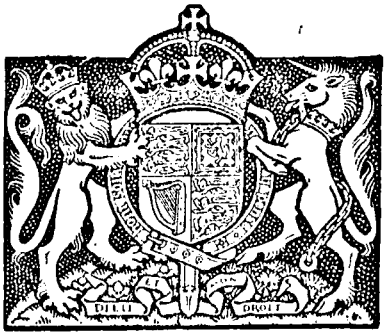


CHAPTER 37.

An Act to amend the Wheat Act, 1932.

[13th July 1939.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Provisions relating to the securing of a standard price to growers.

Variation of standard price of home-grown millable wheat.

1.—(1) In the year nineteen hundred and thirty-nine, and in each third succeeding year, the Minister shall appoint a committee of three persons, who, after considering general economic conditions and the conditions affecting the agricultural industry, shall report to the Minister as to the desirability of making any alteration in the price which is for the time being specified as the standard price of home-grown millable wheat for the purposes of the Wheat Act, 1932 (hereinafter referred to as " the principal Act ").

22 & 23 Geo. 5. c. 24.

(2) If the report of a committee appointed under this section is to the effect that the standard price should be altered, the Minister may by order substitute such price, to be specified in the order, as he may, after considering the report, think fit, for the price of ten shillings per hundredweight specified in subsection (3) of section two of the principal Act, or, if a previous order

under this section has taken effect, for the price specified in the last such order that has taken effect:

Provided that an order under this section shall be provisional only and shall be of no effect unless it is confirmed by Parliament.

(3) Any substitution ordered under this section shall take effect as from the first day of August in the year in which the order is confirmed by Parliament, or in the next succeeding year, as may be specified in the order.

(4) The expenses of a committee appointed under this section, to such amount as may be certified by the Minister to have been properly incurred by the committee, shall be paid out of moneys provided by Parliament, but shall be deemed to form part of the administrative expenses of the Wheat Commission.

Vendor of threshed wheat purchased growing or unthreshed to be deemed to be grower thereof.

2.—(1) Notwithstanding anything in subsection (2) of section one of the principal Act, where wheat is purchased as growing wheat, or as wheat cut but not threshed, and is sold as threshed wheat by the purchaser or a person deriving title under him, then, subject to the provisions of this section, the wheat shall be deemed for the purposes of the principal Act and of this Act (hereinafter together referred to as "the Wheat Acts") to be wheat of the growing of the person who sells it, or first sells it, as threshed wheat, and not to be wheat of the growing of the original vendor or of any intermediate vendor who may have sold it as growing wheat or as wheat cut but not threshed, and accordingly that person shall be deemed for those purposes to be a grower of wheat.

(2) The preceding subsection shall not have effect in relation to wheat which, before despatch on delivery after sale by the person who sells it, or first sells it, as threshed wheat, has been removed, otherwise than in accordance with byelaws, from the farm on which it was grown.

(3) Where wheat which has been purchased as aforesaid is sold, or first sold, as threshed wheat by virtue of a charge thereon or under a distraint, this section shall have effect as if the sale had been made by the person to whom the wheat belonged subject to the charge, or to the liability to distraint, as the case may be.

Deficiency payments: provisions as to despatch on delivery and re-delivery of wheat, and as to assignments.

3.—(1) Wheat that has not been removed from the farm on which it was grown shall not, for the purposes of paragraph (*e*) of subsection (2) of section five of the principal Act or for the purposes of any other provision of the Wheat Acts relating to despatch on delivery, be deemed to have been so despatched.

(2) Byelaws shall be made for the purpose of securing that wheat certificates shall not be issued in respect of the sale of any wheat by a registered grower unless the person authorised to issue a certificate is satisfied that none of the wheat despatched on delivery to, or to the order of, the person named in the certificate was so despatched for the purpose of being re-delivered to the registered grower.

The Wheat Commission shall be deemed always to have had power to make byelaws for the purpose specified in this subsection.

(3) Byelaws may be made for specifying conditions subject to which the rights of registered growers to receive deficiency payments are to be assignable.

(4) Where a registered grower has assigned his right to any deficiency payments, the Commission shall in any proceedings by the assignee for the recovery thereof be entitled to set off the amount of any payments obtained from the Commission by the registered grower by fraudulent misrepresentation or made by them to him under such circumstances as rendered the payments recoverable by the Commission as having been made under a mistake of fact, being payments obtained or made as deficiency payments in respect of wheat sold in the same cereal year as that in which the wheat in respect of which the assignee claims was sold, or as payments in advance on account of such deficiency payments, without regard to the date at which notice of the assignment was given to the Commission.

Provisions relating to obligation to make quota payments.

Amended classification of products of wheat.

4.—(1) In the Wheat Acts the following expressions relating to the classification of goods derived wholly or partly from wheat shall be interpreted in accordance with the subsequent provisions of this section.

(2) A substance that has a wheaten content and is produced by milling is referred to as a " milled wheaten substance."

(3) Milled wheaten substances shall be divided for the purposes of the Wheat Acts into the two following categories, namely—

(*a*) " flour ", that is to say, any milled wheaten substance that does not fall within paragraph (*b*) of this subsection; and

(*b*) " wheat by-products ", that is to say, any milled wheaten substance destined for livestock that has an ash content (standard basis) exceeding two and seven-tenths per cent., other than a substance from which it would be practicable to separate a part which would have an ash content (standard basis) of two per cent. or less and the wheaten content of which would weigh more than three-tenths of the weight of the wheaten content of the substance.

(4) The expression " wheaten content " means, in relation to any substance, so much thereof, whether being a part or the whole thereof, as comprises, and comprises only, those constituents of the substance which are derived from—

(*a*) wheat, or

(*b*) vegetable matter separated from that wheat in the course of cleaning that wheat, or

(*c*) mineral matter naturally associated with that wheat,

but excluding, as regards such vegetable and mineral matter constituents, any quantity in excess of the following limits respectively, that is to say, as regards the former, four ninety-sixths of the weight of the other constituents of the substance included in the wheaten content thereof by virtue of this subsection, and, as regards the latter, such quantity as can be included without increasing the ash content (standard basis) of the substance by more than two-tenths per cent. as compared with what it would have been if no mineral matter constituents had been included.

(5) The expression " milling "—

(*a*) does not include—

(i) the making of dough,

(ii) baking,

(iii) cooking,

(iv) conditioning,

(v) cleaning wheat or dressing wheat,

(vi) blending wheat with wheat, or with matter not having a wheaten content, or with wheat and with matter not having a wheaten content, or

(vii) any other process or operation which may be specified by byelaws as being a process or operation not to be treated for the purposes of the Wheat Acts as milling;

(*b*) subject as aforesaid, includes the application of any one or more of the operations (including mixing, blending, and sifting) forming part of any process of milling.

Amendments as to quota payments generally.

5.—(1) In substitution for the provisions of sections three and eight of the principal Act there shall have effect the provisions of this Act with respect to the making of quota payments—

(*a*) by millers, in respect of flour produced by them in the United Kingdom;

(*b*) by importers of flour, in respect of flour imported by them;

(*c*) by manufacturers of food being food produced in the United Kingdom of the classes commonly known as cereal breakfast foods and having such a wheaten content as is specified in subsection (1) of section eleven of this Act, in respect of such food produced by them; and

(*d*) by importers of goods of a class specified in an order made by the Minister under section twelve of this Act, in respect of such goods imported by them.

(2) References in the Wheat Acts to quota payments shall be construed as including references to quota payments payable under the provisions either of the principal Act or of this Act.

Quota payments in respect of flour.

6.—(1) Subject to the provisions of this Act, every miller shall make to the Wheat Commission quota payments in respect of all flour (not being a substance in respect of which, by virtue of the provisions of the next succeeding section, no quota payments are to be made) produced by him in the United Kingdom and delivered, and every importer of flour shall make to the Commission quota payments in respect of all flour imported by him.

(2) Quota payments to be made in respect of any flour produced in the United Kingdom shall accrue due when it is delivered, and quota payments to be made in respect of any flour imported shall accrue due when it is imported.

(3) Subject as hereafter in this section provided, and to the provisions of subsection (7) of the next succeeding section and of section nine of this Act, the amount of the quota payments to be made in respect of any flour shall be calculated at the following rate, that is to say—

(*a*) the standard amount,

(*b*) for each hundredweight of the flour.

