(b) NORTHERN IRELAND

The Wheat (Northern Ireland) Order, 1949

1949 No. 1165

Made - - - -	22*nd June*, 1949
Laid before Parliament	23*rd June*, 1949
Coming into Operation	1*st July*, 1949

In exercise of the powers conferred upon him by Regulations 55, 55AA and 55AB of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(a) as extended by the Supplies and Services (Extended Purposes) Act, 1947(b), and of all other powers him enabling, the Minister of Food hereby makes the following Order:—

Interpretation

1. In this Order—

"The Minister" means the Minister of Food.

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

"Approved buyer" means a person licensed as such by the Ministry under this Order, and includes a person who, immediately before the coming into force of this Order, was licensed as an approved buyer under the Wheat (Control and Prices) (Northern Ireland) Order, 1947, as amended(c).

"Buy", "obtain", "sell" or "supply" include offer or agree to buy, obtain, sell, or supply, as the case may be.

"Grower" means a grower of wheat in Northern Ireland and includes the seller or supplier thereof on the first sale or disposition after threshing, but for the purposes of the Second and Third Schedules to this Order shall not include an approved buyer.

"Millable wheat" means wheat which is sweet and in fair merchantable condition, commercially clean as regards admixture and tailings and commercially free from heated or mouldy grains or objectionable taint, and capable of being manufactured into a sound sweet flour fit for human consumption having regard to the customary methods employed in the milling industry for cleaning and conditioning wheat.

"Non-millable wheat" means wheat which is neither millable nor potentially millable.

"Potentially millable wheat" means any wheat which by treatment can be converted into millable wheat at a cost not exceeding 3s. 6d. per cwt., such cost to include proper allowance for wastage.

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

(a) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (Nos. 1611 and 1615–25) II, pp. 39 and 45–56.
(b) 10 & 11 Geo. 6. c. 55.
(c) S.R. & O. 1947 (Nos. 1536 and 1882) II, pp. 859 and 856; and S.I. 1948 (No. 1764) II, p. 709.

" Seed wheat merchant " means a person licensed as such by the Ministry under this Order, and includes a person who, immediately before the coming into force of this Order, was licensed as a seed wheat merchant under the Wheat (Control and Prices) (Northern Ireland) Order, 1947, as amended.

" Screenings " means the residue of grain remaining when the maximum quantity of millable, potentially millable or seed wheat has been separated from any parcel of wheat.

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

" Wheat " includes tailings and screenings and except where the context otherwise requires means threshed wheat.

PART I.—CONTROL

Restrictions as to seed and sowing

2.—(1) No person shall—

(*a*) buy or obtain or sell or supply for use as seed any mixture of grain containing more than 25 per cent. by weight of wheat ; or

(*b*) sow or cause or permit to be sown any mixture of grain containing more than 25 per cent. by weight of wheat:

Provided that the aforesaid restrictions shall not apply in the case of a mixture consisting solely of wheat and beans.

(2) A person who has bought any wheat for use as seed shall not sell or otherwise dispose of any such wheat or use it for any purpose other than seed.

Mixed Crops

3. No person shall grow or cause or permit to be grown any mixed crop containing more than 25 per cent. by weight of wheat:

Provided that this restriction shall not apply (i) in the case of a mixture consisting solely of wheat and beans, or (ii) where barley and/or rye, without other grain, has been sown after the 1st day of February in any year by reason of the partial failure of a crop of wheat.

Restrictions on growers

4.—(1) Except under and in accordance with the terms of a licence granted for the purposes of this Article by the Ministry, a grower shall not in any way dispose of any wheat grown by him except by way of sale to an approved buyer, a seed wheat merchant or the Port Area Grain Committee or use it except for the purpose of such sale and shall not offer to sell the same to such Committee until it has been offered to an approved buyer or a seed wheat merchant as hereinafter provided.

(2) Every offer by a grower to an approved buyer or a seed wheat merchant shall be made not later than 7 days after the wheat has been threshed. If within 7 days from the date of such offer the grower has not received notice of acceptance from the approved buyer or the seed wheat merchant, the grower may offer the wheat in question to the said Committee.

(3) Every offer by a grower to the said Committee shall be made not later than 21 days after the threshing of the wheat in question.

(4) The restrictions imposed by the foregoing paragraphs of this Article shall not prohibit a grower from using for feeding to livestock in his ownership, possession or control—

(i) any wheat grown by him and threshed after the 30th day of June, 1949, so long as the quantity of such wheat so used by him does not at any time exceed 25 per cent. of the total weight of such wheat already threshed by him after that date ;

(ii) any such wheat where the total acreage of wheat grown by him in the United Kingdom does not exceed 2 acres.

