

STATUTORY RULES AND ORDERS

1944 No. 1

EMERGENCY POWERS (DEFENCE)

Food (Flour) (Feeding Stuff)

THE FLOUR ORDER, 1944, DATED JANUARY 1, 1944.

CONTENTS

PART I

INTERPRETATION

Article No.

1. Interpretation

PART II

CONTROL OF PRODUCTION AND PACKING

2. Restriction on carrying on the trade or business of a flour miller
3. Flour other than national flour not to be produced except under licence
4. Restriction on the production of wheat by-products
5. Power to give instructions as to ingredients in flour
6. Control of packing of flour

PART III

CONTROL OF SALES

7. Application of descriptive words to flour
8. Provisions as to the sale of " M " flour
9. Purchases by licensed factors of flour in bulk other than speciality flour or " D " flour
10. Sales of flour for export
11. Restriction on the sale and delivery of white flour
12. Prohibition on sales of flour in certain weights

PART IV

REGISTRATION

13. Registration provisions
14. Validity of counterfoils
15. Transfer of registrations
16. Exemptions
17. Previous registrations to continue in operation
18. Interpretation and extent of Part IV

PART V

CONTROL OF USE

19. Restrictions on the use of wheat products and by-products
20. Restrictions on the use of white flour and semolina in food

PART VI

CONTROL OF PRICES

21. Fixed and maximum prices

PART VII

MISCELLANEOUS

- 22. Restrictions on the transport and delivery of flour
- 23. Use of returnable bags
- 24. Records
- 25. Construction of references to national wheatmeal and manufacturers' flour
- 26. Evidence of certificates of analysis
- 27. Artificial transactions
- 28. Directions, authorisations and licences
- 29. Infringements
- 30. Revocations
- 31. Commencement and citation

SCHEDULES

FIRST SCHEDULE—Prescribed prices on sales of flour and wheat by-products, otherwise than by retail, by flour millers, licensed factors, importers and exporters

SECOND SCHEDULE—Maximum retail prices of flour

THIRD SCHEDULE—Zoning of self-raising flour packed otherwise than in bulk

FOURTH SCHEDULE—Licences continuing in effect

In exercise of the powers conferred upon him by Regulations 55 and 55AA of the Defence (General) Regulations, 1939, and of all other powers him enabling, the Minister of Food hereby makes the following Order:—

PART I

INTERPRETATION

Interpre-
tation.

1.—(1) In this Order—

(a) "The Minister" means the Minister of Food.

(b) "Article of food" means any article used as food or drink for human consumption and includes any substance which ordinarily enters into or is used in the composition or preparation of human food and also includes any flavouring matter or condiment.

"Authorised producer" means—

(i) any flour miller; and

(ii) any person holding a licence granted under or having effect for the purposes of Article 3 of this Order.

"Authorised supplier" means in relation to a sale of flour—

(i) any person who in relation to that sale would immediately before the 17th day of January, 1943, have been an authorised supplier for the purposes of the Flour (Registration) Order, 1942(a);

(a) S.R. & O. 1942 No. 1792.

- (ii) any person authorised by or on behalf of the Minister to accept the purchaser's registration for the purposes of Article 13 of this Order.

"Bread" does not include fruit loaves or bun loaves.

"Buy" includes offer or agree to buy and "sell" includes offer or agree to sell or expose for sale.

"Catering establishment" and "institution" mean respectively a catering establishment or institution in respect of which a licence or authorisation has been granted or is deemed to have been granted by the Minister under the Food (Licensing of Establishments) Order, 1943(a).

"D' flour" means flour designated as such by or on behalf of the Minister.

"Export" includes the shipment of any flour intended for use as ships' stores, except where the flour is shipped on board a vessel at a port in the United Kingdom, for consumption on board that vessel.

"Flour" includes flour containing non-wheaten substances authorised by the Minister for the purposes of this Order, or of any licence under Article 3 of this Order, to be used as ingredients of flour, and also includes semolina and flour which is unfit for human consumption, but does not include—

- (i) flour derived wholly or mainly from wheat which prior to the milling has been malted or subjected to any process other than cleaning, blending, dressing or conditioning;

- (ii) any product manufactured under and in accordance with a licence or authorisation granted by or on behalf of the Minister under the Manufactured and Pre-packed Foods (Control) Order, 1942, as amended(b).

"Imported flour" does not include imported flour to which any substance has been added after the importation of the flour into the United Kingdom.

"Importer" means any person appointed by or on behalf of the Minister as an importer for the purposes of this Order or who immediately before the coming into force of this Order was an importer for the purposes of the Flour Order, 1943(c).

"In bulk" means in containers containing more than 28 lb. per container.

"Licensed factor" means a person holding a factor's licence issued by the Minister for the purposes of this Order, and where any such licence refers to any specified quantity or quantities of flour, the holder of the licence shall not be regarded as having ceased to act in his capacity as a licensed factor by reason only of having disposed of the quantity or quantities of flour so specified.