(4) In the case of flour that is destined for livestock and has an ash content (standard basis) exceeding two per cent. but not exceeding two and seven-tenths per cent., the amount of any quota payments to be made in respect thereof, in lieu of being calculated by reference to the standard amount as provided in paragraph (*a*) of subsection (3) of this section, shall be calculated by reference to the following amount, that is to say, an amount equal to seven-eighths of the standard amount where the excess is not more than one-tenth per cent., to six-eighths thereof where the excess is more than one-tenth per cent. but not more than two-tenths per cent., and so on.

(5) In the case of flour that is destined for livestock and has an ash content (standard basis) exceeding two and seven-tenths per cent. (that is to say, a milled wheaten substance which, by reason of its containing such a separable part as is mentioned in paragraph (*b*) of subsection (3) of section four of this Act, is not wheat by-products), the amount of any quota payments to be made in respect thereof, in lieu of being calculated by

reference to each hundredweight of the flour as provided in paragraph (*b*) of subsection (3) of this section, shall be calculated by reference to each hundredweight of the quantity by which the weight of the wheaten content of the separable part exceeds three-tenths of the weight of the wheaten content of the flour.

(6) In the case of flour (not being such a substance as is mentioned in the last preceding subsection or in subsection (7) of the next succeeding section) that either—

(*a*) is destined for livestock; or

(*b*) is of a class to which the provisions of this subsection are applied by byelaws;

where the constituents of the flour include matter other than the wheaten content thereof, the amount of any quota payments to be made in respect thereof, in lieu of being calculated by reference to each hundredweight of the flour as provided in paragraph (*b*) of subsection (3) of this section shall be calculated—

(i) if the flour is destined for livestock, by reference to each hundredweight of the wheaten content thereof; or

(ii) if the flour is not destined for livestock but is of a class to which the provisions of this subsection are applied by byelaws, by reference to each hundredweight of the wheaten content thereof together with such further part thereof, if any, as may be specified in the byelaws.

For the purposes of paragraph (*b*) of this subsection, production by a particular person may be treated as the characteristic, or as one of the characteristics, constituting a class of flour.

Limitation of quota payments in case of certain substances destined for livestock.

7.—(1) No quota payments shall be made in respect of any of the following milled wheaten substances, being flour produced in the United Kingdom, that is to say, wheat provender mixture, flaked or rolled wheat mixture, cut wheat, and multure meal, and for the purposes of this Act those expressions respectively shall have the following meanings.

(2) "Wheat provender mixture" means a milled wheaten substance destined for livestock as to which the following condition is fulfilled, namely, that the

weight of the wheaten content of the substance does not exceed one-half of the weight of the substance.

(3) "Flaked or rolled wheat mixture" means a milled wheaten substance destined for livestock as to which the following conditions are fulfilled, namely—

(*a*) that the wheaten content of the substance does not exceed three-quarters of the weight of the substance;

(*b*) that the whole of the wheat from which the wheaten content of the substance is derived has been subjected to a milling applied to the wheat (whether previously cooked or not), by the person by whom the substance was produced, with the object of flattening the wheat; and

(*c*) that the substance is not as to any part of its wheaten content derived from a milling the object of which was a division into fragments of the matter to which that milling was applied, or a production of meal, or a separation between husk and kernel, that is to say, between parts of wheat having different ash contents.

(4) "Cut wheat" means a milled wheaten substance destined for livestock as to which the following conditions are fulfilled, namely—

(*a*) that the whole of the wheat from which the wheaten content of the substance is derived has been subjected to a milling applied to the wheat with the object of dividing it into cleanly divided fragments of wheat free from meal or dust; and

(*b*) that the substance is not as to any part of its wheaten content derived from a milling the object of which was a flattening of the matter to which that milling was applied, or a production of meal, or a separation between husk and kernel, that is to say, between parts of wheat having different ash contents.

(5) "Multure meal" means a milled wheaten substance as to which the following conditions are shown to the satisfaction of the Wheat Commission to be fulfilled, namely—

(*a*) that the destination of the substance was for livestock of a person by whom the whole of the

wheat from which the wheaten content of the substance is derived was grown;

(*b*) that no deficiency payments have or will become payable in respect of that wheat; and

(*c*) that the substance is not as to any part of its wheaten content derived from a milling the object of which was a separation between husk and kernel, that is to say, between parts of wheat having different ash contents.

(6) If a miller shows to the satisfaction of the Commission in accordance with byelaws that the deliveries during any cereal year of milled wheaten substances produced by him in the United Kingdom will not comprise, and, if that year has begun, have not comprised, anything other than such mixtures as aforesaid or cut wheat or multure meal, the Commission may in accordance with byelaws grant him a certificate certifying that he is exempt from liability to make quota payments in respect of his output for that year, so, however, that any such certificate may be revoked if at any time the Commission cease to be so satisfied as aforesaid.

References in the principal Act to a provender-miller's certificate shall be construed as including references to a certificate granted under this subsection, and references in this section and in section nine of the principal Act to the output of a miller for any cereal year shall, in relation to a case in which a miller imports any flour during that year, be construed as excluding references to that flour.

(7) In the case of a milled wheaten substance being flour produced in the United Kingdom and destined for livestock but not being such a mixture as aforesaid or cut wheat or multure meal, the amount of any quota payments to be made in respect thereof, in lieu of being calculated by reference to each hundredweight of the substance as provided in paragraph (*b*) of subsection (3) of section six of this Act, shall be calculated by reference—

(*a*) if conditions (*b*) and (*c*) of subsection (3) of this section are fulfilled in relation thereto, to each hundredweight of a quantity equal to four times the excess of the weight of the wheaten content thereof over three-quarters of the weight of the substance; or

(*b*) if those conditions are not so fulfilled, to each hundredweight of a quantity equal to twice the excess of the weight of the wheaten content thereof over one-half of the weight of the substance:

Provided that, if the substance falls within subsection (5) of section six of this Act, the amount of any quota payments to be made in respect thereof shall be an amount calculated in accordance with that subsection or an amount calculated in accordance with this subsection, whichever is the less.

Conditions for treating substances as destined for livestock.

8.—(1) For the purpose of ascertaining, in relation to the delivery or importation of a milled wheaten substance, whether quota payments then accrued due in respect thereof, and, if so, the amount of those quota payments, the substance shall be treated as a substance destined for livestock if, and (subject to the provisions of subsection (4) of this section) only if, it is shown to the satisfaction of the Wheat Commission in accordance with byelaws that the condition specified in the next following subsection is fulfilled in relation to that delivery or importation:

Provided that this section shall not have effect for the purpose of the determination of any question by an officer of Customs and Excise in the execution of his functions under the Wheat Acts.

(2) The condition referred to in the foregoing subsection is that the person in whom the property in the substance was vested immediately before the delivery, or at the time of the importation, as the case may be, then intended that the substance should be used only as food for livestock, or as material in the production of goods to be so used and of such goods only.

(3) If—

(*a*) it has been shown to the satisfaction of the Commission in accordance with byelaws that the condition aforesaid is fulfilled in relation to the delivery or importation of a milled wheaten substance, but

(*b*) that substance or a part thereof or goods in the production of which that substance or a part

thereof has been used as material has or have been used otherwise than as food for livestock or as material as aforesaid,

then, whichever of the events aforesaid last occurred, a delivery of the substance or of that part thereof, as the case may be, shall be deemed to have taken place on the date on which the substance or that part thereof or those goods, as the case may be, was or were used as aforesaid, and quota payments shall accordingly accrue due in respect of the substance or of that part thereof, as the case may be, and shall be payable by the person in whom the property in the substance, or in that part thereof or in those goods, as the case may be, was vested at the time of the use thereof as aforesaid:

Provided that, if that person did not know, at the time when the property in the substance or in that part thereof or in those goods, as the case may be, became vested in him, that the condition aforesaid was fulfilled in relation to the substance, the said quota payments shall be payable by, or out of the estate of, the first person from whom, at or after the time when the said condition was fulfilled, the property in the substance or in that part thereof or in those goods, as the case may be, passed to a person who did not know, when the property so passed to him, that the said condition was so fulfilled.