Restrictions on dealing

5.—(1) No person other than an approved buyer, a seed wheat merchant, the Port Area Grain Committee or a person buying wheat for use as seed by him shall buy or obtain any wheat from a grower.

(2) No approved buyer shall for the purpose of any trade or business carried on by him—

(*a*) buy or obtain any wheat except from a grower or another approved buyer, including an approved buyer licensed as such under the Wheat (Control and Prices) (Great Britain) Order, 1947, as amended(**a**), or any Order replacing that Order, or

(*b*) sell or supply any wheat except to another approved buyer, including an approved buyer licensed as such under the Wheat (Control and Prices) (Great Britain) Order, 1947, as amended, or any Order replacing that Order, or to the Port Area Grain Committee, provided that an approved buyer may sell or supply any wheat as permitted by paragraph (4) of this Article.

(3) No person other than a seed wheat merchant shall buy or obtain any wheat for resale as seed and no person other than a grower (licensed to do so under Article 4 of this Order) or a seed wheat merchant shall sell or supply any wheat to a person buying the same for use as seed by him.

(4) No seed wheat merchant shall—

(*a*) unless he is also an approved buyer, buy or obtain any wheat except for resale as seed ;

(*b*) buy or obtain any wheat for resale as seed except from another seed wheat merchant, including a seed wheat merchant licensed as such under the Wheat (Control and Prices) (Great Britain) Order, 1947, as amended, or any Order replacing that Order, a grower or an approved buyer ; or

(*c*) sell or supply any wheat bought by him for resale as seed except to another seed wheat merchant, including a seed wheat merchant licensed as such under the Wheat (Control and Prices) (Great Britain) Order, 1947, as amended, or any Order replacing that Order, acquiring the same for resale as seed, or to a person acquiring the same for use as seed by him.

(**a**) S.R. & O. 1947 (Nos. 1535 and 1882) II, pp. 848 and 856; and S.I. 1948 (Nos. 619 and 1761) II, pp. 673 and 706.

(5) No person shall use or cause to be used or sell or supply any millable or potentially millable wheat for any purpose other than the manufacture in the United Kingdom of flour or meal for human consumption or for use in the United Kingdom as seed, except as permitted by paragraph (4) of Article 4 of this Order.

Decision whether wheat is millable, potentially millable or non-millable

6. If in relation to a sale or proposed sale of any wheat by a grower to an approved buyer or by one approved buyer to another approved buyer any difference shall arise between the buyer and the seller as to whether the wheat is millable, potentially millable or non-millable, the matter shall be referred to the Ministry and the decision of the Ministry as to whether the wheat is millable, potentially millable or non-millable shall be final and conclusive.

Wheat not to be damaged

7. No person shall damage or permit to be damaged or treat or permit to be treated any wheat so as to render the same less fit for use as seed or for use in the manufacture of flour or meal for human consumption or waste any wheat or permit it to be wasted, provided that any use permitted under paragraph (4) of Article 4 hereof shall not be a use contrary to the provisions of this Article.

Declaration of sale for seed

8.—(1) On a sale of wheat to any person for use as seed by him the seller shall, before giving delivery of the wheat, obtain from the buyer, and the buyer shall, before taking delivery thereof, furnish to the seller a completed declaration and undertaking in the form set out in the First Schedule to this Order, and the seller shall invoice such wheat as seed for sowing.

(2) Any seller to whom any declaration and undertaking shall have been furnished under paragraph (1) of this Article shall retain the same for not less than one year from the date of the transaction to which it relates.

Keeping of records

9.—(1) Every approved buyer and every seed wheat merchant shall keep or cause to be kept an accurate record of the quantities of wheat purchased and sold by him, such record to include, in respect of each such purchase or sale, the date thereof, the price at which the wheat was purchased or sold, and the name and address of the person from whom the same was purchased or to whom the same was sold, specifying in each case whether the wheat was millable, potentially millable or non-millable.

(2) Every approved buyer and every seed wheat merchant shall keep or cause to be kept an accurate record of the quantitites of wheat offered for sale to him, such record to include the names and addresses of the persons by whom the offers were made.

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

(4) Every person required by this Article to keep any record shall retain the same for not less than one year from the date of the transaction to which it relates.

