REFINING OF SUGAR

1957 No. 839

The Sugar Refining Agreements (Approval) Order, 1957

Made - - - -	*15th May*, 1957
Coming into Operation	*22nd May*, 1957

The Minister of Agriculture, Fisheries and Food in exercise of the powers conferred upon him by section 25 of the Sugar Act, 1956(a), and of all other powers enabling him in that behalf, being satisfied as to the matters referred to in subsections (4) and (6) of the said section 25 and having taken into account the effect which it appears to him that the sugar refining agreements hereinafter mentioned will have on the interests of users and consumers of sugar in the United Kingdom, hereby makes the following Order a draft whereof was laid before Parliament in accordance with subsection (3) of section 33 of the said Act:—

1. This Order may be cited as the Sugar Refining Agreements (Approval) Order, 1957; and shall come into operation on the seventh day after it is made.

2.—(1) In this Order "sugar refining agreement" means an agreement as defined in subsection (2) of section 25 of the Sugar Act, 1956.

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

3. The sugar refining agreements submitted by the British Sugar Corporation Limited in pursuance of subsection (3) of section 25 of the Sugar Act, 1956, and incorporated in the Schedule to this Order are hereby approved.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this fifteenth day of May, nineteen hundred and fifty-seven.

(L.S.)

D. Heathcoat Amory,
Minister of Agriculture, Fisheries and Food.

(a) 4 & 5 Eliz. 2. c. 48. (b) 52 & 53 Vict. c. 63.

THE SCHEDULE

Sugar Refining Agreements

PART I

Here follows the Agreement made on the 20th day of March, 1957, between (1) the British Sugar Corporation Limited and (2) Tate & Lyle Limited.

AN AGREEMENT made the twentieth day of March One thousand nine hundred and fifty-seven BETWEEN BRITISH SUGAR CORPORATION LIMITED (hereinafter called "the Corporation") of the first part and TATE & LYLE LIMITED (hereinafter called "Tate & Lyle") of the second part

WHEREAS it is necessary to provide an assured economic market in the United Kingdom (as hereinafter defined) for all sugar produced from the home grown beet which the Corporation, under the direction of the Minister of Agriculture, Fisheries and Food, contract to purchase, and it is desirable to make arrangements to secure the orderly and economic marketing of refined sugar

AND WHEREAS Tate & Lyle have renewed their pre-war undertaking to the Chancellor of the Exchequer to limit their refining margin

NOW in pursuance of Section 25 of the Sugar Act, 1956, IT IS HEREBY AGREED as follows:—

Interpretation.

1. IN these presents if not inconsistent with the subject or context the words standing in the first column of the table next hereinafter contained shall bear the meanings set opposite to them respectively in the second column thereof:—

WORDS	MEANINGS
The Act	The Sugar Act, 1956.
Actual demand for refined sugar ...	The tonnage of refined sugar required to meet the demand therefor in the Corporation's distribution areas in the material trading year plus any refined sugar sold by the Corporation outside the Corporation's distribution areas under the provisions of Clause 6 (B) hereof.
Average output of home grown sugar	The average in tons of the actual outputs of home grown sugar produced in the five trading years immediately preceding the material trading year.

WORDS	MEANINGS
Commonwealth Sugar Agreement	An Agreement between the Minister of Food on behalf of Her Majesty's Government of the first part and the Queensland Sugar Board, the South African Sugar Association, the British West Indies Sugar Association (Inc.), The Mauritius Sugar Syndicate and the Colonial Sugar Refining Company Limited Fiji on behalf of the sugar industries and exporters in Australia, the British West Indies (Antigua Barbados British Guiana Jamaica St. Kitts St. Lucia and Trinidad), Fiji, Mauritius and the Union of South Africa of the second part signed on the Twenty-first day of December One thousand nine hundred and fifty-one.
Co-Ordinating Committee ...	The Co-Ordinating Committee to be established in accordance with Clause 7 hereof.
The Minister	The Minister of Agriculture, Fisheries and Food.
Refined sugar	Any sugar whether home grown or imported and whether in solution or not (excluding raw sugar, invert sugar for brewing purposes, molasses, golden syrup and similar products) which has been subjected in the United Kingdom to any process rendering it suitable to be eaten as sugar or to be used in the production of some article of food or drink other than sugar.
Special Umpire	An umpire to be appointed by the Minister.
Trading year	The period from the First day of October in any year to the succeeding Thirtieth day of September inclusive.
United Kingdom	The United Kingdom of Great Britain and Northern Ireland (but excluding the Channel Islands and the Isle of Man).

Duration.