(4) If it is shown to the satisfaction of the Commission that a milled wheaten substance has in fact been used after a delivery or importation thereof only as food for livestock, or as material in the production of goods so used and of such goods only, although the condition aforesaid is not fulfilled in relation to the delivery or importation thereof, then, if that fact is shown before the determination of the questions relating to liability for quota payments referred to in subsection (1) of this section, the substance shall be treated for the purpose therein mentioned as a substance destined for livestock, and, if that fact is shown thereafter, all such adjustments shall be made, by repayment of any quota payments made or otherwise, as may be requisite for putting the miller or importer, the Commission and all other persons concerned (if any), in the like position as if the substance had been so treated.

(5) References in the Wheat Acts to a miller shall, except where the context otherwise requires, be construed as including references to a person liable to make quota payments by virtue of this section.

(6) It shall be the duty of any person who knows that he has become liable to make quota payments by virtue of this section to inform the Commission of that fact, and if, with intent to avoid payment of quota payments or otherwise with intent to deceive, he fails so to do, he shall be guilty of an offence and liable on summary conviction thereof to such punishment as is specified in subsection (3) of section sixteen of the principal Act.

Provisions for avoidance of duplication of quota payments in respect of flour.

9.—(1) Where a miller proves, as respects any flour produced by him in the United Kingdom and delivered, that a liability to make quota payments in respect of that flour, or of goods from which that flour was derived (whether exclusively or otherwise), arose by virtue of an earlier delivery or importation, then, in determining the liability of the miller to make quota payments by virtue of the later delivery, an allowance shall be made, in respect of the liability to make quota payments that arose by virtue of the earlier delivery or importation, in accordance with the following provisions of this section.

(2) The measure of the allowance shall be the amount that accrued due by way of quota payments by virtue of the earlier delivery or importation:

Provided that, if the amount prescribed as the standard amount at the time of the earlier delivery or importation, or the amount then prescribed under section three or eight of the principal Act, as the case may be, was not the same as the amount prescribed as the standard amount at the time of the later delivery, the measure of the allowance shall be the sum which would have accrued due by way of quota payments by virtue of the earlier delivery or importation if the last-mentioned amount had been the amount prescribed as aforesaid at the time thereof.

(3) If the measure of the allowance is equal to or greater than the amount of the quota payments which would, but for this provision, accrue due by virtue of the later delivery, the liability to make quota payments by virtue thereof shall be extinguished, and, if the measure

of the allowance is less than that amount, the liability shall be limited to the difference between that amount and the measure of the allowance.

Modification of technical provisions relating to quota payments in respect of flour.

10.—(1) For the purpose of preventing anomalies in the incidence on competing interests, or on different classes of goods, of the liability to make quota payments, modifications may be made, by an order made by the Minister under and subject to the provisions of this section, of any of the following provisions of this Act, that is to say—

(*a*) the percentages and fraction mentioned, in relation to the definition of wheat by-products, in subsection (3) of section four;

(*b*) in connection with any such modification as aforesaid in relation to wheat by-products, the percentages of two and two and seven-tenths mentioned in subsection (4) of section six, and, in connection with any modification of those percentages, the fractions and percentages mentioned in that subsection in relation to the calculation of the amount of the quota payments payable in the case mentioned in that subsection;

(*c*) in connection with any such modification as aforesaid in relation to wheat by-products, the percentage of two and seven-tenths mentioned in subsection (5) of section six, and the fraction of three-tenths mentioned in that subsection;

(*d*) the quantities mentioned in subsection (4) of section four in relation to the inclusion of vegetable and mineral matter constituents in the wheaten content of a substance;

(*e*) the fractions of one-half and three-quarters specified in subsections (2) and (3) respectively of section seven as the maximum wheaten content of the mixtures therein defined and, in connection with any modification of those fractions, the provisions of subsection (7) of that section; and

(*f*) the provisions relating to ash content contained in section thirty.

(2) Where it appears to the Wheat Commission to be expedient that an order should be made under this section, they shall give notice of the purport of the order appearing to them to be expedient to such bodies of persons as appear to them to be representative of the interests likely to be affected and shall give to those bodies an opportunity of making representations to them with respect thereto, and, after taking into consideration any representations made by any such body, they shall, unless as a result of the representations it no longer appears to them to be expedient that the order should be made, prepare a draft order.

(3) After preparing a draft order the Commission shall publish, in such manner as they think best for informing persons likely to be affected, a notice setting out the terms of the draft order, stating that it is about to be submitted to the Minister and specifying the period (not being less than twenty-eight days from the publication of the notice) within which, and the manner in which, objections thereto can be made to him.

(4) After the expiration of the period specified in the published notice, the Commission shall submit the draft order to the Minister, together with a report on their proceedings under this section subsequent to the giving of the notice required to be given to representative bodies.

(5) On receipt of the draft order, the Minister shall take it into consideration together with any objection duly made to him by any person appearing to him to be likely to be affected, and may, if he thinks fit, refer the draft order to the Reference Committee and require the Committee to make a report to him as to the expediency of making the modification specified therein.

(6) After considering the draft and any such objection as aforesaid, and, if the draft has been referred to the Committee, their report, the Minister may make an order in the terms of the draft either without modification or subject to any modification appearing to him to be expedient.

(7) Where it appears to any body of persons representative of any interest affected by the operation of any of the provisions of this Act specified in subsection (1) of this section to be expedient that an order should be made under this section, they may

submit to the Minister a draft order and, if the Minister is satisfied that the body submitting a draft order is representative as aforesaid, he may refer it to the Commission and require them to make to him a report thereon, and, if it appears to him after considering the Commission's report that it is expedient that an order should be made in the terms of the draft, he shall direct the Commission to give notice of the terms thereof to such bodies of persons as appear to them to be representative of interests likely to be affected and to give to those bodies an opportunity of making representations to them with respect thereto, and when the Commission have given effect to the Minister's directions, the provisions of subsections (3) to (6) of this section shall have effect as they have effect in relation to a draft order prepared by the Commission.

(8) An order under this section may be made either generally or in relation to particular classes of milled wheaten substances, and may make different provision in relation to different classes of such substances.

(9) An order under this section may be varied or revoked by a subsequent order made in the like manner and subject to the like provisions:

Provided that an order made on a draft prepared by the Commission may be varied or revoked by an order made on a draft submitted under subsection (7) of this section and vice versa.

(10) An order under this section shall be of no effect until it has been approved by a resolution passed by each House of Parliament.

Quota payments in respect of certain cereal breakfast foods.

11.—(1) The following provisions of this section shall have effect with respect to food of any of the classes of food for human consumption commonly known as cereal breakfast foods, being food that has a wheaten content, is produced in the United Kingdom, and is as to its wheaten content produced by the application, by the manufacturer of the food, of a single operation (whether being milling or not) to wheat, or by the application by him of a series of such operations the first of them being an operation applied to wheat.

(2) Subject to the provisions of this section and of section fifteen of this Act, the manufacturer thereof

shall make to the Wheat Commission quota payments in respect of all such food as aforesaid produced by him which is delivered after the thirty-first day of July nineteen hundred and forty:

Provided that no quota payments shall be made in respect of any such food if the weight of the wheaten content thereof does not exceed one-tenth of the weight of the food.

(3) No quota payments shall be made in respect of any such food as is mentioned in subsection (1) of this section otherwise than under this section.

(4) No quota payments shall be made in respect of flour which is both produced and used in the course of the production of any such food as is mentioned in subsection (1) of this section.

(5) Quota payments to be made under this section in respect of any food shall accrue due when the food is delivered.

(6) The amount of the quota payments to be made under this section in respect of any food shall be calculated at the following rate, that is to say—

(*a*) the standard amount,

(*b*) for each hundredweight of the wheaten content of the food.

(7) Provision may be made by an order made by the Minister, under and subject to the subsequent provisions of this section, for relief from quota payments which would otherwise be payable under this section.

(8) Any person engaged in the production of food of any of the classes of food for human consumption commonly known as cereal breakfast foods may make an application in writing to the Minister to make such provision as aforesaid as respects food of that class or of a class falling within that class. The application shall be made in such manner and form as may be prescribed by the Minister, and shall specify the grounds on which the application is made, and the applicant shall furnish to the Minister all such information as he may require with respect to the constituents and processes of production of food of the class to which the application relates.

