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STATUTORY INSTRUMENTS

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**1997 No. 1873**

**AGRICULTURE**

**CORN CROPS**

**The Corn Returns Regulations 1997**

*Made* - - - - *30th July 1997*

*Coming into force* - - *1st August 1997*

The Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales, acting jointly, in relation to England and Wales, and the Secretary of State for Scotland in relation to Scotland, in exercise of the powers conferred by sections 4, 5 and 14 of the Corn Returns Act 1882(1) and now vested in them(2), and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Title, commencement and extent**

1.—(1) These Regulations may be cited as the Corn Returns Regulations 1997 and shall come into force on 1st August 1997.

(2) These Regulations shall apply to Great Britain.

**Interpretation**

2. In these Regulations, unless the context otherwise requires —

“the Act” means the Corn Returns Act 1882;

“the Authority” means the Home-Grown Cereals Authority, established by the Cereals Marketing Act 1965(3);

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- (1) 1882 c. 37; section 4 was amended by section 18 of, and Schedule 3 to, the Agriculture (Miscellaneous Provisions) Act 1943 (c. 16), and by sections 108(3)(a) and 113(3) of, and Part IV of Schedule 5 to, the Agriculture Act 1970 (c. 40); section 5 was substituted by the Deregulation (Corn Returns Act 1882) Order 1996 (S.I. 1996/848); section 14 was amended by section 18 of, and Schedule 3 to, the Agriculture (Miscellaneous Provisions) Act 1943 and by section 108(3)(c) of the Agriculture Act 1970. The Act was extended, subject to the modifications specified therein, to Scotland by section 14 of the Agriculture (Miscellaneous Provisions) Act 1954 (c. 39).
- (2) In the case of the Minister of Agriculture, Fisheries and Food, by virtue of S.R. & O. 1891 (Rev. I, p. 614) and the Ministry of Agriculture and Fisheries Act 1919 (c. 91), as read with S.I. 1955/554; in the case of the Secretary of State for Wales, by virtue of S.I. 1978/272; in the case of the Secretary of State for Scotland, by virtue of the Agriculture (Miscellaneous Provisions) Act 1954 (c. 39), section 14.
- (3) 1965 c. 14; the Corn Returns (Delegation of Functions) Order 1981 (S.I. 1981/142) and the Corn Returns (Delegation of Functions) (Scotland) Order 1981 (S.I. 1981/926 (S. 91)) authorise and require the Home-Grown Cereals Authority to receive returns made pursuant to section 5 of the Corn Returns Act 1882.

“return” means a return made in pursuance of section 5 of the Act of purchases of British corn.

### **Prescribed areas for making returns**

3. The areas prescribed in accordance with section 4 of the Act (from which areas weekly returns are to be made) shall be those areas listed in Schedule 1 to these Regulations.

### **Making of returns**

4.—(1) Any person required by section 5 of the Act (weekly returns of purchases of British corn) to make a return shall, save where he and the Authority have agreed that he shall do so in some other manner, either—

- (a) do so in writing, and sign it, and then post it by first class post, or
- (b) complete it in such a way that it is capable of being easily read after transmission by facsimile machine, and then send it by means of such a machine,

to the Authority on each Friday (or, if that Friday is a public holiday, the next working day) occurring next after a period for which he is required to make a return.

(2) A return shall contain the information specified in Schedule 2 to these Regulations, and shall relate to the period of seven days (starting on a Friday) most recently preceding the day on which it is required to be posted or sent to the Authority.

(3) A separate return shall be made for each of the prescribed areas from which the person required to make the return purchased British corn by wholesale from the grower, or if no such purchase was made during the seven-day period in question a return shall be made stating that fact.

### **Revocations**

5. The Corn Returns Regulations 1976(4), the Corn Returns (Scotland) Regulations 1976(5), the Corn Returns (Scotland) (Variation) Regulations 1990(6), and the Corn Returns (Variation) Regulations 1990(7) are hereby revoked.

