

FLAX

REGULATIONS DATED 1ST DECEMBER, 1949, MADE BY THE MINISTRY OF AGRICULTURE UNDER SECTION EIGHTEEN OF THE FLAX ACT (NORTHERN IRELAND), 1949, WITH THE APPROVAL OF THE MINISTRY OF FINANCE, SO FAR AS IT IS REQUIRED BY THAT ACT.

1949. No. 201

In exercise of the powers conferred upon it by section eighteen of the Flax Act (Northern Ireland), 1949, and of all other powers it enabling, the Ministry of Agriculture, with the approval, so far as it is required by the said Act, of the Ministry of Finance, and after consultation, so far as it is required as aforesaid, with representatives of persons whose interests appear to the Ministry to be likely to be affected, hereby makes the following Regulations :—

1.—(1) These Regulations may be cited as the Flax (General) Regulations (Northern Ireland), 1949. Short title
and
commence-
ment.

(2) These Regulations shall come into force on 1st December, 1949. Interpreta-
tion.

2.—(1) In these Regulations, unless the context otherwise requires, the expression —

“ the Act ” means the Flax Act (Northern Ireland), 1949 ; and

“ the Ministry ” means the Ministry of Agriculture.

(2) The Interpretation Act, 1889, shall apply for the purpose of the interpretation of these Regulations in like manner, as it applies, by virtue of the Interpretation Act, 1921, for the purpose of the interpretation of an Act of the Parliament of Northern Ireland.

3. The Committee and holders of authorizations granted by the Ministry under the Act shall — Records and
returns.

(a) keep such a record of each of their purchases and sales of flax straw grown in the year 1949, 1950 or 1951, and of flax or re-scutched tow produced therefrom as will show —

(i) the date thereof ;

(ii) the name and address of the other party to the transaction ;

(iii) the grade (if any) of any flax or re-scutched tow purchased or sold ;

(iv) the weight of any flax straw, flax or re-scutched tow purchased or sold, particulars of hand scutched flax and turbine scutched flax being recorded separately ; and

(v) the price ; and

(b) furnish to the Ministry —

(i) within one week from the date of any purchase of any such flax straw, flax or re-scutched tow, the aforesaid particulars of that purchase ; and

- (ii) from time to time on the request of the Ministry, the aforesaid particulars of any sale of any such flax straw, flax or re-scutching tow.

Grading of flax.

4. Any dispute between the Committée and any flax grower as to the grading of any flax, being a dispute arising out of the operation of the Growers' Agreement, shall be determined in the manner provided by the First Schedule to these Regulations.

Definition of "Grower" for purposes of flax subsidy, etc.

5. For the purposes of the payment of a flax subsidy in respect of any flax or of the making of a payment under section nine of the Act in respect of any unretted flax straw or flax produced therefrom, the grower of the flax straw (whether retted or unretted) from which the flax sold is produced, or, as the case may be, the grower of the unretted flax straw sold, shall be deemed to be —

- (a) the person who sells such flax or flax straw to the Committee or to any other person authorized by the Ministry under section two of the Act to buy it ; or
- (b) the person on whose behalf such flax or flax straw is so sold.

Payment in certain cases of flax subsidy, etc., to a person other than the grower.

6.—(1) Where a grower who is entitled to receive a flax subsidy or a payment under section nine of the Act dies before payment thereof has been made to him, the flax subsidy or the said payment may, on production of probate, letters of administration or other satisfactory evidence of entitlement, be paid by the Ministry to his personal representatives for the benefit of his estate.

(2) Where a grower who is entitled to receive a flax subsidy or payment under section nine of the Act is under a liability to make a contribution under sub-section (2) of section two of the Scutch Mills and Flax (Fire Insurance) Act (Northern Ireland), 1942, the amount of such contribution may be deducted by the Ministry from the flax subsidy or the said payment and, if so deducted, shall be credited by the Ministry to the Flax Fire Insurance Fund.

Provision to secure that certain payments are properly made.

7. Where

- (a) a payment falls to be made under section nine of the Act in respect of any unretted flax straw ; and
- (b) the Ministry is satisfied that at the time of the delivery of that flax straw to a flax processor or to a scutch mill, the straw contained an undue amount of weeds or other extraneous matter, or was not in a sound, dry condition ;

the Ministry may make such a deduction from the amount of the payment falling to be made as aforesaid as it considers necessary in order to secure that payment is made in respect only of the actual weight of flax straw sold.

Standards and charges for scutching

8.—(1) The scutching of dam-retted flax straw or rough tow shall not be deemed to be efficient unless, in the case of flax straw, it complies with the standards specified in paragraph (2) of this Regulation or,

in the case of rough tow, it complies with the standards specified in paragraph (3) thereof.

(2) Standards for scutching of flax straw—

- (a) Each strick of scutched flax fibre shall be —
- (i) reasonably free from shives ;
 - (ii) free from knots ;
 - (iii) free from an excessive amount of damaged fibre due to over-scutching ;
 - (iv) well shaped and even at the root end ; and
 - (v) free from tow ; and
- (b) the finished stricks of fibre shall be made up into neat bundles tied with thin cords made from long flax fibres.

(3) Standards for scutching of rough tow —

Re-scutched tow shall be —

- (a) uniformly clean and reasonably free from shives ;
- (b) free from knots ; and
- (c) free from nests of unscutched material.