PART II—PRICES

Fixed and maximum prices

10.—(1) No person shall buy or sell any wheat at a price other than the fixed price applicable in accordance with the Second Schedule to this Order or at a price exceeding the maximum price so applicable, together with any additions to such prices made in accordance with the provisions of the Third Schedule to this Order.

(2) The provisions of the foregoing paragraph of this Article shall not apply to the purchase or sale of wheat for use as seed or for resale for such use.

Decision as to certain deductions

11. If any question shall arise as to whether the deduction for converting potentially millable wheat into millable wheat is or is not reasonable such question shall be referred to the Ministry whose decision shall be final and conclusive.

PART III—GENERAL

Notification that wheat artificially dried

12. Where wheat, other than non-millable wheat, has been artificially dried before sale the seller shall, at or before the time of sale, notify the buyer in writing that the wheat has been artificially dried ; provided that it shall be a defence in any proceedings for an infringement of this Article for the defendant to prove that he had no reason to believe that the wheat had been artificially dried.

Artificial transactions ; unreasonable charges

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

Directions, licences and authorisations

14.—(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 the Ministry ; and

(*b*) any licence or authorisation which may be granted under this Order 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 direction, licence or authorisation under this Order.

(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 being in possession of any such licence or authorisation shall, if requested to do so by or on behalf of the Minister, produce or deliver it to such person or to a person of such class or description and within such time as may be specified in the request.

Infringements

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

Application

16.—(1) This Order shall not apply to wheat which has been grown outside the United Kingdom.

(2) This Order shall apply only to Northern Ireland.

Revocation

17.—(1) The Wheat (Control and Prices) (Northern Ireland) Order, 1947, as amended(**a**), is hereby revoked but without prejudice to any proceedings in respect of any contravention thereof.

(2) Any licence granted under the said Order or continuing in force by virtue of the said Order, and subsisting immediately before the date of the coming into force of this Order, shall continue to have effect as if it had been granted under this Order.

(3) Every person shall notwithstanding the revocation of the said Order retain any record or declaration and undertaking required to be kept by him thereunder until the expiration of one year from the date of the transaction to which it relates.

Commencement and citation

18. This Order shall come into operation on the 1st day of July, 1949, and may be cited as the Wheat (Northern Ireland) Order, 1949.

Dated the 22nd day of June, 1949.

John Strachey,
Minister of Food.

THE FIRST SCHEDULE

Declaration in respect of Wheat bought for use as Seed

To.....(Name and address of Seller)
.....
.....

I hereby declare that I require.....cwt. of home grown wheat to sow .....acres for next harvest on the following farm(s):—

.....(Name and address of farm(s))
.....
.....

I undertake that except under the authority of the Ministry this wheat will not be used or disposed of otherwise than for sowing on the said land.

Dated the day of , 19 .

Signature of Buyer.....

Address in full .....
.....
.....

(**a**) S.R. & O. 1947 (Nos. 1536 and 1882) II, pp. 859 and 856; and S.I. 1948 (No. 1764) II, p. 709.

THE SECOND SCHEDULE

PRICES OF MILLABLE, POTENTIALLY MILLABLE AND NON-MILLABLE WHEAT

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9
	For delivery during the month of—							
	July, August or September, 1949	October or November, 1949	December, 1949	January, 1950	February, 1950	March, 1950	April, 1950	May or June, 1950
	At the rate of per cwt. net—							
SECTION I: Millable Wheat—	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
A. Fixed price on a sale by a grower	22 0	23 0	23 2	23 4	23 6	24 0	24 6	24 8
B. Maximum price on a sale by a person other than a grower	22 4	23 4	23 6	23 8	23 10	24 4	24 10	25 0
SECTION II— Non-Millable Wheat—								
A. Maximum price on a sale by a grower	18 6	19 6	19 8	19 10	20 0	20 6	21 0	21 2
B. Maximum price on any other sale	18 10	19 10	20 0	20 2	20 4	20 10	21 4	21 6
SECTION III:— Potentially Millable Wheat ...	On a sale— (*a*) by a grower, the price shall be the fixed price (for the appropriate month) specified in Section IA of this Schedule; (*b*) by a person other than a grower, the price shall be the maximum price (for the appropriate month) specified in Section IB of this Schedule; less, in each case, a reasonable deduction not exceeding 3s. 6d. per cwt. representing the cost of converting the potentially millable wheat into millable wheat and proper allowance for wastage.							