"M' flour" means flour conforming in all respects to the definition of national flour as set out in this Article, except only that such flour does not contain the maximum quantity of wheat germ which could have been included therein.

(a) S.R. & O. 1943 No. 290.

(b) S.R. & O. 1942 (Nos. 1863 and 2073) II, pp. 881-9.

(c) S.R. & O. 1943 No. 11.

"Millers' offals" means the by-product obtained from milling together in the permitted proportion, for the production of flour in accordance with an approved specification, wheat and any authorised ingredients of flour. Such by-product shall not contain more than 4 per cent. of other vegetable substances, and all such substances shall be substances extracted by the producer of the offals from the wheat and other ingredients in the process of cleaning. In this definition "permitted", "approved" and "authorised" mean respectively permitted, approved and authorised for the time being by the Minister.

"National flour" means flour (other than Canadian Springs flour) produced in the United Kingdom and complying with the following conditions:—

- (i) it shall contain the maximum quantity of wheat germ which, having regard to the type of milling plant, can be included in such flour;
- (ii) it shall not include any coarse bran;
- (iii) it shall consist wholly of wheat flour of 85 per cent. extraction and such other ingredients as the Minister may authorise to be ingredients of national flour.

"Non-millable wheat" means home-grown wheat which is certified as non-millable by a Local Wheat Committee constituted in accordance with the Wheat Bye-laws, 1932(a).

"Per cent. extraction" means, in relation to flour obtained from any description of cereal, the percentage which the weight of the flour of that description separated in the milling bears to the total weight of all the products obtained in the milling from that cereal together with all screenings, seeds and dust extracted from the cereal by the miller prior to the milling thereof.

"Pre-packed" means, in relation to flour, packed (otherwise than by a retailer for the purposes of retail sale by him on the premises on which the flour is so packed) in advance ready for retail sale in a wrapper or container, and "pre-pack" shall be construed accordingly.

"Returnable bag" means a bag in which a cereal or cereal product is delivered by a flour miller or other trader in flour or wheat by-products to any person upon the terms that it is to be returned to such flour miller or other trader.

"Sale by retail", save as otherwise provided in Part IV of this Order, means, in relation to flour, any sale to a person buying otherwise than for the purpose of resale and includes a sale to a caterer for the purposes of his catering establishment, but subject thereto does not include a sale to a person buying for use in the preparation or manufacture by way of trade of any other description of flour or of any article other than flour, and the expression "retailer" shall be construed accordingly.

"Self-raising flour" means national flour, "M" flour or imported flour, to which has been added sodium bi-carbonate and one or more of the following substances only:—

- (i) common salt;
- (ii) any acid or acidic substance capable of liberating the carbon dioxide in the sodium bi-carbonate.

"Ships' stores" means food used or intended to be used or sold or supplied or bought or obtained for consumption on board a ship.

"Ships' stores dealer" means a person holding a licence to sell ships' stores granted under the Ships' Stores (Control) Order, 1942(a).

"Speciality flour" means any flour other than national flour, "M" flour, imported flour or "D" flour.

"W" flour means—

(i) any flour which by the terms of a licence granted under Article 3 of this Order authorising the production of the flour is authorised to be so described; or

(ii) any flour, the prescribed price of which for the purpose of Part I of the First Schedule to this Order is the same as the prescribed price of national flour, and which, in so far as it is obtained from wheat, is of an extraction higher than 85 per cent.

"Wheat by-products" means any by-products obtained in the production of flour by milling.

"Wheat offals" means a product of wheat separated in the process of milling and containing not more than 4 per cent. of vegetable substances other than wheat, extracted from wheat in the process of cleaning by the maker of the offals in the production of flour.

"White flour" means flour consisting wholly or partly of wheat flour of less than 85 per cent. extraction, but shall be deemed not to include—

(i) semolina;

(ii) national flour or "M" flour;

(iii) any flour by reason only that it contains national flour or "M" flour.

(2) For the purposes of this Order the moisture content of any flour shall be calculated by deducting from 100 per cent. the percentage deemed to be the result of the drying ascertained in accordance with the method prescribed in the Second Schedule to the Wheat (Examinations and Analyses) Bye-laws, 1939(b).

(3) For the purposes of this Order, a person shall be regarded as carrying on the trade or business of a flour miller if, but not unless—

(a) he engages by way of trade in the production of flour by milling;

or

(b) he is the holder for the time being of a flour miller's licence granted by or on behalf of the Minister for the purposes of this Order;

and the expression "flour miller" shall be construed accordingly, save that it shall not include any person by reason only that he produces wholemeal flour from wheat of which he is the grower, or which he is milling on behalf of the grower, if the grower holds a licence under the Home Grown Wheat (Control and Prices) (Great Britain) Order, 1943(c), or the Home Grown Wheat (Control and Prices) (Northern Ireland) Order, 1943(d), authorising the wheat to be milled into flour for consumption by members of the grower's household.

(a) S.R. & O. 1942 (No. 2635) II, p. 975.

(b) S.R. & O. 1939 (No. 850) II, p. 3539.

(c) S.R. & O. 1943 No. 971.

