Certified (Welsh) " mean respectively seed potatoes obtained from crops grown in Scotland, Northern Ireland, Eire, England or Wales, as the case may be, which crops were certified under the scheme for the inspection of growing crops of potatoes authorised by the Secretary of State for Scotland, the Ministry of Agriculture for Northern Ireland, the Department of Agriculture for Eire, or the Ministry of Agriculture and Fisheries (as to England and Wales) as the case may be, which is for the time being in force, and the expression " certificate " means a certificate under the appropriate scheme.

(iii) " Uncertified (English once-grown) " and " Uncertified (Welsh once-grown) " mean respectively seed potatoes obtained from crops grown in England or Wales, as the case may be, which crops were not certified as aforesaid but were grown from seed potatoes of one or other of the classes defined in sub-paragraph (ii) above produced in the preceding year.

(iv) " Uncertified (Scotch) ", " Uncertified (English) " and " Uncertified (Welsh) " mean respectively any other seed potatoes obtained from crops grown in Scotland, England or Wales as the case may be.

(v) " Scottish Stock Seed " means seed potatoes derived from a growing crop of potatoes in respect of which a stock seed certificate was issued under the scheme (hereinafter referred to as " The Scottish Scheme ") for the inspection of growing crops of potatoes authorised by the Secretary of State for Scotland.

(vi) The expressions " A (Scot) certificate ", " A (Scot) NI certificate ", " H (Scot) certificate ", " H (Scot) NI certificate " and " Grade B Report " in relation to Certified (Scotch) potatoes have the meanings respectively assigned to them in the Scottish Scheme.

(vii) " Stock Seed (Northern Ireland) " means seed potatoes derived from a growing crop in respect of which the Ministry has issued a stock seed certificate under any scheme for the inspection of growing crops of potatoes for the time being in force in Northern Ireland.

(viii) The expressions " A (Nor. Ir.) certificate ", " A (Nor. Ir.) NI certificate ", " H (Nor. Ir.) certificate " and " H (Nor. Ir.) NI certificate " in relation to potatoes grown in Northern Ireland have the meanings respectively assigned to them in a scheme authorised by the Ministry known as " The Scheme for the Inspection of Growing Crops of Potatoes ".

(ix) The expressions " A (E) certificate ", " H (E) certificate ", " A (W) certificate ", " H (W) certificate ", " A (E) NI certificate ", " H (E) NI certificate ", " A (W) NI certificate " and " H (W) NI certificate " in relation to potatoes grown in England and Wales have the meanings assigned to them in a Scheme for the inspection of growing crops of potatoes authorised by the Ministry of Agriculture and Fisheries.

(x) The expressions " A (Eire) certificate ", " A (Eire) NI certificate ", " H (Eire) certificate " and " H (Eire) NI certificate " in relation to potatoes grown in Eire have the meanings respectively assigned to them in the scheme for the inspection of growing crops of potatoes authorised by the Department of Agriculture for Eire.

(xi) "Stock Seed (England)" and "Stock Seed (Wales)" mean seed potatoes obtained from crops grown in England or Wales, as the case may be, in respect of which a stock seed certificate was issued under the scheme for the inspection of growing crops of potatoes authorised by the Ministry of Agriculture and Fisheries.

(d) *Thirds*

"Thirds" means potatoes in sound condition and fit for planting of a classification mentioned in sub-paragraphs (ii), (iii) and (iv) of Article 1 (*c*) hereof which will pass through a riddle operated horizontally which has a square mesh measuring between the wires one and three eighths inches along each side of the square, but will not pass without manipulation through a riddle operated horizontally which has a square mesh measuring between the wires one inch along each side of the square.

RESTRICTIONS ON SALES BY GROWERS

2. A grower of potatoes shall not sell or otherwise dispose of his seed potatoes or thirds to any person, and a person shall not buy or otherwise obtain seed potatoes or thirds from any grower of potatoes, unless either the grower or the person so obtaining them is a licensed seed potato merchant:

Provided that—

(i) a grower may sell his seed potatoes or thirds by auction or to another grower for planting by him;

(ii) a grower may sell or otherwise dispose of his seed potatoes or thirds to any person in a quantity not exceeding one hundredweight if such a sale or disposal constitutes one transaction and does not form part of a transaction or series of transactions relating to a greater quantity of potatoes than one hundredweight, so however that the quantity of potatoes of the 1950 crop sold or disposed of by any one grower under this proviso shall not exceed in the aggregate one ton.

TRADERS' LICENCES

3. By licence granted under this Article the Minister or the Ministry may authorise any person to trade as a licensed seed potato merchant.