2. THIS Agreement shall be deemed to have come into force with effect from the First day of October One thousand nine hundred and fifty-six and shall continue in force until determined by either party giving to the other not less than twelve months' previous notice in writing to determine the same expiring on the Thirtieth day of September One thousand nine hundred and sixty-one or on the Thirtieth day of September in any subsequent trading year PROVIDED that in the event of the Minister making an order under the powers contained in Section 25 of the Act amending the terms of this Agreement and such amendment being unacceptable either to the Corporation or to Tate & Lyle or in the event of new legislation superseding the Act or affecting the marketing arrangements for home grown sugar or in the event of governmental action drastically altering the existing balance of the sugar trade whether by substantially increasing the importation of refined sugar or otherwise or in the event of the Commonwealth Sugar Agreement being determined or substantially altered this Agreement may be determined by either party giving to the other not less than one calendar month's previous notice in writing to determine the same expiring on the last day of any calendar month.

Amount of sugar marketable by Corporation.

3. THE Corporation shall be entitled to market in the United Kingdom in any trading year an amount of raw and refined sugar equal in total to the amount of sugar sold by the Corporation to Tate & Lyle or any other signatory to an Agreement approved by the Minister under Section 25 of the Act, plus—

(i) the average output of home grown sugar or

(ii) the actual demand for refined sugar

whichever shall be the greater.

Conversion Formula.

4. WHERE it is necessary to calculate tonnages of sugar for the purposes of this Agreement such tonnages shall be expressed in terms of refined sugar by the application of the formula 2P–100 to raw sugar quantities P being the polarisation figure of raw sugar.

Purchase of raw sugar by Tate & Lyle.

5. TATE & LYLE shall be bound to purchase any home grown raw sugar offered to them by the Corporation and to take delivery thereof in such instalments and at such times before the Thirty-first day of March in the current trading year as the Corporation shall reasonably require Any such sugar shall be sold at prices and on conditions approved by the Co-Ordinating Committee.

Areas of Distribution.

6. (A) THE distribution areas of Tate & Lyle and the Corporation for refined sugar in England and Wales shall be such areas as shall from time to time be determined by the Co-Ordinating Committee with the intent of providing an economic market for the Corporation's average output of home grown sugar calculated as refined sugar in accordance with the formula set out in Clause 4 and so that with that same intent such determination shall be subject to an annual review by the Committee and so also that in making or reviewing such determination refined sugar distributed by the Corporation (i) in Scotland under an Agreement approved by the Minister under the provisions of Section 25 of the Act and (ii) elsewhere under any such Agreement other than this Agreement and (iii) pursuant to any order made by the Minister under Section 26 of the Act shall be taken into account.

(B) WITH the exception of—

(i) cube sugar, icing sugar and any other refined sugar being a product of the kind known in the industry as a "speciality" and

(ii) any refined sugar required by a customer in any part of the United Kingdom who is willing to pay such additional transport charges as may be appropriate

all refined sugar to be marketed by Tate & Lyle and the Corporation shall be marketed in their respective distribution areas on such terms as to depot and delivery rates and otherwise as will enable them to sell in those

areas refined sugar of accepted quality standards at prices related to the maximum price resulting from the Undertaking to limit their refining margin given pursuant to the provisions of Section 27 of the Act by Tate & Lyle to the Chancellor of the Exchequer.

Co-Ordinating Committee.

7. (A) THE Co-Ordinating Committee shall consist of eight persons four of whom shall be nominated by Tate & Lyle and four by the Corporation.

(B) THE Committee shall meet annually in London during the first week of September for the purpose of making or reviewing the determination referred to in Clause 6 hereof the day hour and place of such meeting to be mutually agreed In addition the Co-Ordinating Committee shall meet in London upon one calendar month's notice in writing given by either party (unless it is agreed that such notice shall in any particular case be waived) at such hour and place as shall be specified in the notice or mutually agreed.

(C) AT any meeting of the Co-Ordinating Committee four members of whom two have been nominated by each party shall be a quorum.

(D) ANY determination decision or recommendation made upon the unanimous vote of all the members of the Co-Ordinating Committee present at any duly constituted meeting of the Committee shall be binding upon both parties.

(E) IN addition to the matters before referred to it shall be a function of the Co-Ordinating Committee to review the practical working of this Agreement and to make recommendations to the parties with a view to obtaining the best possible collaboration between them and to removing any difficulties which may arise in the implementation of this Agreement and in the marketing of sugar in the relevant areas.

(F) THE Co-Ordinating Committee shall have power to invite any person or persons from other trading concerns whose goodwill and co-operation is considered to be necessary to attend at any of its meetings for the purpose of consultation and advice but not so as to confer upon such person or persons any power of voting at such meetings.

Arbitration.