(d) S.R. & O. 1943 No. 1017.

PART II

CONTROL OF PRODUCTION AND PACKING

Restriction
on carrying
on the trade
or business
of a flour
miller.

2. Except under and in accordance with the terms of a licence granted by or on behalf of the Minister for the purposes of this Article, no person shall carry on the trade or business of a flour miller if he was not so engaged at some time between the 3rd day of September, 1939, and the 27th day of August, 1941.

Flour
other than
national
flour not to
be produced
except
under
licence.

3.—(1) Except under and in accordance with the terms of a licence granted by or on behalf of the Minister for the purposes of this Article, no person shall produce any flour other than national flour:

Provided that nothing in this Article shall prohibit the production of wholemeal flour from wheat by the grower thereof or by any person on his behalf if the grower holds a licence under the Home Grown Wheat (Control and Prices) (Great Britain) Order, 1943, or the Home Grown Wheat (Control and Prices) (Northern Ireland) Order, 1943, authorising the wheat to be milled into flour for consumption by members of the grower's household.

(2) For the purposes of this Article a person shall be regarded as producing flour if either—

(a) he is a miller thereof; or

(b) he abstracts any substance from or adds any substance or applies any treatment to flour, not being "D" flour, with the intention that the resulting product shall be sold as flour:

Provided that a person shall not be regarded as producing flour by reason only that he engages with such intention as aforesaid in the drying of semolina.

(3) Every licence granted under this Article to produce flour other than national flour shall, unless the licence otherwise expressly provides, be deemed to be subject to the condition that the flour to which it relates shall not consist either wholly or partly of white flour.

Restriction
on the
production
of wheat
by-
products.

4. No person shall produce any wheat by-product other than millers' offals, wheat germ and the following descriptions of wheat offals, namely fine wheatfeed, straight run bran, coarse bran and fine bran.

Power to
give
instructions
as to the
ingredients
of flour.

5. Every authorised producer shall comply with such instructions as may from time to time be given to him by or on behalf of the Minister, relating to the ingredients to be incorporated in flour produced by him.

Control of
packing of
flour.

6.—(1) Except under and in accordance with the terms of a licence granted by or on behalf of the Minister for the purposes of this Article, no person other than an authorised producer shall pack for sale any flour otherwise than in bulk, provided that nothing in this Article shall prohibit the packing by any person during the period of twelve months commencing on the 2nd day of March, 1943, or during any successive period of twelve months thereafter of a quantity of flour not exceeding in total in any such period 10 tons (exclusive of any quantity packed by such person by virtue of paragraph (4) of this Article).

(2) No person, whether or not he is licensed under paragraph (1) of this Article, shall, unless he is the holder of a licence granted by or on behalf of the Minister which expressly provides otherwise, pack for sale any flour other than semolina except in bulk or in containers holding one of the following quantities of flour, that is to say, 3 lb., 6 lb., 12 lb. or 2½ lb. net weight.

(3) No person shall pre-pack semolina in any quantity less than 1 lb., except 8 oz.

(4) Until such day or days as the Minister may by Order appoint for the purpose, paragraphs (1) and (2) of this Article shall not apply to the packing of flour by a retailer for the purpose of sale by retail by the packer on the premises on which the flour is packed or from the packer's vehicle.

PART III CONTROL OF SALES

7.—(1) No person shall use the words "national wheatmeal" or "national flour" in connection with the sale or proposed sale of any flour except national flour as in this Order defined. Application of descriptive words to flour.

(2) No person shall offer or give with any national flour packed in bulk sold by him or in his possession for sale, a label or notice, whether attached to or marked on the container or not, which bears any words or expressions descriptive of the quality or composition of the flour, other than such of the following words or expressions as may be appropriate, that is to say, "Winters", "Springs", "Strong", "Stone-ground", "Stone-milled", "All-English", "Milled from home grown wheat", "Biscuit", "Ships' Flour" and "Scaling".

8.—(1) No person shall sell any "M" flour by retail.

(2) No person shall sell or supply any "M" flour to any person other than a flour miller, a licensed factor or an importer unless the seller shall have first obtained from the person to whom such flour is sold or supplied a declaration in writing to the effect that the "M" flour will not be re-sold by him as such but will be used by him either— Provisions as to the sale of "M" flour.

(a) in the preparation of self-raising flour; or

(b) as an ingredient in the manufacture of an article of food other than bread.

(3) No person who has given a declaration pursuant to paragraph (2) of this Article shall sell as such or otherwise dispose of any flour to which the declaration relates, nor shall he use any such flour except for a purpose specified in such declaration.

9.—(1) No licensed factor shall buy or obtain any flour in bulk other than speciality flour or "D" flour except from a person named in the Schedule to the "Factor's Licence" granted to him under this Order. Purchases by licensed factors of flour in bulk other than speciality flour or "D" flour.

(2) Paragraph (1) of this Article shall not extend to Northern Ireland.