28th July 1997

*Donoghue*  
Parliamentary Secretary, Ministry of Agriculture,  
Fisheries and Food

30th July 1997

*Win Griffiths*  
Parliamentary Under-Secretary of State, Welsh  
Office

28th July 1997

*Sewel*  
Parliamentary Under-Secretary of State, Scottish  
Office

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(4) S.I. 1976/1035.  
(5) S.I. 1976/1081 (S. 93).  
(6) S.I. 1990/1276 (S. 140).  
(7) S.I. 1990/1351.

## SCHEDULE 1

Regulations 3

## PRESCRIBED AREAS FROM WHICH RETURNS ARE TO BE MADE

1.	South East England	(comprising Greater London; the counties of Berkshire, Brighton and Hove, East Sussex, Hampshire, the Isle of Wight, Kent, Portsmouth, Southampton, Surrey, and West Sussex).
2.	South West England & South Wales	(comprising, in England, the counties of the City of Bristol, Bournemouth, Cornwall, Devon, Dorset, North East Somerset, North West Somerset, Poole, Somerset, South Gloucestershire, Thamesdown, and Wiltshire; and, in Wales, the counties of Ceredigion, Carmarthenshire, Monmouthshire, Pembrokeshire, Powys, and Swansea; the county boroughs of Blaenau Gwent, Bridgend, Caerphilly, Cardiff, Merthyr Tydfil, Neath Port Talbot, Newport, Rhondda Cynon Taff, Torfaen, and The Vale of Glamorgan).
3.	Midlands of England	(comprising the counties of Derby, Derbyshire, Gloucestershire, Hereford and Worcester, Leicester, Leicestershire, Northamptonshire, Nottinghamshire, Oxfordshire, Rutland, Shropshire, Staffordshire, Stoke-on-Trent, and Warwickshire; the metropolitan county of West Midlands).
4.	East England	(comprising the counties of Bedfordshire, Buckinghamshire, Cambridgeshire, Essex, Hertfordshire, Lincolnshire, Luton, Milton Keynes, Norfolk, North East Lincolnshire, North Lincolnshire, and Suffolk).

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5. North East England (comprising the counties of Darlington, Durham, the East Riding of Yorkshire, Hartlepool, the City of Kingston upon Hull, Middlesborough, Northumberland, Redcar and Cleveland, Stockton-on-Tees, North Yorkshire, and the City of York; the metropolitan counties of South Yorkshire, Tyne and Wear, and West Yorkshire).
6. North West England & North Wales (comprising, in England, the counties of Cheshire, Cumbria, and Lancashire; the metropolitan counties of Greater Manchester, and Merseyside; and, in Wales, the counties of Isle of Anglesey, Gwynedd, Denbighshire, and Flintshire; the county boroughs of Conwy, and Wrexham).
7. South Scotland (comprising the areas administered by the Councils of Argyll and Bute, City of Edinburgh, City of Glasgow, Dumfries and Galloway, East Ayrshire, East Dumbartonshire, East Lothian, East Renfrewshire, Inverclyde, Midlothian, North Ayrshire, North Lanarkshire, Refrewshire, South Ayrshire, Scottish Borders, South Lanarkshire, West Dumbartonshire, and West Lothian).
8. Central Scotland (comprising the areas administered by the Councils of Angus, Clackmannanshire, Dundee City, Falkirk, Fife, Perth and Kinross, and Stirling).
9. North Scotland (comprising the areas administered by the Councils of Aberdeen City, Aberdeenshire, Highland, Moray, Orkney Islands,

Shetland Islands, and the  
Western Isles).