8. ALL questions and differences whatsoever which may at any time hereafter arise between the parties touching this Agreement or the subject matter hereof or arising out of or in relation thereto and whether as to construction or otherwise shall be referred in the first instance to the Co-Ordinating Committee and in the event of such Committee failing to reach unanimous agreement or to meet then to the arbitration of the Special Umpire Any such arbitration shall be in accordance with and subject to the provisions of the Arbitration Act, 1950.

IN WITNESS whereof the parties hereto have caused their Common Seals to be hereunto affixed the day and year first above mentioned.

THE COMMON SEAL of British Sugar Corporation Limited was hereunto affixed in the presence of

L.S.

C. V. WICKS, *Director.*
G. C. ASH, *Secretary.*

THE COMMON SEAL of Tate & Lyle Limited was hereunto affixed in the presence of

L.S.

IAN D. LYLE, *Director.*
COLIN B. ROWAN, *Secretary.*

PART II

Here follows the Agreement made on the 20th day of March, 1957, between (1) the British Sugar Corporation Limited and (2) John Walker & Company (Sugar Refiners) Limited and Westburn Sugar Refineries Limited.

AN AGREEMENT made the twentieth day of March One thousand nine hundred and fifty-seven BETWEEN BRITISH SUGAR CORPORATION LIMITED (hereinafter called "the Corporation") of the first part and JOHN WALKER & COMPANY (SUGAR REFINERS) LIMITED and WESTBURN SUGAR REFINERIES LIMITED (hereinafter together called "the Scottish Refiners") of the second part

WHEREAS it is necessary to provide an assured economic market in the United Kingdom for all sugar produced from the home grown beet which the Corporation, under the direction of the Minister of Agriculture, Fisheries and Food, contract to purchase, and it is desirable to make arrangements to secure the orderly and economic marketing of refined sugar

AND WHEREAS Tate and Lyle Limited (hereinafter called "Tate and Lyle") have renewed their pre-war undertaking to the Chancellor of the Exchequer to limit their refining margin

AND WHEREAS by Clause 6 (B) of an Agreement of even date herewith entered into between the Corporation and Tate and Lyle (which Agreement is hereinafter referred to as "the Main Agreement") the parties to that Agreement have agreed subject to the exception stated in the said Clause to market refined sugar at prices related to the maximum price resulting from the said undertaking pursuant to the provisions of Section 27 of the Sugar Act, 1956

AND WHEREAS by Clause 6 (A) of the Main Agreement it is provided inter alia that in determining from time to time the distribution areas of the Corporation and Tate and Lyle in England and Wales refined sugar distributed by the Corporation in Scotland shall be taken into account

NOW in pursuance of Section 25 of the Sugar Act, 1956, IT IS HEREBY AGREED as follows:—

Interpretation.

1. IN these presents if not inconsistent with the subject or context the words standing in the first column of the table next hereinafter contained shall bear the meanings set opposite to them respectively in the second column thereof:—

WORDS	MEANINGS
The Act	The Sugar Act, 1956.
Co-ordinating Committee	The Co-ordinating Committee to be established in accordance with Clause 5 hereof.
The Minister	The Minister of Agriculture, Fisheries and Food.
Refined sugar	Any sugar whether home grown or imported and whether in solution or not (excluding raw sugar, invert sugar for brewing purposes, molasses, golden syrup and similar products) which has been subjected in the United Kingdom to any process rendering it suitable to be eaten as sugar or to be used in the production of some article of food or drink other than sugar.

WORDS	MEANINGS
Special Umpire	An Umpire to be appointed by the Minister.
Trading year	The period from the First day of October in any year to the succeeding Thirtieth day of September inclusive.
United Kingdom	The United Kingdom of Great Britain and Northern Ireland (but excluding the Channel Islands and the Isle of Man).

Duration.

2. THIS Agreement shall be deemed to have come into force with effect from the First day of October One thousand nine hundred and fifty-six and shall continue in force during the period that and for so long only as the Main Agreement shall be in force subject to the same rights of determination by any of the parties hereto as are conferred upon the parties to the Main Agreement.

Amount of sugar marketable by Corporation.

3. THE Corporation shall be entitled to market in Scotland in any trading year such amount of refined sugar as shall be determined by the Co-ordinating Committee but so that until otherwise determined the Corporation shall be entitled to market annually Forty thousand tons of refined sugar in Scotland plus any quantity which may be sold by the Corporation to either of the Scottish Refiners.

Areas of Distribution.

4. (A) THE distribution areas in Scotland of the Scottish Refiners and the Corporation for refined sugar shall be such areas as shall from time to time be determined by the Co-ordinating Committee with the intent of providing an economic market for the quantity which the Corporation is entitled to sell in Scotland by these presents and so that with the same intent such determination shall be subject to an annual review by the Co-ordinating Committee.