(9) Where such an application as aforesaid is duly made, the Minister, unless it appears to him that the application relates to a class of food substantially the same as one in relation to which an unsuccessful application has recently been made, shall refer it to the Reference Committee, and the Committee, after publishing notice of the application in such manner as they think best for informing persons appearing to them to be likely to be affected and giving to such persons and to the Commission an opportunity of making representations to the Committee, shall, not earlier than the expiration of twenty-eight days from the publication of the notice, consider the application having regard to all the circumstances and in particular to—

(*a*) the extent to which food of the class to which the application relates is ordinarily supplied for consumption in competition, on the one hand with bread and with other foods having a wheaten content, and on the other hand with foods not having a wheaten content; and

(*b*) the incidence of quota payments in relation to different classes of consumers of substances in respect of which quota payments are payable or of foods produced wholly or partly from such substances;

and shall furnish to the Minister a report as to the expediency of making an order as respects food either of the class to which the application relates or of any class falling within that class.

(10) If the report of the Committee on an application under this section is to the effect that it is expedient that an order should be made as respects food of the class specified in the application or of a class falling within that class, the Minister may make an order directing that quota payments shall not be payable in respect of food of the class as to which the Committee so recommend or of a class falling within that class.

(11) The Minister shall have power—

(*a*) to define by order classes of food which are to be treated for the purposes of this section as being, or as not being, classes of food for human consumption commonly known as cereal breakfast foods; and

(*b*) to determine whether a class of food specified in an application under subsection (8) of this section is, or falls within, a class of food for human consumption commonly known as a cereal breakfast food.

(12) An order under this section may be revoked or varied by a subsequent order made by the Minister:

Provided that, before making an order under this subsection, the Minister shall consult the Reference Committee.

(13) Production by a particular manufacturer may be treated as the characteristic, or as one of the characteristics, constituting a class of food for the purposes of this section.

Power to impose quota payments in respect of imported goods having wheaten content.

12.—(1) Application may be made in writing to the Minister by the Wheat Commission or by any other person that quota payments should be rendered payable in respect of imported goods of any class being a class of goods which ordinarily have a wheaten content but are not milled wheaten substances.

(2) In considering any such application, the Minister shall have regard to all the circumstances and in particular to the advisability of securing that so far as may be United Kingdom and imported goods that are intrinsically similar should be in a similar position as respects quota payments, and for the purposes of this provision imported goods shall not be treated as being other than similar to United Kingdom goods by reason only of the fact that the imported goods differ from the United Kingdom goods in the processes by which, or conditions under which, or materials from which, they are produced.

(3) After considering any such application, the Minister may refer it to the Reference Committee, either as submitted or subject to any modification appearing to him to be expedient of the definition of the class of goods to which it relates, and, where such an application has been referred to them, the Committee shall publish notice of the application in such manner as they think best for informing persons appearing to them to be likely to be affected, and shall give to such persons, and, in the case of an application made by a person

other than the Commission, to the Commission, an opportunity of making representations to the Committee, and shall, not earlier than the expiration of twenty-eight days from the publication of the notice, consider the application having regard to the circumstances aforesaid, and shall furnish to the Minister a report as to the expediency of rendering quota payments payable in respect of goods of the class to which the application relates, or of any class falling within that class.

(4) If the report of the Committee on an application referred to them under this section is to the effect that it is expedient that quota payments should be rendered payable in respect of imported goods of the class specified in the reference, or of a class falling within that class, the Minister may by order direct that, subject to the provisions of section fifteen of this Act, quota payments shall be made by the importer thereof in respect of all imported goods of the class as to which the Committee so recommend or of a class falling within that class, and quota payments shall be made accordingly and shall accrue due when the goods are imported:

Provided that no quota payments shall be made by virtue of an order under this section in respect of any goods if the weight of the wheaten content thereof does not exceed one-tenth of the weight of the goods or in respect of any goods being milled wheaten substances.

(5) An order under the last preceding subsection shall specify the class of goods in the case of which the order is to have effect, whether the amount of the quota payments to be payable is to be calculated by reference to the standard amount or to some fraction of it, and whether it is to be calculated by reference to each hundredweight of the weight of the goods or of the weight of part only of the goods, and, if by reference to the weight of part only of the goods, by reference to what part thereof it is to be calculated.

(6) An order under this section may be varied or revoked by a subsequent order made by the Minister:

Provided that, before making an order under this subsection, the Minister shall consult the Reference Committee, and the Minister shall not make under this subsection an order that imposes or increases liability for quota payments except for giving effect to a recommendation of the Committee.

(7) An order under this section that imposes or increases liability for quota payments shall be of no effect until it has been approved by a resolution passed by each House of Parliament.

(8) Without prejudice to the generality of the powers conferred on the Commission by section five of the principal Act, byelaws made for giving effect to orders under this section may make different provision in relation to different classes of goods.

Repayments and allowances in case of exported goods.

13.—(1) Where quota payments have accrued due on the delivery or importation of any goods and have been duly paid, and it is shown to the satisfaction of the Wheat Commission in accordance with byelaws that the goods have been exported or shipped as stores, a repayment shall be made by the Commission to the exporter, and the amount of the repayment to be so made shall be the amount of the quota payments which would accrue due on a delivery or importation of the goods on the day on which the exportation or shipment took place.

(2) Where it appears to the Commission that it is expedient that allowances should be made to persons exporting, or shipping as stores, goods of any class, in respect of quota payments made in respect of materials having a wheaten content included in, or used in the production of, goods of that class, the Commission may submit to the Minister a scheme for that purpose, and, if the Minister by order approves the scheme, then, where it is shown to the satisfaction of the Commission in accordance with byelaws that goods of that class have been exported or shipped as stores, the Commission shall make allowances to the exporter in accordance with and subject to the provisions of the scheme and of this section.

(3) Any such scheme shall specify the class of goods exported or shipped in the case of which allowances are to be made under the scheme.

(4) The amount of an allowance to be made under such a scheme shall be an amount calculated, in such manner as may be therein provided, by reference to, and not exceeding, the amount of the quota payments which would accrue due on a delivery or importation, on the day on which the goods were exported or shipped, of

materials equal in quantity and similar in character to such materials having a wheaten content as are shown to the satisfaction of the Commission to be included in the goods exported or shipped, or to have been used in the production thereof.

(5) For the purpose of ascertaining the amount of an allowance to be made under such a scheme, the Commission may accept, as sufficient evidence as to the quantity and character of the materials having a wheaten content included in, or used in the production of, the goods exported or shipped, evidence as to the usual practice of the manufacturer thereof, or of manufacturers generally, in the production of similar goods.

(6) Any such scheme may provide for the making of allowances for any period specified in the scheme, or without any limit of period.

(7) Any such scheme may impose, as a condition for the making of a claim for an allowance thereunder, the observance of such requirements relating to the keeping and vouching of records as appear to the Commission to be requisite for securing the proper operation of the scheme.

(8) The Commission may at any time recommend such amendments of any scheme for the time being in force under this section as they think fit, and the Minister may by order approve any amendment so recommended and thereupon the scheme shall have effect as so amended.

(9) The Minister may, on the recommendation of the Commission, by order revoke any scheme for the time being in force under this section.

(10) An order made by the Minister under this section for approving any scheme or amendment shall set forth the scheme or amendment in a schedule to the order.

(11) A scheme coming into force under this section before the expiration of three months from the passing of this Act may provide that allowances shall be made thereunder in the case of goods exported or shipped at any time after the passing of this Act.

(12) Any reference in this section to the amount of the quota payments which would accrue due on a delivery or importation of goods or materials on the day on which an exportation or shipment takes place shall, in relation to an exportation or shipment which takes

place on a day on which there is in force an order made by the Minister under subsection (1) of section fifteen of this Act directing that no quota payments shall be made, be construed as a reference to the amount of the quota payments which would have accrued due on a delivery or importation of the goods or materials on the day immediately preceding the day upon which the order came into force.

Standard amount for calculating amount of quota payments.

14.—(1) For the purposes of the calculation of the amount of any quota payments, the standard amount shall be the amount prescribed by such order made by the Minister under this section as is in force at the time when the payments accrue due:

Provided that the standard amount as respects quota payments accruing due during the period between the first day of August nineteen hundred and thirty-nine and the coming into force of the first order made by the Minister under this section shall be the amount specified in the order made by the Minister under section three or eight of the principal Act which is in force immediately before that day.