10. No person other than a flour miller or an importer shall sell any flour for export and no person other than a flour miller or an importer shall export any flour unless he has bought the same for export from a flour miller or an importer at the price prescribed for such sale in accordance with the First Schedule to this Order. Sales of flour for export.

Restriction
on the sale
and
delivery
of white
flour.

11.—(1) No person shall buy or sell or, in connection with any trade or business, deliver or take delivery of any white flour, except that a flour miller, licensed factor or importer may sell or deliver to any person holding a licence to produce bread for sale under the Bread (Control and Maximum Prices) (No. 2) Order, 1943(a), (hereinafter in this Article referred to as "the licensee"), any quantity of white flour if at the same time the flour miller, licensed factor or importer sells or, as the case may be, delivers to the licensee such quantity of national flour as the Minister may direct.

(2) The foregoing paragraph of this Article shall not apply to sales or deliveries—

- (a) to a flour miller by another flour miller;
- (b) to an importer by another importer;
- (c) to a licensed factor by any person named in the Schedule to the "Factor's Licence" granted to the factor under this Order;
- (d) to a ships' stores dealer by a flour miller, licensed factor, or importer or by any other ships' stores dealer, provided that the person selling or delivering the flour shall have first obtained from the ships' stores dealer buying or taking delivery thereof, a declaration in writing to the effect that such flour will be sold or supplied by him to a person buying the flour for consumption as ships' stores, or to another ships' stores dealer;
- (e) by a ships' stores dealer to any person buying the flour for consumption as ships' stores.

(3) No person who has given a declaration in writing pursuant to paragraph (2) of this Article shall use any flour to which the declaration relates, nor shall he sell or supply any such flour except to a person of a class specified in such declaration in accordance with the said paragraph (2).

Prohibition
on sales of
flour in
certain
weights.

12.—(1) No person shall—

- (a) sell or have in his possession for sale any national, imported or self-raising flour pre-packed in containers of a prohibited weight; or
 - (b) sell by retail a prohibited weight of national, imported or self-raising flour, except where the flour is packed in more than one container provided by the seller and none of the containers is of a prohibited weight.
- (2) In this Article, "prohibited weight" means any weight exceeding 112 lb. but less than 140 lb. (gross or net as the case may be), and any reference to a container of a prohibited weight shall be construed as a reference to a filled container.
- (3) No person shall sell by retail any pre-packed semolina made up for sale in any quantity less than 1 lb., except 8 oz.

PART IV REGISTRATION

Registra-
tion
provisions.

13.—(1) Save as otherwise provided in this Order, no person shall buy otherwise than by retail any flour other than speciality flour or "D" flour except from a person with whom the buyer is registered in accordance with the provisions of this Part of this Order and no person shall sell otherwise than by retail any flour other than speciality flour or "D"

flour to any person who is not registered with the seller in accordance with the provisions of this Part of this Order.

(2) A person shall not be registered for the purposes of this Article except with authorised suppliers.

(3) Registration for the purposes of this Article shall be effected by the authorised supplier accepting from the person registering with him a valid counterfoil F.R.I.C. issued by or on behalf of the Minister, and the authorised supplier effectively cancelling the counterfoil in ink (whether by means of a die, stamp or otherwise) or by means of an indelible pencil.

(4) The number of authorised suppliers with whom a person may be registered for the purposes of this Article shall not exceed two, or such other number as the Minister may authorise in respect of that person.

(5) Any purported registration in contravention of this Article shall be invalid.

14.—(1) A counterfoil F.R.I.C. shall not be valid for the purposes of this Order unless—

Validity of counter-foils.

(a) there has been inserted in the spaces provided thereon the name and address of the person registering and the name and address of the authorised supplier with whom the registration is to be effected; and

(b) it has been stamped as authorised by or on behalf of the Minister.

(2) A counterfoil F.R.I.C. shall be invalid for subsequent use when it is either cancelled in accordance with Article 13 of this Order or is cancelled by or on behalf of the Minister.

15.—(1) A person who is registered with an authorised supplier shall not transfer his registration to any other authorised supplier except by authority of the Minister.

Transfer of registrations.

(2) When the Minister authorises any person to transfer his registration from one authorised supplier to another authorised supplier the registration with the former supplier shall thereupon cease to have effect.

16.—(1) Nothing in this Part of this Order shall apply to—

Exemptions.

(a) the sale of flour to any department of His Majesty's Government, or of the Government of any of His Majesty's allies or co-belligerents;

(b) any sale of flour under a licence granted under this Order for purposes other than human consumption;

(c) any sale by a flour miller, licensed factor or importer to a flour miller, licensed factor or importer;

(d) any sale to the Navy, Army and Air Force Institutes ("N.A.A.F.I.").

(2) Nothing in this Part of this Order shall relieve any person from complying with the provisions of the Food (Sector Scheme) Order, 1943(a).

17. Any registration having effect for the purposes of the Flour Order, 1943(b), immediately before the coming into force of this Order, shall continue in operation as if it had been effected under Article 13 of this Order.

Previous registrations to continue in operation.

Interpre-
tation and
extent of
Part IV.