(4) A scutch miller who performs the service of producing any flax or any re-scutched tow from dam-retted flax straw grown in the year 1949, 1950 or 1951 shall not make a charge for that service which exceeds the appropriate maximum charge, that is to say :—

- (a) in respect of flax scutched wholly or mainly by hand, an amount calculated at the rate of 7s. 3d. per stone produced ;
- (b) in respect of flax scutched wholly or mainly by turbine scutching machine, an amount calculated at the rate of 8s. per stone produced ;
- (c) in respect of re-scutched tow, an amount calculated at the rate of 4s. 3d. per stone produced :

provided that nothing contained in this paragraph shall prohibit or restrict any scutch miller from —

- (i) making a charge in respect of the cost incurred by him, at the request of the owner, in transporting any unscutched material to, or any scutched material from, the scutch mill ; or
- (ii) making a reasonable charge for any storage of any scutched material after the day on which it is ready to be taken away from the scutch mill.

(5) The maximum charges specified in the last preceding paragraph shall be taken as including all the charges for labour provided and plant and materials required in connection with the scutching from the time at which the unscutched material is delivered to the scutch mill to the time at which the scutched material is ready to be taken away, and, in the case of the scutching of rough tow, shall be taken as including the charges for the operations of shaking the rough tow and baling the re-scutched tow and for all labour provided and plant and materials required in connection with those operations.

Duty of scutch millers to furnish particulars of results of scutching.

9. Every scutch miller shall furnish at the time of or prior to the delivery of every lot of scutched flax to the owner thereof or his authorized representative, a statement in the form set out in the Second Schedule to these Regulations giving particulars of the results of scutching.

Sealed with the Official Seal of the Ministry of Agriculture for Northern Ireland this first day of December, One Thousand Nine Hundred and Forty Nine in the presence of

(L.S.)

W. H. Long,
Assistant Secretary.

The approval of the Ministry of Finance so far as it is required by the Flax Act (Northern Ireland), 1949 is hereby given to the foregoing Regulations.

In Witness Whereof the Seal of the Ministry of Finance for Northern Ireland has been affixed hereto this first day of December, One Thousand Nine Hundred and Forty Nine, in the presence of

(L.S.)

Thom McCrea,
Assistant Secretary.

FIRST SCHEDULE

GRADING

Constitution of Grading Appeals Tribunal

1.—(1) Within one month after the coming into force of these Regulations there shall be established a Grading Appeals Tribunal (in this Schedule referred to as "the Tribunal") which shall consist of:—

one member appointed by the Flax Spinners' Association, Limited;
one member appointed by the Ulster Farmers' Union; and
such technical officer of the Ministry as it may appoint.

Provided that if any member appointed as aforesaid is for any reason unable to act at any time as a member of the Tribunal, the body by whom such member was appointed may nominate another person to act in his place.

(2) The officer appointed by the Ministry shall be Chairman of the Tribunal.

(3) If the Flax Spinners' Association, Limited, or the Ulster Farmers' Union fail to appoint a member of the Tribunal within one month after the coming into force of these Regulations, the Ministry may make any additional appointment of a member as may be necessary by reason of such failure.

Determination of Disputes

2. Where any flax grower is dissatisfied with the grade in which his flax has been placed by the Committee's accredited agent, he may, subject to the provisions of this Schedule, appeal to the Tribunal. Such appeal shall be in substitution for any similar appeal provided for by the Growers' Agreement.

3. It shall be a condition of any appeal under the preceding paragraph that the grower may not subsequently withdraw his offer of the flax to the Committee.

4. Notice of appeal to the Tribunal shall be given in writing to the Ministry's representative in the flax market by the grower or his authorised agent before the market is closed. Each such notice of appeal shall be accompanied by an appeal fee of one pound (20s.).

5. On receipt of a notice of appeal the Ministry's representative shall immediately notify the Committee's accredited agent who shall bale or cause to have baled the flax which is the subject of the appeal. The Ministry's representative shall then seal the bale or bales.

6. The Ministry shall, as soon as may be, have the flax examined by the Tribunal whose decision concerning the grade in which it should be placed shall be final and binding upon both the grower and the Committee.

7. The Ministry shall, immediately after the Tribunal has announced its decision on any appeal, notify such decision in writing to the grower and to the Committee.

8.—(1) If the Tribunal decides that any flax which is the subject of an appeal is of a grade superior to that in which it was originally placed by the Committee, the appeal fee shall be returned to the grower.

(2) If the Tribunal decides that any flax which is the subject of an appeal is not of a grade superior to that in which it was originally placed by the Committee, the appeal fee shall be appropriated by the Ministry in aid of moneys provided by Parliament to defray the expenses of the Ministry under the Act or shall be paid to the Exchequer as the Ministry of Finance may direct.

9. The Ministry may pay out of moneys provided by Parliament such remuneration to the members of the Tribunal and such other expenses of the Tribunal as the Ministry may, with the approval of the Ministry of Finance, determine.

SECOND SCHEDULE

FLAX ACT (NORTHERN IRELAND), 1949

Form to be furnished by the scutch miller to the owner of flax straw or his authorized representative.

I CERTIFY that the consignment of flax straw received by me from

..... of

on the day of in the year

..... has been scutched at my scutch mill at

..... with the following results :—

	stones	lbs.
Scutched Flax 	:	:
Tow (a) Rough (estimated weight) or ; ...	:	:
(b) Re-scutched 	:	:

Signature of mill-owner.....

Date.....