(2) The Minister shall, in the month preceding, or as soon as practicable after, the beginning of each cereal year, make an order for the purposes of this section in relation to that year:

Provided that the Minister shall not so make an order where an order suspending quota payments is in force under the next succeeding section unless he intends to revoke that order, and where he intends to revoke an order suspending quota payments, he shall, before revoking it, make an order for the purposes of this section in relation to the cereal year then current, or, if the revocation is to take effect at or near the beginning of a cereal year, in relation to that year.

(3) The amount to be prescribed in an order made under the last preceding subsection shall be such amount as appears to the Minister, after consultation with the Wheat Commission, to be requisite in order to render the quota payments received or to be received during the year in relation to which the order is made, the other revenue of the Commission received or to be received during that year, and, if any surplus is shown to be subsisting in the Wheat Fund by the accounts prepared

in respect of the last preceding cereal year, that surplus, sufficient to meet the deficiency payments to be made by the Commission in respect of that year, their administrative expenses and other expenditure attributable to that year, and, if any deficiency is shown to be subsisting in the Wheat Fund by the accounts aforesaid, that deficiency.

(4) In ascertaining the said amount, the Minister shall have regard to all the circumstances and in particular to the following factors as ascertained or as estimated by him after consultation with the Commission, that is to say,—

(*a*) the quantity prescribed or likely to be prescribed as the anticipated supply of home-grown millable wheat for the cereal year in relation to which the order is made;

(*b*) the average price obtainable by registered growers throughout the United Kingdom for home-grown millable wheat of their own growing sold or to be sold by them during that year;

(*c*) the quantities of flour, chargeable food and chargeable imports, in respect of which quota payments have or will become payable in that year, and the extent to which the amounts payable will be affected by the provisions of this Act as to the rates at which quota payments are to be calculated and as to relief from quota payments; and

(*d*) the amount of the repayments and allowances in respect of goods exported or shipped as stores which have or will become payable in that year.

(5) At any time or times in a cereal year after the Minister has made an order in relation to that year or a part thereof under subsection (2) of this section or under this subsection, if he is satisfied after consultation with the Commission that an amended standard amount ought to be prescribed in relation to the residue of that year, he may make an order for that purpose.

(6) An order made under this section shall come into force on such date as may be specified therein (which may, in the case of an order under subsection (2) of this section, be earlier than the first day of the cereal year

to which it relates, but shall not in any case be earlier than the day on which the order is made) or, if no date is so specified, on the date on which the order is made.

(7) Subject to the provisions of the next succeeding section, an order that has come into force under this section shall remain in force, notwithstanding the close of the period in relation to which it was made, until it is superseded by the coming into force of a subsequent order made under this section.

(8) In this section the expression "the Minister" means the Minister of Agriculture and Fisheries.

Power to suspend quota payments.

15.—(1) If at any time in a cereal year the Minister is satisfied after consultation with the Wheat Commission that it is expedient so to do having regard—

(*a*) to the amount standing to the credit of the Wheat Fund,

(*b*) to the fact that the average price obtainable by registered growers throughout the United Kingdom for home-grown millable wheat of their own growing sold or to be sold by them in that year, as estimated by the Minister after consultation with the Commission, has ceased to be less than the standard price, or

(*c*) both to that amount and to that fact,

he may by order direct that no quota payments shall be made in respect of any flour, chargeable food or chargeable imports, by virtue of any delivery or importation thereof during the period whilst the order remains in force.

(2) On the coming into force of an order made under the preceding subsection, the order for the time being in force under the last preceding section shall cease to have effect.

(3) An order made under subsection (1) of this section may be revoked by a subsequent order made by the Minister after consultation with the Commission.

(4) In this section the expression "the Minister" means the Minister of Agriculture and Fisheries.

Administrative Provisions.

Reference of disputes to arbitration.

16.—(1) Any dispute to which this section applies shall be referred to the arbitration of two persons, one to be appointed by each party, or their umpire:

Provided that the Wheat Commission and the other party to any such dispute may by agreement in writing provide that it shall be referred to the arbitration of a single arbitrator, and provision may be made by bye-laws for requiring that, in the case of any such dispute to which the byelaws relate, it shall be so referred.

(2) This section shall apply to any dispute arising between the Commission and any other person—

(*a*) out of or in connection with a claim made by the Commission to receive quota payments, or a claim made by any person for the return of quota payments;

(*b*) out of or in connection with a claim made by any person to receive a repayment or allowance under the Wheat Acts in respect of goods exported or shipped as stores, or a claim made by the Commission for the return of any such repayment or allowance:

Provided that this section shall not apply to any such dispute as aforesaid being a dispute as to any matter which is required by or under the Wheat Acts to be shown to the satisfaction of the Commission.

(3) This section shall also apply to any dispute arising between the Commission and the Flour Millers' Corporation, or any other corporation whose administrative expenses are payable by the Commission under section ten of the principal Act, other than a dispute as to a modification proposed by the Commission to be made in estimates submitted to the Commission.

(4) This section shall have effect in relation to a dispute arising either before or after the passing of this Act, other than a dispute for the determination of which proceedings were duly initiated before the passing of this Act in a court of competent jurisdiction or by way of arbitration pursuant to an agreement binding on the parties.

Byelaws as to mode of proof of certain facts.

17.—(1) Byelaws may be made for specifying matters (including the results of examinations or analyses of substances or of samples thereof) which may be taken into account, or which are to be taken into account whether exclusively or otherwise, for the purpose of determining any of the following questions arising in relation to any substance in the execution of the Wheat Acts, that is to say,—

(*a*) whether the separation therefrom of such a part as is mentioned in the definition of wheat by-products contained in subsection (3) of section four of this Act would be practicable;

(*b*) what part thereof is the wheaten content thereof, or other part thereof the weight of which is material for determining whether quota payments are payable in respect thereof or the amount of any quota payments so payable;

(*c*) what is the ash content (standard basis) thereof; or

(*d*) whether it has, or has not, any other physical or chemical characteristic which is material for determining whether quota payments are payable in respect thereof or the amount of any quota payments so payable.

(2) Byelaws may be made for requiring millers, importers of flour or of chargeable imports, and manufacturers of chargeable food, to keep and vouch records of facts and matters which ought in the opinion of the Wheat Commission to be recorded and vouched for the purpose of ascertaining their liability to make quota payments, and for prescribing the manner in which such records are to be kept and vouched.

Byelaws made for the purpose aforesaid may be made so as to have effect either in the case of millers or of such importers or manufacturers generally or in the case of any class of millers or of such importers or manufacturers, as appears to the Commission to be requisite for that purpose, and so as to have effect as well whilst an order made under subsection (1) of section fifteen of this Act is in force as at other times.

Provisions as to samples and analyses.

18.—(1) Byelaws may be made for specifying the manner in which samples to be taken under section eleven of the principal Act are to be taken, and the manner in which any examination or analysis of a substance to be made in connection with the execution of the Wheat Acts is to be made.

(2) For the purpose of the proof in any legal proceedings pursuant to the Wheat Acts of any fact relating to the taking of a sample under the said section eleven or under the enactments relating to customs or to the disposal of a sample so taken, being such a fact as is authorised by byelaws to be dealt with in a certificate signed for the purposes of this subsection, a certificate purporting to be signed by the person by whom the sample was taken and stating that fact shall be sufficient evidence against any party to the proceedings to whom a copy of the certificate has been furnished not later than fourteen days before the certificate is tendered in evidence, unless within ten days from the date of the furnishing to him of a copy of the certificate he serves on the Wheat Commission a notice in writing requiring the person by whom the sample was taken to be called as a witness, or unless the court or arbitrator requires that person to be so called or requires other evidence of that fact.

(3) For the purpose of the proof in any such proceedings as aforesaid of the result of an examination or analysis made by the Government Chemist, or by a person acting under his directions, of any such sample as aforesaid, or of the proof in any such proceedings of any fact relating to such an examination or analysis, being such a fact as is authorised by byelaws to be dealt with in a certificate given for the purposes of this subsection, production of a certificate stating the result thereof or stating that fact, as the case may be, being a certificate in such form as may be prescribed by byelaws and purporting to be given by the Government Chemist, shall be sufficient evidence against any party to the proceedings to whom a copy of the certificate has been furnished not later than fourteen days before the certificate is tendered in evidence, unless within ten days from the date of the furnishing to him of a copy of the certificate he serves on the Commission a notice in writing requiring the person by whom the examination or analysis was

made to be called as a witness, or unless the court or arbitrator requires that person to be so called or requires other evidence of the result of the examination or analysis or of that fact.