18.—(1) In this Part of this Order, the expression “ by retail ” means, in relation to a sale of flour, a sale to a person buying otherwise than for the purpose of resale and otherwise than for the purposes of a catering establishment or institution, and does not include a sale to a manufacturer for the purposes of a manufacturing business carried on by him.

(2) This Part of this Order shall not apply to Northern Ireland.

PART V CONTROL OF USE

Restrictions
on the use
of wheat
products
and by-
products.

19.—(1) Save as otherwise provided in this Article no person shall—

(a) use any wheat product (other than flour sweepings, sack shakings and any product of non-millable wheat), otherwise than in the manufacture or preparation of an article of food, and no person shall buy or sell any such wheat product except for such purpose, and accordingly where any such wheat product has become unfit for use in the manufacture or preparation of an article of food it shall not be sold to or bought by any person other than the Minister;

(b) use any flour sweepings or sack shakings, or buy or sell any flour sweepings or sack shakings for use, otherwise than in the manufacture or preparation of a compound or a mixture, for feeding to livestock;

(c) use any product of non-millable wheat or any wheat by-product or buy or sell any such product or by-product for use, otherwise than as, or in the manufacture or preparation of, an article of food or a feeding stuff for animals, other than a compound or a mixture for feeding to cats or dogs.

(2) Any wheat product may be used, or bought or sold for use, in the preparation of a bait or mixture for destroying rats or mice.

(3) Any description of wheat by-product may be used, or bought or sold for use, in the preparation of a bait or mixture for destroying leather-jackets, caterpillars, slugs or snails.

(4) Where “ D ” flour has been bought by any person from or under the authority of the Minister, such person may use that flour in the manufacture or preparation of a compound or mixture for feeding to livestock.

(5) Nothing in this Article shall relieve any person from compliance with any other provisions of this Order or with the provisions of any other Order or of any directions made or given by the Minister and for the time being in force.

(6) For the purposes of this Article—

(a) “ Flour sweepings ” means the product known as such, consisting mainly of flour which, having been accidentally spilt in the ordinary course of trade, has become unfit for use in the manufacture or preparation of an article of food;

(b) “ Livestock ” means horses, mules, asses, cattle, sheep, pigs, goats, chickens, fowls, ducks, turkeys, guinea fowls and geese;

(c) “ Sack shakings ” means the product known as such, consisting mainly of flour extracted from flour bags which have previously been emptied so far as is practicable in the ordinary course of emptying flour bags;

- (d) "Wheat products" means flour, flour sweepings, sack shakings and any other product obtained from wheat, except wheat by-products.

20.—(1) No person shall use white flour as an ingredient in the production by way of trade or business of any article of food, other than flour or bread. Restrictions on the use of white flour and semolina in food.

(2) In the production of bread by any person by way of trade or business—

(a) in the case of bread produced in Scotland and known as batch bread, not more than 25 per cent., and

(b) in the case of any other bread, not more than 12½ per cent. of the flour used in each loaf or other unit,

shall consist of white flour.

(3) No person shall in the course of any trade or business use semolina in the production of—

(a) bread;

(b) biscuits, as defined in the Biscuits (Maximum Retail Prices) Order, 1943(a);

(c) cake, as defined in the Cake and Flour Confectionery (Control and Maximum Prices) Order, 1943(b);

(d) any manufactured product containing meat;

(e) any meat or fish paste.

(4) Except under or in accordance with the terms of a licence granted by or on behalf of the Minister for the purposes of this paragraph, no person shall use Canadian Springs flour for any purpose.

PART VI

CONTROL OF PRICES

21.—(1) No flour miller, licensed factor, importer or exporter shall sell otherwise than by retail any flour or wheat by-product at a price other than the price applicable in accordance with the provisions of the First Schedule to this Order. Fixed and maximum prices.

(2) Paragraph (1) of this Article shall not apply to any sale—

(a) of "D" flour;

(b) of 280 lb. of flour or less;

(c) of any wheat by-product as or for use in the manufacture of any feeding stuff for animals, other than a compound or mixture for feeding to cats or dogs;

(d) of any speciality flour, other than "W" flour, by a flour miller to a licensed factor;

(e) of any speciality flour, other than "W" flour, by a licensed factor.

(3) No person shall buy or sell by retail national flour, imported flour, self-raising flour or semolina at a price exceeding the price applicable in accordance with the provisions of the Second Schedule to this Order.

PART VII

MISCELLANEOUS

Restrictions
on the
transport
and
delivery of
flour.

22.—(1) No person shall transport or consign for transport or offer or agree to transport or consign for transport any flour from a place in Great Britain to a place in Northern Ireland or from a place in Northern Ireland to a place in Great Britain.

(2) Except under and in accordance with the terms of a licence or authorisation issued for the purposes of this Article by the Divisional Food Officer for Northern Ireland, no person shall in connection with any trade or business deliver during any calendar month to any other person in Northern Ireland whose normal residence or place of business is situate anywhere in Northern Ireland, any quantity of flour other than semolina in excess of the average monthly quantity thereof delivered by the first mentioned person to such other person at such residence or place of business during the twelve calendar months ended 30th June, 1939.

