The Stockfeed Potatoes (Revocation) Order, 1950

1950 No. 1799

Made - - - - *7th November,* 1950
Laid before Parliament *7th November,* 1950
Coming into Operation *12th November,* 1950

In exercise of the powers conferred upon him by Regulations 55 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:—

1. The Stockfeed Potatoes (Maximum Prices) Order, 1948 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 12th day of November, 1950, and may be cited as the Stockfeed Potatoes (Revocation) Order, 1950.

Dated the 7th day of November, 1950.

Maurice Webb,
Minister of Food.

EXPLANATORY NOTE

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

This Order frees stockfeed potatoes from price and other controls.

The Ware Potatoes Order, 1950

1950 No. 1237

Made - - - - *26th July,* 1950
Laid before Parliament *27th July,* 1950
Coming into Operation on 1*st August,* 1950, *and in respect of Article* 13 *on* 4*th October,* 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.

(**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.I. 1948 (No. 1849) II, p. 802; and 1949 (No. 2345) II, p. 563.

" 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.

" Catering business " includes the business or undertaking of an inn, public house, hotel, restaurant, buffet, coffee stall or of any place of refreshment open to the public, or of any club, boarding house, refreshment contractor or canteen, and the expression " caterer " shall be construed accordingly.

" The Containers Order " means the Fresh Fruit, Vegetables and Flowers (Use of Containers) Order, 1944 as amended(**a**), or any Order of the Minister for the time being in force amending or replacing that Order.

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

" Licensed buying agent "; " Licensed grower-salesman "; " Licensed potato buyer " and " licensed potato merchant " mean respectively a person who is licensed as such by or on behalf of the Minister.

" Potatoes " does not include canned, cooked, manufactured or processed potatoes; potatoes described as being of the 1950 crop mean potatoes which are the produce of potatoes planted during the twelve calendar months preceding the 1st day of September, 1950.

" Sale by retail " means a sale to a person buying otherwise than for the purpose of resale and, except when a grower sells his own potatoes, includes a sale to a person for the purposes of a catering business, other than a fish frying business, carried on by him.

" Sale by wholesale " means any sale other than a sale by retail or a sale by the grower but includes—

(i) a sale by the grower, other than a sale by retail, if he is a licensed potato merchant, or a licensed grower-salesman (with the exception in the latter case of a sale to a licensed potato merchant of potatoes delivered f.o.b. or f.o.r. grower's nearest railway station open for such traffic or free on buyer's lorry at grower's farm); and

(ii) a sale to a fish frier for the purposes of his fish frying business.

" Seed potatoes " and " thirds " have the meanings assigned to them in the Seed Potatoes Order, 1950(**b**).

" Small potatoes " means potatoes (other than seed potatoes, thirds or stockfeed potatoes) which will pass without manipulation through a riddle operated horizontally which in relation to sale and delivery by the grower thereof between the 1st and 31st August, 1950, has a square mesh measuring between the wires one inch along each side of the square and in relation to sale and delivery by the grower thereof between 1st and 30th September, 1950, has a square mesh measuring between the wires one and a quarter inches along each side of the square, and in relation to sale and delivery by the grower thereof on and after 1st October, 1950, has a square mesh measuring between the wires one and a half inches along each side of the square.

(**a**) S.R. & O. 1944 (No. 87) II, p. 869; 1946 (No. 1802) II, p. 934; 1947 (No. 1928) II, p. 750; and S.I. 1948 (No. 79) II, p. 592.

(**b**) S.I. 1950 No. 1236, p. 715 above.

" Stockfeed Potatoes " means (*a*) any potatoes sold by the Minister for use or resale as stockfeed and (*b*) any potatoes (other than seed potatoes, thirds or ware potatoes) sold for use or resale as stockfeed.

" Ware Potatoes " means potatoes (other than seed potatoes, thirds or stockfeed potatoes) which do not include any small potatoes, and are free from—

(*a*) common scab, greening and growth shoots and from soil, dirt or other extraneous matter; and

(*b*) disease, damage by wire-worms, slugs, cutting or frost and from any other damage whatsoever and from any defect rendering them unfit for human consumption:

Provided that potatoes shall be deemed to be ware 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 ware potatoes the total weight of small potatoes, of growth shoots, soil, dirt or any other extraneous matter, and of potatoes with any of the defects mentioned in subparagraphs (*a*) and (*b*) above shall not together exceed 6 lb.