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SCHEDULE 2

Regulation 4(2)

CONTENTS OF RETURN

1. A return sent to the Authority under the provisions of regulation 4 shall specify the following—
  - (a) the name of the person making the return;
  - (b) a contact name (if different from the name given at (a)) and telephone number;
  - (c) the period of seven days to which the return relates (hereinafter referred to as “the current week”);
  - (d) the prescribed area (being one of the prescribed areas listed in Schedule 1 to these Regulations) to which the return relates or, in the event that no purchase was made during the current week then attesting to the fact that the return relates to no such prescribed area;
  - (e) to which sort or sorts of British corn the return relates, i.e. wheat (specifying whether “seed”, “breadmaking”, “other milling” or “feeding and other”), barley (specifying whether “seed”, “malting (premium)”, “malting (other)” or “feeding and other”), oats (specifying whether “seed”, “milling” or “feeding and other”), rye, or maize;
  - (f) in relation to each sort of British corn specified in the return, details of each contract made for its purchase during the current week, in each case giving both the total quantity (in tonnes) and the aggregate purchase price, and—
    - (i) where any contract is an ex-farm fixed price contract, further specifying whether it has been agreed that delivery shall take place during—
      - (aa) the same month as,
      - (bb) the first, second, or third month following, or
      - (cc) at any time after the third month following,the one in which the Thursday of the current week falls;
    - (ii) where any contract is other than an ex-farm fixed price contract, further specifying the quantity (in tonnes) grown or proposed to be grown in—
      - (aa) the year immediately preceding the year in which,
      - (bb) the year during which, and
      - (cc) the year immediately following the year in which,the current week falls.
2. For the purposes of this Schedule—
  - (a) “breadmaking” wheat means wheat fulfilling the following criteria—
    - (i) being one of the following varieties: Hereward, Mercia, Spark, Avalon, Axona, Avans, Abbot, Malacca;
    - (ii) having a minimum Hagburg Falling Number of 250;
    - (iii) having a protein content of at least 11% (at 14% moisture content); and
    - (iv) having a minimum hectolitre weight of 76 kg;
  - (b) “other milling” wheat means wheat intended for milling into flour but not meeting the criteria for breadmaking wheat;

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- (c) “feeding and other” wheat means wheat intended for feeding to animals, or wheat intended to be used either for distilling or for a use other than as seed or as flour;
  - (d) “malting (premium)” barley means any variety of barley bought for malting and fulfilling the following criteria—
    - (i) being one of the following varieties: Halcyon, Pipkin, Puffin, Melanie, Fanfare, Cheviot, Optic, Alexis, Cooper, Delibes, Derkado, Prisma;
    - (ii) having a minimum germinative capacity of 96%;
    - (iii) having a minimum nitrogen content (on a dry matter basis) of 1.75%; and
    - (iv) having a maximum screenings content of either—
      - (aa) basis 6% through a 2.25 mm sieve, or
      - (bb) basis 10% through a 2.5 mm sieve;
  - (e) “malting (other)” barley means barley bought for malting other than malting (premium) barley;
  - (f) “feeding and other” barley means barley intended for feeding to animals, or barley intended for a use other than as seed or for malting; and
  - (g) “feeding and other” oats means oats intended for feeding to animals, or oats intended for a use other than as seed or for milling.
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## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations, which apply to Great Britain, revoke and replace the Corn Returns Regulations 1976, the Corn Returns (Scotland) Regulations 1976, the Corn Returns (Scotland) (Variation) Regulations 1990, and the Corn Returns (Variation) Regulations 1990.

The Regulations prescribe the areas from which returns of wholesale purchases of British corn are required to be made under sections 4 and 5 of the Corn Returns Act 1882 (as amended) (regulation 3 and Schedule 1). British corn is defined in that Act as wheat, barley, rye, maize, and oats, the produce of the United Kingdom, the Channel Islands, or the Isle of Man.

The Regulations provide for alternative ways of making and submitting (by post, or by facsimile) a return to the Home-Grown Cereals Authority (being the body appointed for the time being to receive returns on the Minister’s behalf) subject to a saving for cases where another manner of making the return is agreed between its maker and the Home-Grown Cereals Authority (regulation 4(1)), and set out those items of information that any return must contain (regulation 4(2) and (3) and Schedule 2).

Under the Corn Returns Act 1882 it is an offence either to fail to make a required return (section 11) or to make a false return (section 12).

No compliance cost assessment has been prepared.