(3) Paragraph (2) of this Article shall not apply to any delivery pursuant to a sale by retail.

(4) No person shall in connection with any trade or business consign for transport by rail, or transport or consign for transport otherwise than by rail, self-raising flour, packed otherwise than in bulk, from any place in any of the zones specified in column 1 of the Third Schedule to this Order to any place outside such zone, except to a place specified in relation to that zone in column 2 of the said Schedule:

Provided that where self-raising flour has been transported from Zone A, B or F to a purchaser's premises in Zone G or from Zone B, C or E to a purchaser's premises in Zone H (the zone from which such flour has been transported being hereinafter referred to as "the zone of origin"), it shall be lawful to transport or consign for transport such flour back to the zone of origin if the following conditions are complied with:—

- (i) the journey back shall not exceed a distance of 40 miles;
- (ii) on such journey back the flour shall be either transported or consigned for transport by the said purchaser; and
- (iii) the flour shall be in the original unopened container in which it was previously transported from the zone of origin.

(5) Where any self-raising flour packed otherwise than in bulk is consigned for transport in connection with any trade or business and the consignment is accompanied by a consignment note or similar document, the consignor shall be responsible for securing that there appears on such consignment note or similar document a statement to the effect that the consignment consists of or includes self-raising flour packed otherwise than in bulk:

Provided that if the self-raising flour is pre-packed, the statement may be to the effect that the consignment consists of or includes pre-packed self-raising flour.

(6) Paragraphs (4) and (5) of this Article shall not apply in relation to self-raising flour transported or consigned for transport—

(a) in connection with a contract for the sale of the flour by retail;
or

(b) to any place in Northern Ireland.

(7) It shall be a defence for any person charged with an infringement of this Order by reason of having transported any flour contrary to the

provisions of this Article to prove that such flour was transported in the course of his business as a carrier and that he had no reason to believe that the provisions of this Article were being infringed.

23.—(1) A person other than a flour miller shall not—

Use of
returnable
bags.

- (a) use any returnable bag except for the transport, storage or display for sale of such cereals or cereal product as were delivered to him in such bags;
- (b) keep any returnable bag in his possession or under his control for an unreasonable period;
- (c) obliterate, deface, cover or alter any mark or name on any returnable bag:

Provided that nothing in this sub-paragraph shall prohibit any name or mark being temporarily defaced or covered by the use of such means, whether by way of labelling or otherwise, as are reasonably necessary to secure the proper transit of any such bag.

(2) Where any person to whom a returnable bag has been supplied receives from the owner or other person who supplied the bag to him a request in writing for the return thereof it shall be an offence for him to fail to secure the return of the bag forthwith to the person making the request, unless the person so requested shall show reasonable cause for such failure.

(3) Every person having in his possession or control any returnable bag shall exercise all reasonable care in the use and storage thereof so as to maintain it so far as is practicable in the same condition as when he received it.

24.—(1) Every person who carries on the undertaking of an authorised producer, licensed factor or importer shall— Records.

- (a) keep or cause to be kept at some convenient place accurate records as to the carrying on of such undertaking together with all books, documents and accounts relating thereto;
- (b) furnish to the Minister such returns or information relating to his undertaking as may be specified in a notice served upon him by or on behalf of the Minister.

(2) The foregoing paragraph shall, in its application to Northern Ireland, have effect as if there were substituted for the words "Every person who carries on the undertaking of an authorised producer, licensed factor or importer" the words "Every person who in the course of any undertaking sells flour otherwise than by retail".

(3) Every person who in the course of any undertaking sells by retail any flour shall keep or cause to be kept an accurate record showing—

- (a) all sales by him of flour packed in bulk; and
- (b) all purchases of flour by him;

every such record to include the date of the transaction, the name and address of the persons to whom flour was sold or from whom it was purchased, as the case may be, and particulars of the description and quantity sold or purchased and the price charged or paid.

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

(5) Every person (other than a carrier acting in the ordinary course of his business as such) who in connection with any sale other than a sale by retail transports or consigns for transport any self-raising flour packed otherwise than in bulk shall keep or cause to be kept an accurate record of all such self-raising flour transported or consigned for transport by him, such record to include in respect of each consignment the date on which and the place from which the flour was transported or consigned, and the destination and quantity of the flour transported or consigned for transport.

Construc-
tion of
references
to national
wheatmeal
and manu-
facturers'
flour.

25. Any reference in any Order of the Minister, or in any licence, direction or other document issued or made thereunder or in connection therewith, to national wheatmeal or manufacturers' flour respectively shall be construed as a reference to national flour or "M" flour, as the case may be.

Evidence of
certificates
of analysis.

26. In any proceedings under this Order, the production by one of the parties of a document purporting to be a certificate of a public analyst or the Government Chemist shall be sufficient evidence of the facts stated therein unless the other party requires that the person who made the analysis shall be called as a witness.

Artificial
trans-
actions.