(4) For the purposes of any such proceedings as aforesaid, any such sample as aforesaid shall be presumed, unless the contrary is proved, to be representative—

(*a*) of the bulk from which the sample was taken;

(*b*) in the case of a sample of a milled wheaten substance produced in the United Kingdom, of any other milled wheaten substance which was so produced by the person who produced the bulk whence the sample was taken during the week within which that bulk was produced, and which appears from the records of that person to have been of the same description and grade as that bulk; and

(*c*) in the case of a sample of a milled wheaten substance produced in the United Kingdom, of any other milled wheaten substance which was so produced by the person who produced the bulk whence the sample was taken, and which appears from the records of that person to have been produced by the application of a process identical with the process by which that bulk was produced to material of the same kind as that from which that bulk was produced.

In this subsection the expression "week" means a period of seven consecutive days ending at midnight on a Saturday.

Provisions for securing payment of quota payments payable by importers.

19.—(1) The provisions of this section shall have effect for the purpose of securing that the quota payments which are payable by importers in respect of goods being milled wheaten substances or chargeable imports are duly paid.

(2) All such goods as aforesaid shall, whether they are liable to a duty of customs or not, be treated for the purpose of making entry thereof as goods liable to such a duty, and section fifty-seven of the Customs Consolidation Act, 1876 (which relates to the entry of goods for warehousing) shall have effect in relation to such goods as if the reference therein to payment of duty included a reference to the fulfilment of any condition which, by

39 & 40 Vict. c. 36.

virtue of the succeeding provisions of this section, is required to be fulfilled upon the signature of the entry of the goods for home consumption or home use.

(3) Where any such goods as aforesaid are entered for home consumption or home use, the entry shall not be signed by the proper officer of Customs and Excise unless there is produced and surrendered to the proper officer either—

(*a*) a receipt of the Wheat Commission for a deposit on account of quota payments of an amount calculated at the standard amount in force at the time of the importation of the goods for each hundredweight thereof; or

(*b*) a receipt of the Commission for a deposit on account of quota payments of an amount calculated at a rate less than the standard amount in force at the time of the importation of the goods for each hundredweight thereof, together with a declaration in such form and made by such person as may be prescribed by byelaws, being a declaration from which it appears to the proper officer that the goods are such that the amount of the quota payments accruing due upon the importation aforesaid does not exceed the amount which appears from the receipt to have been deposited with the Commission; or

(*c*) a declaration in such form and made by such person as may be prescribed by byelaws, being a declaration from which it appears to the proper officer that the goods are such that no quota payments accrue due upon the importation thereof:

Provided that this subsection shall not have effect if an order under subsection (1) of section fifteen of this Act is in force at the time when the goods are imported.

(4) Byelaws made for the purposes of this section may—

(*a*) direct that, for the purposes of such a declaration as aforesaid, statements of particular facts shall be treated as sufficient evidence for determining the question whether goods are destined for livestock or any other relevant question; and

(*b*) make provision for the issue, subject to such conditions as may be prescribed by the byelaws, of receipts in respect of deposits on account of quota payments in advance of the making of the deposits, so, however, that the byelaws shall provide that the form of any receipt so issued shall be such as to show that it is so issued.

(5) If any such goods as aforesaid, not having been entered for home consumption or home use, are sold by the Commissioners of Customs and Excise in pursuance of the enactments relating to customs, the provisions of the Wheat Acts shall have effect in relation thereto as if an importation of the goods had taken place at the time of the sale, and the buyer of the goods shall be deemed to be the importer thereof, and shall be liable to make to the Commission quota payments accordingly.

(6) A deposit made for the purposes of this section shall be treated for all the purposes of the Wheat Acts as if it had been a payment made in or towards discharge of a claim made by the Commission to receive quota payments.

(7) References in this section to a deposit of a particular amount shall be construed as including references to a deposit of an amount greater than that amount.

Supplementary provisions as to chargeable imports.

20.—(1) Where a class of chargeable imports is defined by reference to characteristics the presence or absence of which is in the opinion of the Minister not readily ascertainable by the proper officer of Customs and Excise, the Minister may by order direct that the provisions of the last preceding section shall have effect, in like manner as they have effect in relation to chargeable imports, in relation to a wider class of goods defined in such manner as may in the Minister's opinion be requisite in order to comprise all goods of the first-mentioned class, and to avoid reference to the characteristics aforesaid; and any such order may be revoked or varied by a subsequent order made in like manner.

(2) Where, in an order to be made by him under section twelve of this Act, the Minister proposes to specify, as the class of goods in the case of which the order is to have effect, a class defined by reference to such characteristics as aforesaid, he may include in that

order the like direction as may be made by an order under subsection (1) of this section.

Certain expenses of Government Departments to be administrative expenses of the Wheat Commission.

21. In certifying, under paragraph (*c*) of subsection (3) of section ten of the principal Act, the expenditure incurred by any Government Department for the purposes of the Wheat Acts, the Minister shall include—

(*a*) such sums as, in the opinion of the Treasury, approximately represent the accruing liability of any Government Department for the purposes of the Wheat Acts in respect of pensions, allowances and gratuities under the Superannuation Acts, 1834 to 1935; and

(*b*) the rental value of any premises belonging to the Crown and used for the purposes of the Wheat Acts, being premises in respect of which no rent is payable.

Obligation of the Wheat Commission to pay certain expenses.

22.—(1) Where under the Wheat Acts any expenditure of any person other than the Wheat Commission is made part of the administrative expenses of the Commission, the Commission shall be liable on demand to pay an amount equal to that expenditure to that person, or, in the case of expenditure defrayed out of moneys provided by Parliament, to the Government Department by which that expenditure was defrayed.

(2) Any sums payable under this section to a Government Department shall be paid into the Exchequer.

General and Miscellaneous.

Grants and loans for research and education.

23.—(1) For the purpose of encouraging or promoting research and education in matters affecting the growing, marketing or utilisation of wheat, the Wheat Commission may make payments, either by way of grant or by way of loan or partly in one way and partly in the other, upon such terms and subject to such conditions as the Commission think fit, to any university, college, school or other educational institution, or to any association or body of persons being an association or body which is debarred by its constitution from engaging in trade for profit.

(2) Any expenditure incurred by the Commission under this section shall be deemed to form part of their administrative expenses.

Reference Committee.

24. For the purposes of the provisions of this Act under which the Minister is authorised or required to refer any matter to the Reference Committee, or for the purpose of obtaining independent advice as to any other matter relating to his functions under the Wheat Acts, the Minister may appoint a committee constituted in accordance with the provisions of the First Schedule to this Act.

In this Act references to " the Reference Committee " shall be construed as references to any committee appointed under this section.

Restriction on disclosure of information.

25.—(1) No information relating to any individual business, being information which has been obtained by or on behalf of any person for the purposes of his functions under the Wheat Acts, shall, without the previous consent in writing of the owner for the time being of that business, be published or disclosed otherwise than in connection with the execution or for the purposes of those Acts or of any order, regulation, byelaw or scheme having effect by virtue of those Acts.

(2) Nothing in the preceding subsection shall apply to any disclosure of any information made for the purposes of any legal proceedings pursuant to the Wheat Acts, or of any criminal proceedings which may be taken whether pursuant to those Acts or otherwise, or for the purposes of any report of any such proceedings as aforesaid.

(3) If any person discloses any information in contravention of this section, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and such fine or, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

Effect upon contracts of increase or reduction of quota payments.

26.—(1) Where by virtue of an order under the Wheat Acts liability to make quota payments in respect of goods of any class is imposed, reimposed or increased, and at the time when the order comes into operation a contract for the sale of goods of that class, or of goods in the production of which goods of that class are used, is subsisting, the seller may, in the absence of agreement

to the contrary, recover, as an addition to the contract price, a sum equal to any increase in the expense incurred by him in performing the contract that is attributable to the imposition, reimposition or increase of the said liability.

(2) Where by virtue of an order under the Wheat Acts liability to make quota payments in respect of goods of any class is terminated, suspended or reduced, and at the time when the order comes into operation such a contract as aforesaid is subsisting, the purchaser may, in the absence of agreement to the contrary, deduct from the contract price, or, if that price has then been paid, recover from the seller as money had and received to the use of the purchaser, a sum equal to any decrease in the expense incurred by the seller in performing the contract that is attributable to the termination, suspension or reduction of the said liability.