(B) WITH the exception of—

(i) cube sugar, icing sugar and any other refined sugar being a product of the kind known in the industry as a "speciality" and

(ii) any refined sugar required by a customer in any part of the United Kingdom who is willing to pay such additional transport charges as may be appropriate

all refined sugar to be marketed by the Scottish Refiners and the Corporation shall be marketed in their respective distribution areas on such terms as to depot and delivery rates and otherwise as will enable them to sell in those areas refined sugar of accepted quality standards at prices related to the maximum price resulting from the Undertaking to limit their refining margin given pursuant to the provisions of Section 27 of the Act by Tate & Lyle to the Chancellor of the Exchequer.

Co-ordinating Committee.

5. (A) THE Co-ordinating Committee shall consist of eight persons four of whom representing the Scottish Refiners shall be nominated as to two by each Refiner and four by the Corporation.

(B) THE Committee shall meet annually during the first week of September for the purpose of making or reviewing the determination referred to in Clause 4 hereof the day hour and place of such meeting to be mutually agreed In addition the Co-ordinating Committee shall meet upon one calendar month's notice in writing given by any signatory (unless it is agreed that such notice shall in any particular case be waived) at such hour and place as shall be specified in the notice or mutually agreed.

(C) AT any meeting of the Co-ordinating Committee four members of whom one shall have been nominated by each of the Scottish Refiners and two by the Corporation shall be a quorum.

(D) ANY determination decision or recommendation made upon the unanimous vote of all the members of the Co-ordinating Committee present at any duly constituted meeting of the Committee shall be binding upon all parties.

(E) IN addition to the matters before referred to it shall be a function of the Co-ordinating Committee to review the practical working of this Agreement and to make recommendations to the parties with a view to obtaining the best possible collaboration among them and to removing any difficulties which may arise in the implementation of this Agreement and in the marketing of sugar in the relevant areas.

(F) THE Co-ordinating Committee shall have power to invite any person or persons from other trading concerns whose goodwill and co-operation is considered to be necessary to attend at any of its meetings for the purpose of consultation and advice but not so as to confer upon such person or persons any power of voting at such meetings.

Arbitration.

6. ALL questions and differences whatsoever which may at any time hereafter arise among the parties touching this Agreement or the subject matter hereof or arising out of or in relation thereto and whether as to construction or otherwise shall be referred in the first instance to the Co-ordinating Committee and in the event of such Committee failing to reach unanimous agreement or to meet then to the arbitration of the Special Umpire Any such arbitration shall be in accordance with and subject to the provisions of the Arbitration Act, 1950.

IN WITNESS whereof the parties hereto have caused their Common Seals to be hereunto affixed the day and year first above mentioned.

THE COMMON SEAL of British Sugar Corporation Limited was hereunto affixed in the presence of

C. V. WICKS,
Director.

G. C. ASH,
Secretary.

L.S.

THE COMMON SEAL of John Walker & Company (Sugar Refiners) Limited was hereunto affixed in the presence of

HUGH B. WALKER,
Director.

JOHN C. WALKER,
Director.

L.S.

S. E. BAILEY,
Assistant Secretary.

THE COMMON SEAL of Westburn Sugar Refineries Limited was hereunto affixed in the presence of

J. M. KERR,
Director.

A. MCAUSLAN,
Director.

L.S.

J. S. FIRTH,
Secretary.

EXPLANATORY NOTE

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

This Order gives the approval of the Minister of Agriculture, Fisheries and Food to two sugar refining agreements concluded by the British Sugar Corporation Ltd. to provide an economic market for sugar produced from home-grown beet. The Order gives protection to the agreements against the operation of any rule of law relating to agreements in restraint of trade.

A draft of the Order has been approved by resolution of each House of Parliament.

SUGAR BOARD (FINANCIAL YEAR)

1957 No. 1308

The Sugar Board (Financial Year) Order, 1957

Made - - - -	*24th July*, 1957
Coming into Operation	*24th July*, 1957

The Minister of Agriculture, Fisheries and Food in exercise of the powers conferred upon him by subsection (3) of section 35 of the Sugar Act, 1956(a), and of all other powers him enabling in that behalf, hereby orders as follows:—

1. This Order may be cited as the Sugar Board (Financial Year) Order, 1957; and shall come into operation on the twenty-fourth day of July, 1957.

2. For the purposes of section 6 of the Sugar Act, 1956 (which relates to the annual report and accounts of the Sugar Board) the first financial year of the Sugar Board shall be the period commencing on the 15th day of October, 1956, and ending with the 30th day of June, 1958.

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

(L.S.)

D. Heathcoat Amory,
Minister of Agriculture, Fisheries and Food.

EXPLANATORY NOTE

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

This Order provides that the first financial year of the Sugar Board established under the Sugar Act, 1956, shall be the period 15th October, 1956 to 30th June, 1958, inclusive.

(a) 4 & 5 Eliz. 2. c. 48.