GROWERS' FIXED PRICES; MAXIMUM WHOLESALE AND RETAIL PRICES

4. A person shall not sell or buy any seed potatoes or thirds—

(*a*) in the case of a sale by the grower (including a sale by auction), except at the fixed price applicable in accordance with the provisions of Part I of the First Schedule to this Order;

(*b*) in the case of a sale by wholesale of a quantity of such potatoes of any one variety of 1 ton or more, at a price exceeding the maximum price applicable in accordance with the provisions of Part II of the First Schedule to this Order;

(*c*) in the case of a sale by wholesale of a quantity of such potatoes of any one variety of 6 cwt. or more but less than 1 ton or in the case of a sale by retail, at a price exceeding the maximum price applicable in accordance with the provisions of Part III of the First Schedule to this Order.

USE FOR PLANTING ONLY

5. A person shall not use seed potatoes or thirds except for planting or sell or otherwise dispose of such potatoes except to the Minister or for planting, or for resale to the Minister or for resale for planting, provided that the restrictions imposed in this paragraph shall not apply to "Uncertified (Scotch)", "Uncertified (English)" or "Uncertified (Welsh)" seed potatoes.

CONFIRMATORY STATEMENTS

6. On the occasion of a sale by the grower to a licensed seed potato merchant of seed potatoes or thirds of a total weight of more than one hundredweight the buyer shall furnish to the seller a statement signed by him or on his behalf specifying the quantity and description of potatoes so bought by him and the price at which they were bought.

PROTECTION AGAINST FROST

7. Where any person sells for delivery by rail seed potatoes or thirds he shall by means of straw or other suitable material make reasonable arrangements for protecting the potatoes from damage by frost at rail loading point and during rail transit, and where delivery is given at the farm the seller shall, if so requested by the buyer, provide sufficient straw or other suitable material for protecting the potatoes from damage by frost during transit by road.

SALE FOR SEED

8. A person shall not sell or otherwise dispose of potatoes other than seed potatoes or thirds if he knows or ought reasonably to know that they will be used or resold for seed, or buy or otherwise obtain any such potatoes with the intention of selling them for use or resale for seed.

STOCKFEED POTATOES

9. A person shall not use for seed any stockfeed potatoes, or sell or otherwise dispose of such potatoes if he knows or ought reasonably to know that they will be used or resold for seed.

SALES GROWING OR AS GROWN

10.—(1) A person shall not (*a*) sell any seed potatoes growing or as grown except to a licensed seed potato merchant or (*b*) buy any seed potatoes growing or as grown unless he is a licensed seed potato merchant.

(2) Where a grower pursuant to a licence granted by or on behalf of the Minister or the Ministry for the purposes of this Order sells his potatoes growing or as grown the buyer of the potatoes so sold shall be deemed to be the grower thereof unless he be a licensed seed potato merchant.

PURCHASES BY AGENTS

11. No person other than a licensed buying agent shall buy any seed potatoes as an agent for reward and no person shall permit such potatoes to be so bought on his behalf otherwise than by a licensed buying agent, provided that nothing in this provision shall prohibit the purchase of seed potatoes by a servant on behalf of his employer.

KEEPING OF RECORDS

12.—(1) Every person who carries on any undertaking by way of trade or business in the course of which he buys or sells any seed potatoes shall keep or cause to be kept accurate records in accordance with the provisions of the Second Schedule to this Order.

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

(3) Every person who is required by this Article to keep any record shall retain the same for one year from the date of the transaction to which it relates or in the case of a record of stocks from the date to which the record relates.

(4) Where potatoes are bought through the agency of a licensed buying agent the principal shall not be obliged to keep any records required to be kept under paragraph (1) of this Article but such records shall be kept by the licensed buying agent.

ARTIFICIAL TRANSACTIONS

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

APPLICATION ONLY TO THE 1950 CROP

14. The provisions of this Order shall apply only to potatoes of the 1950 crop.

EXCLUSIONS

15. The provisions of this Order shall not apply—

(*a*) in any of the districts of Scotland mentioned in the Third Schedule to this Order or to any potatoes sold for delivery in any of such districts;

(*b*) to any potatoes grown by a grower farming less than one acre of agricultural land;

(*c*) to any potatoes grown on land other than agricultural land; or

(*d*) to Scottish Stock Seed, Stock Seed (Northern Ireland), Stock Seed (England) or Stock Seed (Wales).

INFRINGEMENTS

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

DIRECTIONS, AUTHORISATIONS AND LICENCES

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

(*a*) any direction 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, 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 Ministry,

and the Minister hereby delegates to the 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 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.

18. The Seed Potatoes (1949 Crop) Order, 1949(**a**) is hereby revoked but without prejudice to any proceedings in respect of any contravention thereof.

(**a**) S.I. 1949 (No. 1722) II, p. 546.

19. This Order shall come into operation on the 1st day of August, 1950; and may be cited as the Seed Potatoes Order, 1950.

Maurice Webb,
Minister of Food.

Dated the 26th day of July, 1950.

THE FIRST SCHEDULE

PART I

(For new Part I substit. by S.I. 1950 No. 1962 *see* p. 724 below.)