THE THIRD SCHEDULE

Additions which may be made by the Seller to the Prices specified in the Second Schedule to this Order

1. *Credit*

The prices prescribed by this Order are fixed on the basis of net cash; where credit is given by the seller to the buyer a reasonable charge may be made therefor, provided that the amount of such charge is specified separately on an invoice to be furnished by the seller to the buyer not later than 14 days after the date of sale.

2. *Transport Charges*

The prices prescribed by this Order are fixed on the basis that all transport charges after sale by the grower "ex-farm" are for the account of the ultimate buyer and accordingly there may be added to such prices all transport charges after such sale:

Provided that—

(*a*) such charges so added shall not exceed any reasonable amounts actually and properly paid or payable by the seller and any other reasonable sums representing transport costs properly incurred by him;

(*b*) on a sale by an approved buyer, no such charge shall be payable to him unless he shall have furnished to the buyer a written certificate showing that the charge in question was actually and properly paid or payable by him or, as the case may be, properly incurred by him;

(*c*) where on a sale of wheat by the Minister an average or flat rate is charged in respect of transport, the amount so charged shall be deemed to be a reasonable amount actually and properly paid or payable for transport.

3. *Sack Charges*

(1) Where the seller provides returnable sacks (owned or hired by him) the seller may—

(*a*) make a charge at a rate not exceeding 1d. per sack for the first 14 days from the date of sale and ½d. per sack(a) for each subsequent 7 days of hire, or, where the sacks were hired by him, a charge not exceeding the charge actually paid or incurred by the seller for the hire of the sacks during the same period whichever is the less;

(*b*) make a further charge, by way of deposit, which shall not exceed—

(i) 7s. for any sack weighing 3½ lb. or more;

(ii) 5s. for any sack weighing 2 lb. or more but less than 3½ lb.;

(iii) 2s. 6d. for any sack weighing less than 2 lb.

Any sum charged by way of deposit shall be repaid by the seller to the buyer on the re-delivery by the buyer of the sack (carriage paid) in such condition as is reasonable having regard to its condition when supplied and to ordinary wear and tear.

(2) Where the seller provides non-returnable sacks, the seller may make a charge for each sack at a rate not exceeding 1s. 5d. per cwt. of the contents sold, or in the case of a sale of less than one cwt. at a rate not exceeding 1s. 8d. per cwt.

4. *Handling—in and out of store*

Where, on a sale other than a sale by a grower, any wheat has been taken into and delivered out of the seller's store the seller may in respect of such wheat make a charge not exceeding 2d. per cwt.

(a) "½d." substituted, *see* p. 489 below.

5. *Small Lots (Non-millable Wheat)*

Where on a sale other than a sale by the grower, non-millable wheat is, at the request of the buyer, delivered by the seller in any of the under-mentioned quantities a charge may be made by the seller in accordance with the following scale:—

Quantity delivered	Charge at a rate not exceeding—
	s. d.
10 cwt. or more but less than 20 cwt.	3 per cwt.
5 cwt. or more but less than 10 cwt.	6 per cwt.
1 cwt. or more but less than 5 cwt.	1 0 per cwt.
½ cwt. or more but less than 1 cwt.	1 6 per cwt. or 9d. per ½ cwt.
28 lb. or more but less than ½ cwt.	2 6 per cwt., 11¼d. per 42 lb. or 7½d. per 28 lb.
14 lb. or more but less than 28 lb.	3 0 per cwt., 6¾d. per 21 lb. or 4½d. per 14 lb.
Under 14 lb.	4 0 per cwt. or 3d. per 7 lb.

6. *Prohibition of further additions*

Except as provided in this Schedule, no charge shall, save under the authority of the Minister or of the Ministry, be made in addition to the prices prescribed by the Second Schedule to this Order in respect of credit, breaking bulk, transport, containers, or in respect of handling in and out of store.

EXPLANATORY NOTE

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

This Order replaces the Wheat (Control and Prices) (Northern Ireland) Order, 1947, as amended.

It sets out the fixed and maximum prices for wheat in Northern Ireland for each of the 12 months beginning July, 1949, and increases the maximum permitted deduction for converting potentially millable wheat into millable wheat to 3s. 6d. per cwt.

The maximum permitted charge for non-returnable sacks is increased to 1s. 5d. per cwt. of contents, or on a sale of less than 1 cwt. to 1s. 8d. per cwt.

Growers may use for feeding to their livestock 25 per cent. of their wheat (including tailings and non-millable wheat) threshed after 30th June, 1949.

The Order also permits approved buyers and seed wheat merchants to sell to or buy from Great Britain approved buyers and seed wheat merchants.