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

Directions,
authorisa-
tions and
licences.

28.—(1) The provisions of this Order are subject to any directions which may at any time be given by or on behalf of the Minister and to any licence or authorisation which may be granted by or on behalf of the Minister 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.

Infringe-
ments.

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

Revo-
cations.

30. The Flour Order, 1943, as amended(a), is hereby revoked but without prejudice to any proceedings in respect of any contravention thereof:

Provided that any licences, authorisations or directions specified in the first and second columns of the Fourth Schedule to this Order having effect under the Flour Order, 1943, immediately before the coming into force of this Order, shall continue to have effect as though granted under this Order, subject to the modifications (if any) specified in the third column of the said Schedule.

(a) S.R. & O. 1943 Nos. 11, 625, 797 and 1275.

31. This Order shall come into force on the 30th day of January, 1944, and may be cited as the Flour Order, 1944. Commencement and citation.

By Order of the Minister of Food.

H. L. French,

Secretary to the Ministry of Food.

Dated the 1st day of January, 1944.

THE FIRST SCHEDULE

PREScribed PRICES ON SALES OF FLOUR AND WHEAT BY-PRODUCTS OTHERWISE THAN BY RETAIL, BY FLOUR MILLERS, LICENSED FACTORS, IMPORTERS AND EXPORTERS

(Note : The prescribed prices do not apply on any sale mentioned in paragraph (2) of Article 21 of this Order.)

PART I

TABLE I

Prescribed Prices of Flour sold otherwise than for Export

Column 1	Column 2
Description of Flour	Prescribed Price
<i>Item No.</i>	Per 280 lb. and pro rata s. d.
1. National flour	38 3
2. " M " flour	
3. Any imported flour	
4. Canadian Springs flour produced in the United Kingdom.	39 3
5. Self-raising flour sold in bulk	45 3
6. Semolina produced in the United Kingdom ...	50 0
7. High ratio cake flour produced in the United Kingdom.	62 0
8. Any speciality flour of a description not included in Items 4 to 7 above (including self-raising flour sold otherwise than in bulk).	38 3 plus any addition which may be authorised by the terms of the licence granted by or on behalf of the Minister authorising the production of such flour.

The prices in Table I are subject to the provisions of Parts II and III of this Schedule and are in respect of 280 lb. net weight, except that in the case of flour sold by gross weight in non-returnable sacks or bags in accordance with trade custom the said prices are in respect of 280 lb. gross weight.

TABLE II

Prescribed Prices of Flour sold for Export

Column 1	Column 2
Description of Sale	Prescribed Price
<i>Item No.</i>	
9. On a sale by a flour miller or an importer to any person in the United Kingdom, for export.	The price prescribed by Table I for that description of flour, with an addition— (a) in the case of semolina, at the rate of 33s. 9d. per 280 lb. (b) in the case of high ratio cake flour, at the rate of 21s. 9d. per 280 lb. (c) in the case of any other flour, at the rate of 24s. 3d. per 280 lb.
10. On an export sale by the exporter.	The price prescribed by Table I for that description of flour, with an addition— (a) in the case of semolina, at the rate of 34s. 6d. per 280 lb. (b) in the case of high ratio cake flour, at the rate of 22s. 6d. per 280 lb. (c) in the case of any other flour, at the rate of 25s. 0d. per 280 lb.

The prices in Table II are subject to the provisions of Parts II and III of this Schedule and are on the basis of f.o.b. at a port in the United Kingdom.

TABLE III

Prescribed Prices of Wheat By-Products except when sold as or for use in the Manufacture of any Feeding Stuff for Animals other than a Compound or Mixture for Feeding to Cats or Dogs.

Column 1	Column 2
Description of Wheat By-Product	Prescribed Price
<i>Item No.</i>	Per ton and pro rat
11. Wheat germ produced in the United Kingdom	£ 20
12. Wheat germ imported from Canada	22
13. Any other imported wheat germ	20
14. Any wheat by-product other than wheat germ	14

The Prices in Table III are subject to the provisions of Parts II and III of this Schedule and are—

- (a) in respect of gross weight in the case of wheat by-products sold in non-returnable containers; and
- (b) in respect of net weight in the case of wheat by-products sold in returnable containers.

PART II

Additions to and Deductions from the Prescribed Prices.

(Except where otherwise expressly provided, the additions and deductions specified in this Part of this Schedule are compulsory and not optional.)

1. Additions for non-returnable containers (Flour).

(1) On a sale, otherwise than for export, of flour in non-returnable bags provided by the seller, a charge shall be made in addition to the prescribed price at a rate ascertained in accordance with the following scale :—

Flour other than Semolina. Quantity per container	Semolina. Quantity per container	Additional charge
—	$\frac{1}{2}$ lb. or 1 lb. (gross or net)	At the rate of— s. d.
3 lb. (net) ...	More than 1 lb. but not more than 3 lb. (gross or net).	16 6 per 288 lb.
6 " ...	More than 3 lb. but not more than 6 lb. (gross or net).	12 0 " "
12 " ...	More than 6 lb. but not more than 12 lb. (gross or net).	8 0 " "
24 " ...	More than 12 lb. but not more than 24 lb. (gross or net).	6 0 " "
More than 28 lb. (gross or net).	More than 24 lb. (gross or net)	4 0 " "
		6 per bag.