Traders' Licences

2. By licence granted under this Article the Minister or the Ministry may authorise any person to trade as—

(*a*) a licensed buying agent,
(*b*) a licensed grower-salesman,
(*c*) a licensed potato buyer, or
(*d*) a licensed potato merchant.

Restrictions on Sales by Growers

3.—(1) A grower of potatoes shall not sell or otherwise dispose of his ware potatoes to any person, and a person shall not buy or otherwise obtain ware potatoes from any grower of potatoes unless—

(i) the grower is a licensed grower-salesman, a licensed potato merchant or a licensed potato buyer, or

(ii) the person so obtaining them is a licensed potato merchant or a licensed potato buyer.

(2) A grower of potatoes, unless he be a licensed grower-salesman, a licensed potato merchant or a licensed potato buyer, shall not sell his ware potatoes except upon the terms of delivery being given by the grower at buyer's option f.o.r. grower's nearest railway station open for such traffic, or free on buyer's lorry at the grower's farm or (except in the case of a sale in Northern Ireland) f.o.b.

(3) The foregoing provisions of this Article shall not apply to—

(i) the sale by a grower of his ware potatoes by retail; or

(ii) the sale by a grower of his ware potatoes by auction.

Fixed Growers' Prices; Maximum and Minimum Wholesale Prices; Maximum Retail Prices

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

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

(*b*) in the case of a sale by wholesale, at a price which is less than the minimum price or which exceeds the maximum price respectively applicable in accordance with the provisions of the said Schedule;

(*c*) in the case of a sale by retail, at a price exceeding the maximum price applicable in accordance with the provisions of the said Schedule:

Provided that—

(i) on a sale by retail of ware potatoes of any description mixed with ware potatoes of any other description for which a different maximum price is applicable under the provisions of the First Schedule to this Order, the maximum price applicable shall not exceed the lowest maximum price applicable to any description of potatoes contained in the mixture;

(ii) on a sale of ware potatoes by auction on behalf of the grower thereof the maximum price which may be charged and paid shall be that applicable to a sale by retail and the minimum price which may be charged and paid shall be the fixed price applicable on a sale by a grower.

Confirmatory Statements

5. On the occasion of a sale by the grower to a licensed potato merchant or a licensed potato buyer of ware potatoes of a total weight of 1 ton or more, the buyer shall furnish to the seller a statement signed by him or on his behalf specifying the quantity and variety of potatoes so bought by him, the relative soil classification of the potatoes if they were grown on limestone, silt, warp, red or skirtland soils and the price at which they were bought.

Sale and Use for Human Consumption

6.—(1) A person shall not sell or otherwise dispose of potatoes other than ware potatoes if he knows or ought reasonably to know that they will be used or resold for the purpose of human consumption, or buy or otherwise obtain any such potatoes with the intention of selling them for use or resale for the purpose of human consumption.

(2) A person shall not use any ware potatoes except for the purpose of human consumption or sell or otherwise dispose of such potatoes (except to the Minister or for resale to the Minister) if he knows or ought reasonably to know that they will be used or sold otherwise than for the purpose of human consumption.

Stockfeed Potatoes

7. A person shall not use or process for the purpose of human consumption 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 the purpose of human consumption or for seed.

Sales Growing or as Grown

8.—(1) A person shall not (*a*) sell potatoes growing or as grown except to a licensed potato merchant or a licensed potato buyer, or (*b*) buy such potatoes unless he is a licensed potato merchant or a licensed potato buyer, or (*c*) use such potatoes except for planting or for human consumption.

(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 potato merchant, or a licensed potato buyer.

PURCHASES BY AGENTS

9. No person other than a licensed buying agent shall buy any ware 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 potatoes by a servant on behalf of his employer.

KEEPING OF RECORDS

10.—(1) Every person who carries on any undertaking by way of trade or business in the course of which he buys or sells any ware 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 ware potatoes are bought through the agency of a licensed buying agent the principal shall not be obliged to keep any of the records required to be kept under paragraph (1) of this Article but such records shall be kept by the licensed buying agent.

TRANSPORT

11.—(1) Except under and in accordance with the terms of a licence granted by or on behalf of the Minister a person shall not by way of trade or business transport or consign for transport or cause to be transported or consigned for transport any ware potatoes from a place in Bedfordshire, Cambridgeshire, Huntingdonshire, Isle of Ely, Lincolnshire, Norfolk, Soke of Peterborough or Suffolk to a place in Brecknockshire, Cardiganshire, Carmarthenshire, Cornwall, Devonshire, Dorsetshire (except the Borough of Poole), Glamorganshire, Gloucestershire, Monmouthshire, Pembrokeshire, Radnorshire, Somersetshire or Wiltshire.