PART II

MAXIMUM PRICES ON SALES BY WHOLESALE OF SEED POTATOES OR THIRDS IN QUANTITIES OF ONE TON OR MORE

A. The maximum price on a sale by wholesale of seed potatoes or thirds of any one variety in quantities of one ton or more shall be:—

(1) In the case of Northern Ireland seed potatoes or thirds sold for delivery in Great Britain, the fixed growers' price therefor reduced by 20 shillings per ton, and

(2) in any other case, the fixed growers' price therefor,

together in either case with such of the undermentioned permitted additions as are applicable.

B. *Maximum Permitted Additions.*

1.—(1) Seller's margin:—

Column 1	Column 2	Column 3
Unit of sale of one variety of seed potatoes	Maximum addition (in total on all sales)	Maximum part of total addition, specified in Column 2 chargeable on the first sale by wholesale otherwise than to a retailer or planter
	Rate per ton	
	s. d.	s. d.
(*a*) 5 tons or more	22 6	12 0
(*b*) 4 tons or more but less than 5 tons	25 0	13 6
(*c*) 3 tons or more but less than 4 tons	27 6	15 0
(*d*) 2 tons or more but less than 3 tons	32 6	18 6
(*e*) 1 ton or more but less than 2 tons	37 6	22 0

(2) Where two or more varieties are sold the permitted addition shall be calculated by reference to the quantity of each variety.

2. In the case of thirds an additional amount at the rate of 10s. per ton may be charged.

3. A reasonable amount for the cost of provision of bags, sacks or other containers may be charged.

4. All transport charges after delivery of the seed potatoes f.o.r. at the grower's nearest railway station or free on buyer's lorry at grower's farm are for the account of the ultimate buyer, and there may be added to the fixed price on a sale by a grower all transport costs and charges after delivery as aforesaid; provided that the costs and charges added shall not exceed any reasonable amounts actually and properly incurred.

PART III

(For new Part III substit. by S.I. 1950 No. 1962, *see* p. 726 below.)

THE SECOND SCHEDULE

RECORDS REQUIRED TO BE KEPT UNDER ARTICLE 12 OF THIS ORDER

1. By a Grower

in respect of each sale—

(*a*) the name and address of the purchaser;

(*b*) the nett weight, variety, size and class of the seed potatoes sold;

(*c*) the price;

(*d*) the date of despatch of the potatoes from his farm.

2. By a Wholesaler

in respect of each purchase and sale—

(*a*) the date thereof;

(*b*) the name and address of the person from whom he purchased or to whom he sold the potatoes, provided that such name and address need not be included in respect of a cash sale in a market established by virtue of Crown grant, prescription or statute;

(*c*) the nett weight, variety, size and class of the seed potatoes bought or sold;

(*d*) the price;

(*e*) particulars of each and every addition to the price (including any charge by way of deposit in respect of a returnable container) made in accordance with the provisions of this Order.

3. By an Auctioneer

in respect of each sale—

(*a*) the name and address of the seller;

(*b*) the nett weight, variety, size and class of the seed potatoes sold;

(*c*) the price;

(*d*) particulars of each and every addition to the price (including any charge by way of deposit in respect of a returnable container) made in accordance with the provisions of this Order.

4. By a Retailer

in respect of each purchase—

(*a*) the date thereof;

(*b*) the name and address of the seller;

(*c*) the nett weight, variety, size and class of the seed potatoes purchased;

(*d*) the price;

(*e*) particulars of each and every addition to the price (including any charge by way of deposit in respect of a returnable container) made in accordance with the provisions of this Order.

THE THIRD SCHEDULE

DISTRICTS OF SCOTLAND REFERRED TO IN ARTICLE 15 OF THIS ORDER

The County of Caithness.

The County of Sutherland.

In the County of Ross and Cromarty, the parishes of Kincardine, Lochbroom, Gairloch, Applecross, Lochcarron, Lochalsh, Kintail and Glenshiel only.

In the County of Inverness, the parishes of Glenelg, Kilmallie, Kilmonivaig, Boleskine, Abertarff, Arisaig, Moidart, Laggan, Moy and Dalarossie, Alvie, Kingussie and Insh, Duthil and Rothiemurchus, Abernethy and Kincardine only.

In the County of Moray, the parishes of Knockando, Cromdale, Inverallan and Advie only.

In the County of Banff, the parishes of Kirkmichael and Cabrach only.

In the County of Aberdeen, the parishes of Glenbuchat, Strathdon and Crathie and Braemar only.

In the County of Perth, the parishes of Balquhidder, Killin, Fortingall and Blair Atholl only.

The County of Argyll.

In the County of Bute, the islands of Arran, Great Cumbrae and Little Cumbrae only.

The Inner Hebrides and the Outer Hebrides Islands.

The County of Zetland.

The County of Orkney.

EXPLANATORY NOTE

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

This Order replaces the provisions relating to Seed Potatoes hitherto prescribed in the Potatoes (General Provisions) Order, 1948 and its amendments. It contains further provisions prescribing fixed growers' prices and maximum wholesale and retail prices for seed potatoes of the 1950 crop.