Amendment of constitution of the Wheat Commission.

27.—(1) In paragraph 1 of the First Schedule to the principal Act (which provides that the Wheat Commission shall consist of a chairman, a vice-chairman and seventeen other persons) for the word "seventeen" there shall be substituted the words "not less than seventeen nor more than twenty."

(2) In paragraph 2 of the said Schedule there shall be inserted, after sub-paragraph (*e*), the following sub-paragraph, that is to say—

"(*f*) as representing the interests of such other classes of persons as appear to the Minister to be affected by the operation of the Wheat Acts, not more than three members (of whom any member who is appointed as a sole representative of any interests shall be entitled to appoint a deputy to act in his absence);".

Minor amendments.

28.—(1) The following minor amendments shall be made in the principal Act.

(2) In section two, in subsection (4) (under which the Minister is required to make orders prescribing the anticipated supply of home-grown millable wheat at or as soon as practicable after the beginning of each cereal year), for the word "at" there shall be substituted the words "during the month preceding."

(3) In section five, in subsection (2), in paragraph (*f*) (which relates to proof of the facts entitling claimants to the issue of wheat certificates), for the words " satisfactory proof " there shall be substituted the words " proof to the satisfaction of the person authorised to issue a certificate ", and the like substitution shall be made in subsection (4) of the said section five.

(4) In section nine, in subsection (6), for the words " the last foregoing subsection " there shall be substituted the words " subsection (4) of this section."

(5) In section sixteen, in subsection (1) (which relates to offences in connection with the falsification and suppression of information and of documents)—

(*a*) in paragraph (*a*) there shall be substituted, for the words " under this Act or under the byelaws of the Wheat Commission ", the words " in " connection with the execution of the Wheat " Acts or of any order, regulation, byelaw or " scheme, having effect by virtue of those " Acts "; and

(*b*) for paragraph (*c*) there shall be substituted the following paragraph :—

" (*c*) knowingly makes any false statement, or withholds any material information, or produces any false document, for the purpose of obtaining for himself or any other person any such certificate, receipt, or other document as aforesaid, or any pecuniary advantage connected with the execution of the Wheat Acts or of any order, regulation, byelaw or scheme, having effect by virtue of those Acts; or ".

(6) In the Second Schedule, in paragraph 1 (which provides that the Flour Millers' Corporation shall, until a scheme comes into force in accordance with the provisions of that Schedule, consist of the persons mentioned in that paragraph), for the words " until a scheme comes into force " there shall be substituted the words " until the completion of the first election of " members of the Corporation pursuant to a scheme " coming into force ".

Consequential amendments.

29. There shall be made in the principal Act the consequential amendments set out in the Second Schedule to this Act.

Interpretation.

30.—(1) In the Wheat Acts, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say :—

"Byelaws" means byelaws made by the Wheat Commission under section five of the principal Act;

"Chargeable food" means any such food as is specified in subsection (1) of section eleven of this Act, not being—

(*a*) food the wheaten content whereof does not exceed one-tenth of the weight of the food; or

(*b*) food of a class as to which an order made under subsection (10) of that section is for the time being in force;

"Chargeable imports" means goods of a class as to which an order made under subsection (4) of section twelve of this Act is for the time being in force;

"Entered" means entered in accordance with the enactments relating to customs, and "entry" has a corresponding meaning;

"Exporter", in relation to any goods shipped as stores, includes the person by whom, or on whose behalf, entry of the goods is made for shipment as stores;

"Flour" has the meaning assigned to it by subsection (3) of section four of this Act;

"Importation", in relation to any goods, means entry of those goods for home consumption or home use, and "imported" has a corresponding meaning;

"Importer", in relation to any goods, means the person by whom or on whose behalf those goods are entered for home consumption or home use;

"Legal proceedings" includes arbitrations;

"Livestock" means horses, mules, asses, cattle, sheep, pigs, goats, and poultry;

"Milled wheaten substance" has the meaning assigned to it by subsection (2) of section four of this Act, and includes any substance falling within the definition contained in that subsection notwithstanding that it is produced in the course of a continuous process and is subjected to some further operation immediately on its coming into being;

"Milling" has the meaning assigned to it by subsection (5) of section four of this Act, and "miller" means a person who produces flour in the United Kingdom for the purposes of a trade in flour or in goods in the manufacture of which flour is used;

"Output" means, in relation to any miller, the flour produced by him in the United Kingdom which is delivered, and references to the output of a miller for any cereal year shall be construed as references to his output delivered during that year;

"Reference Committee" has the meaning assigned to it by section twenty-four of this Act;

"Standard amount" has the meaning assigned to it by section fourteen of this Act;

"Wheaten content" has the meaning assigned to it by subsection (4) of section four of this Act;

"Wheat by-products" has the meaning assigned to it by subsection (3) of section four of this Act.

(2) For the purposes of this Act, a milled wheaten substance produced in the United Kingdom, and chargeable food, shall be deemed to be delivered—

(*a*) in the case of a substance or food that is on its production the property of the miller, or of the manufacturer, as the case may be, by whom it was produced, on the passing of the property therein from the miller or manufacturer to another;

(*b*) in the case of a substance or food that is not on its production the property of the miller or manufacturer, as the case may be, by whom it was produced, on the passing of the substance or food from the possession of the miller or manufacturer into the possession of another;

(*c*) as regards a milled wheaten substance, on its being subjected, without having been previously delivered, to some process or operation other than milling; or

(*d*) as regards a milled wheaten substance, on its being used by the miller by whom it was produced for consumption by livestock:

Provided that, where in the case mentioned in paragraph (*a*) of this subsection the property in any substance or food passes from the miller or manufacturer by operation of law, and where in the case mentioned in paragraph (*b*) of this subsection the possession of any substance or food so passes, the substance or food shall not be deemed to be delivered on that passing, but it shall be deemed to be delivered on the next passing otherwise than by operation of law of the property therein or of the possession thereof, as the case may be, and, for the purposes of the recovery of the quota payments then accruing, they shall be treated as a debt due immediately before the passing by operation of law and payable on the said next passing.

(3) For the purposes of this Act, the "ash content (standard basis)" of a substance shall be ascertained as follows, that is to say, there shall be ascertained—

(*a*) the ash content of the wheaten content of the substance, that is to say, the proportion (expressed as a percentage) which the weight of such ash derived from the wheaten content of the substance as would be present after the incineration of the wheaten content of the substance in such manner as may be prescribed by byelaws bears to the weight of the wheaten content of the substance; and

(*b*) the dry content of the substance, that is to say, the proportion (expressed as a percentage) which the weight of so much of the substance as would remain after drying in such manner as may be prescribed by byelaws bears to the weight of the substance before drying;

and the ash content (standard basis) of the substance shall be taken to be the amount which bears to the ash content of the wheaten content thereof the proportion which eighty-seven and one-half per cent. bears to the dry content thereof.

(4) In this Act references to a substance or food produced by the application of a particular process or operation shall be construed as including references to a substance or food which is the result of the application of two or more processes or operations if the last of them was that particular process or operation, and references to a substance or food produced by a particular person, or produced in the United Kingdom, shall be construed as including references to a substance or food which is the result of the application of two or more processes or operations if the last of them was applied by that person, or was applied in the United Kingdom, as the case may be.

(5) References in this Act to the application of any process or operation to wheat shall be construed as reference to the application of that process or operation to wheat, as distinguished from an application thereof to matter derived, whether exclusively or otherwise, from wheat.

(6) Any provisions of this Act directing the making of a particular amount of quota payments, or the making of repayments or allowances of a particular amount, in respect of a particular weight shall be construed as importing a direction for the making of payments, repayments or allowances, of a proportionate amount in respect of any fractional part of that weight.

Commencement.

31.—(1) The following provisions of this Act shall come into operation on the passing thereof, that is to say, sections one to three, section thirteen, section sixteen, sections twenty-one to twenty-eight, section thirty so far as requisite for the interpretation of any of the enactments aforesaid, this section, section thirty-two, the First Schedule, and section twenty-nine and the Second Schedule so far as regards the provisions thereof that are therein expressed to be consequential on any of the enactments aforesaid.

(2) Effect may be given to the provisions of subsections (7) to (13) of section eleven of this Act, and to the provisions of section twelve of this Act, at any time after the passing thereof, but no order made under those provisions shall come into operation before the first day of August nineteen hundred and thirty-nine.