(2) It shall be a defence for any person charged with an infringement of this Article to prove that any potatoes transported by him in contravention of the provisions of this Article were transported in the course of his business as a carrier and that he had no reason to believe that the provisions of this Article were being infringed.

WARE POTATOES—MARKETING DATES

12. Except under and in accordance with the terms of a licence granted for the purpose of this Article by or on behalf of the Minister—

(*a*) no grower of potatoes shall deliver to any purchaser pursuant to any agreement to sell made either before or after the date of the coming into operation of this Order, or otherwise dispose of to any other person any ware potatoes of the 1950 crop of the varieties named in Column 1 of the Third Schedule to this Order before the dates set out in Column 2 of the said Schedule ; and

(*b*) no person shall take delivery of or acquire potatoes from a grower in circumstances in which sub-paragraph (*a*) of this Article would be contravened by the grower.

WARE POTATOES—RESTRICTIONS ON SALES

13. (For revocation of Art. 13, *see* S.I. 1950 No. 2000, p. 748 below.)

ARTIFICIAL TRANSACTIONS

14. 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 1950 CROP

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

EXCLUSIONS

16. The provisions of this Order shall not apply—

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

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

(*c*) in any districts of Scotland mentioned in the Fourth Schedule to this Order save for

(i) Article 4 in so far as it applies to sales by retail; and

(ii) Article 6.

INFRINGEMENTS

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

DIRECTIONS, AUTHORISATIONS AND LICENCES

18.—(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.

REVOCATION

19.—(1) The Potatoes (General Provisions) Order, 1948 as amended(**a**) and the Ware Potatoes (1949 Crop) (No. 2) Order, 1949 as amended(**b**) are hereby revoked but without prejudice to any proceedings in respect of any contravention thereof.

(2) Any licence or authorisation granted or having effect under the said Orders shall continue to have effect as if granted under this Order.

(3) Every person shall, notwithstanding the revocation of the said Orders, retain any record required to be kept by him thereunder for one year from the date of the transaction or delivery to which it relates.

COMMENCEMENT AND CITATION

20. This Order (1) shall come into operation on the 1st day of August, 1950 save for Article 13 which shall take effect from the 4th day of October 1950; and (2) may be cited as the Ware Potatoes Order, 1950.

Maurice Webb,
Minister of Food.

Dated the 26th day of July, 1950.

THE FIRST SCHEDULE

(For new First Schedule substit. by S.I. 1950 No. 1882, *see* p. 738 below.)

THE SECOND SCHEDULE

RECORDS REQUIRED TO BE KEPT UNDER ARTICLE 10 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 and classification* of the potatoes sold;

(*c*) the price;

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

2. By a Wholesaler, including a Licensed Grower-Salesman when selling by Wholesale

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;

*NOTE.—The soil classification shall be recorded where the potatoes have been grown on limestone, silt, warp, skirtland or red soils.

(a) S.I. 1948 (No. 2199) II, p. 770; and 1950 No. 930.
(b) S.I 1949 (No. 1818) II, p. 553; and 1950 No. 928.

(*c*) the nett weight, variety and classification* of the 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 and classification* of the 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 and classification* of the 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.

5. By a Buying Agent

as provided by paragraph (4) of Article 10.

THE THIRD SCHEDULE

EARLIEST DATES FOR DELIVERY OF WARE POTATOES OF SPECIFIED VARIETIES GROWN IN ANY PART OF THE UNITED KINGDOM

Column 1	Column 2
Variety	Date prior to which the varieties named in Column 1 may not be delivered
Arran Victory, Craig's Defiance, Doon Star, Redskin.	14th August, 1950.
Any maincrop variety other than those specified above and excepting Arran Banner.	4th September, 1950.

* NOTE.—The soil classification shall be recorded where the potatoes have been grown on limestone, silt, warp, skirtland or red soils.

THE FOURTH SCHEDULE

DISTRICTS OF SCOTLAND REFERRED TO IN ARTICLE 16 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 Potatoes (General Provisions) Order, 1948, as amended, governing the marketing and use of Ware Potatoes. It also contains provisions formerly included in the annual Ware Potatoes Crop Orders prescribing—

(i) prices for Ware Potatoes of the 1950 Crop ;

(ii) riddle sizes for small potatoes ;

(iii) restrictions on transport ;

(iv) the earliest dates for marketing main crop varieties ; and

(v) restrictions on sales of certain long-keeping varieties.