(3) Any power to make byelaws conferred by this Act may be exercised at any time after the passing of this Act, but byelaws made for giving effect to any provision of this Act which does not come into operation before the first day of August nineteen hundred and thirty-nine shall not come into operation before that date.

Nothing in this subsection shall be construed as affecting the operation in relation to this Act of the Interpretation Act, 1889. 52 & 53 Vict. c. 63.

(4) Subject as aforesaid the provisions of this Act shall come into operation on the first day of August nineteen hundred and thirty-nine:

Provided that no quota payments shall be made under this Act in respect of flour within the meaning of the principal Act delivered within the meaning of that Act before the said day.

Short title, citation and construction.

32.—(1) This Act may be cited as the Wheat (Amendment) Act, 1939, and this Act and the principal Act may be cited together as the Wheat Acts, 1932 and 1939.

(2) This Act shall be construed as one with the principal Act, and accordingly in the principal Act, except when the context otherwise requires, the expression "this Act" shall be construed as including references to the principal Act and to this Act, and, without prejudice to the generality of this subsection, subsections (1) and (5) of section five of the principal Act shall have effect in relation to any byelaws made for giving effect to the provisions of this Act, and section eighteen of the principal Act shall have effect (subject as therein expressly provided) in relation to any order, regulation or byelaws so made.

SCHEDULES.

Sections 24, 31.

FIRST SCHEDULE.

CONSTITUTION OF REFERENCE COMMITTEE.

1. The Reference Committee shall consist of a chairman and two other members.

2. A member of the Reference Committee shall hold and vacate office in accordance with the terms of the instrument under which he is appointed, but, notwithstanding anything in that instrument, a member may resign his office by a written notice given under his hand to the Minister, and a member who ceases to hold office shall be eligible for reappointment.

3. It shall be the duty of the Minister to satisfy himself, with respect to any person whom he proposes to appoint as a member of the Reference Committee, or who is a member thereof, that that person will have or has, as the case may be, no such interest in any agricultural or commercial undertaking (including any undertaking concerned with the growing, production or marketing of wheat, milled wheaten substances or other goods having a wheaten content) as is likely to affect him in the discharge of his functions as a member of the Committee; and any such person shall, whenever requested by the Minister so to do, furnish to the Minister such information as he considers necessary for the performance of his duty under this paragraph.

4. The Minister may appoint a secretary to the Reference Committee, and the Committee may employ such officers, agents and servants as the Minister may, with the approval of the Treasury, determine.

5. The Minister may pay such remuneration and allowances to the members and to the secretary, officers, agents and servants of the Reference Committee, and such other expenses of the Committee as the Minister may, with the approval of the Treasury, determine. Any sums payable by the Minister under this paragraph shall be paid out of moneys provided by Parliament, but shall be deemed to form part of the administrative expenses of the Wheat Commission.

6. The power to make regulations conferred on the Minister by section twelve of the principal Act shall extend to the making of regulations—

(*a*) for regulating the procedure of the Reference Committee; and

(*b*) for applying the Tribunals of Inquiry (Evidence) Act, 1921, to the Reference Committee as if the Committee were a tribunal established in the manner provided by that Act and as if that Act had been applied thereto in the manner thereby provided. 1ST SCH. —*cont.* 11 & 12 Geo. 5. c. 7.

SECOND SCHEDULE.

Sections 29, 31.

CONSEQUENTIAL AMENDMENTS.

Provision of principal Act to be amended.	Amendment.	Provision of this Act on which amendment is consequential.
Section two, subsection (3).	The proviso shall be repealed -	Section one.
Section three -	The section shall be repealed -	Sections five and fourteen.
Section four -	The section shall be repealed -	Section thirteen.
Section five, subsection (2).	In paragraph (*j*), the words " from millers and importers of flour " shall be repealed.	Sections eleven and twelve.
	In paragraph (*j*), after the words " in respect of such payments ", insert the words " or in respect " of deposits made for the " purposes of section nineteen " of the Wheat (Amendment) " Act, 1939 ".	Section nineteen.
	In paragraph (*k*), for the words " repayments in respect of " flour " substitute the words " repayments or allowances in " respect of flour or other " goods ".	Section thirteen
	In paragraph (*k*), the words " or in respect of exported bread " shall be repealed.	Section thirteen.
	Paragraph (*m*) shall be repealed	Section sixteen.
Section six -	The section shall be repealed -	Section nineteen.
Section eight -	The section shall be repealed -	Sections fourteen and fifteen.

2ND SCH. —*cont.*

Provision of principal Act to be amended.	Amendment.	Provision of this Act on which amendment is consequential.
Section nine, subsection (5).	For the words "there shall be "excluded meal delivered by "the miller or millers for consumption, without further "manufacture, as animal or "poultry food", substitute the words "there shall be excluded "substances exempted from "quota payments by virtue of "section seven of the Wheat "(Amendment) Act, 1939."	Section seven.
Section ten, subsection (3).	Paragraph (*d*) shall be repealed -	Section one.
Section eleven -	In subsections (1) and (2), for the words "flour or wheat offals", in the first place where those words occur, substitute the words "or any goods, being "milled wheaten substances, "food such as is mentioned in "subsection (1) of section eleven "of the Wheat (Amendment) "Act, 1939, or chargeable imports".and in each subsequent place where those words occur, substitute the words "or any such goods as aforesaid."	Sections four, eleven and twelve.
	In subsection (1), in paragraph (*b*), for the words "or an importer of flour", substitute the words "a manufacturer of "such food as aforesaid, an "importer of flour or of chargeable imports".	Sections eleven and twelve.
	Subsection (4) shall be repealed -	Section twenty-five.
Section twelve, subsection (1).	In paragraph (*e*), for the words "the committee to be appointed under subsection (3) "of section two of this Act," substitute the words "a committee appointed under section one of the Wheat(Amendment) Act, 1939."	Section one.

2ND SCH —*cont.*

Provision of principal Act to be amended.	Amendment.	Provision of this Act on which amendment is consequential.
Section fourteen	The section shall be repealed -	Section twenty-six.
Section sixteen, subsection (3).	For the words " or importer of flour ", substitute the words " manufacturer of chargeable " food or importer of flour or of " chargeable imports "; for the words " the flour ", substitute the words " the goods "; for the words " that flour," substitute the words " those goods "; and for the words " of it " substitute the word " thereof ".	Sections eleven and twelve.
Section sixteen, subsection (4).	After the word " furnish," insert the words " or in complying with any obligation in relation to the keeping or vouching of records or other documents which is imposed on him by the byelaws".	Section seventeen, subsection (2).
Section eighteen, subsection (2).	For the subsection substitute the following subsection— " (2) Subsection (1) of this section shall not apply to any provisional order made under section one of the Wheat (Amendment) Act, 1939, to any order made under section ten of that Act, or to an order made under section twelve of that Act that imposes or increases liability for quota payments."	Sections one, ten and twelve.
Section twenty, subsection (1).	The definition of " bread " shall be repealed.	Section thirteen.
	The definition of " delivered " shall be repealed.	Section five.
	The definitions of " flour ", of " meal ", and of " wheat offals " shall be repealed.	Section four.
	The definitions of " entered ", " exporter ", and " importer " shall be repealed.	Section thirty.

2ND SCH. —*cont.*

Provision of principal Act to be amended.	Amendment.	Provision of this Act on which amendment is consequential.
Section twenty, subsection (1) —*cont.*	The definition of "miller" and the definition of "output" shall be repealed.	Section thirty, subsection (1).
	In the definition of "Minister" for the words from "orders prescribing" to "cessation of such payments", substitute the words "orders to be made "under section two of this Act "or under section fourteen or "fifteen of the Wheat (Amend- "ment) Act, 1939".	Sections fourteen and fifteen.
Section twenty, subsection (2).	The subsection shall be repealed -	Section four.
Section twenty, subsection (3).	The subsection shall be repealed -	Section nine.
Section twenty, subsection (4).	For the words "flour and bread", substitute "flour and other goods".	Sections eleven, twelve and thirteen.

Printed by EYRE AND SPOTTISWOODE LIMITED
FOR
SIR WILLIAM RICHARD CODLING, C.B., C.V.O., C.B.E., the King's Printer of Acts of Parliament