(2) There shall be added to the prescribed price—

(a) on any sale of flour in non-returnable containers provided by the seller, other than bags, and

(b) on a sale for export of flour in non-returnable bags provided by the seller, a charge equal to the customary charge for such containers.

2. Additions for returnable containers (Flour and Wheat by-products)

(1) On a sale of any flour or wheat by-product in returnable bags or 224 lb. or 280 lb. sacks, a charge by way of deposit shall be made in addition to the prescribed price in accordance with the following scale :—

In the case of returnable 140 lb. flour bags of a type customarily used as such prior to 3rd September, 1939.	s. d.
In the case of any other returnable bags	2 6 per bag
In the case of 224 lb. or 280 lb. sacks	1 0 " "
	4 0 per sack

(2) On a sale of any wheat by-product in a returnable container other than a container specified in sub-paragraph (1) of this paragraph, a charge by way of deposit shall be made in addition to the prescribed price, equal to the customary deposit charge for such container.

(3) Any such deposit charged in accordance with the foregoing sub-paragraphs shall be repaid by the seller to the buyer on the re-delivery to the seller of the container in such condition as is reasonable having regard to its condition when supplied and to ordinary wear and tear.

3. Other provisions as to containers.

(1) On a sale otherwise than for export of any flour packed in more than one container there shall be added to the prescribed price a charge in accordance with the preceding paragraphs of this Part of this Schedule in respect of each of the said containers to which any such paragraph applies.

(2) Save as provided in this Part of this Schedule no addition to the prescribed prices shall be made in respect of the provision of bags, sacks or other containers.

4. Carriage provisions in respect of sales of flour otherwise than for export.

(1) The prescribed prices on sales of flour otherwise than for export include the cost of transport to the buyer's premises, and no addition to the prescribed prices may be made on any such sale in respect of transport or delivery. Where on any such sale delivery is given in the United Kingdom by arrangement between the parties elsewhere than at the buyer's premises, a deduction shall, subject as provided in sub-paragraph (2) of this paragraph, be made from the prescribed prices in accordance with the following provisions:—

(a) If delivery is given within any of the districts hereinafter in this sub-paragraph mentioned (hereafter called a "special district") to a buyer whose premises are situate within that special district,

(i) in the district recognised by the South-Eastern Group of Flour Millers as "Inner London," a deduction at the rate of 9d. per 280 lb.;

(ii) in the districts known as the Liverpool and Manchester Districts recognised by the North-Western Group of Flour Millers at 2nd September, 1939, as those in which a delivery charge of 6d. per 280 lb. was authorised, a deduction at the rate of 6d. per 280 lb.;

(iii) in the district recognised by the Belfast Flour Millers' Association as the Belfast District, a deduction at the rate of 3½d. per 280 lb.;

(iv) in the district recognised by the Glasgow Flour Millers' Association as the Glasgow City District, a deduction at the rate of 4½d. per 280 lb.

(b) If delivery is given elsewhere than in a special district, or if delivery is given in a special district other than the special district of Inner London to a buyer whose premises are not situate within the special district in which delivery is given, a deduction according to the distance by the most direct route from the place where delivery is given to the buyer's premises in accordance with the following scale:—

Distance				Rate of deduction per 280 lb. (where delivery is taken in Great Britain)	Rate of deduction per 280 lb. (where delivery is taken in Northern Ireland)
				s. d.	s. d.
3 miles and under		4½	3
Over 3 miles and up to	5 miles			6	4½
" 5 "	" 10 "			7½	6
" 10 "	" 20 "			9	9
" 20 "	" 30 "			10½	1 0
" 30 "	" 40 "			1 0	1 1½
" 40 "	" 50 "			1 3	1 3
" 50 "	" 60 "			1 4½	1 6
" 60 "	" 80 "			1 6	1 9
" 80 "	" 100 "			1 7½	2 0
Any distance over 100 miles				1 9	2 0

(c) If delivery is given in the special district of Inner London to a buyer whose premises are not situate within that special district, a deduction of the amount ascertained by adding together the appropriate deduction specified in sub-paragraph (b) of this paragraph in respect of the distance from the boundary of the "Inner London" district to the buyer's premises, and the appropriate deduction specified in such sub-paragraph in respect of the distance from the place where delivery is taken to the point at which, in making delivery to the buyer's premises, the boundary of the "Inner London" district would be crossed, provided that the rate of the deduction to be made in accordance with this sub-paragraph shall not be less than 9d. per 280 lb. or more than 1s. 9d. per 280 lb.

(2) On a sale of flour by a flour miller or importer to a licensed factor otherwise than for export, no deduction shall be made from the prescribed prices by reason of the fact that delivery is given elsewhere than at the buyer's premises.

5. Optional additions for carriage on sales of wheat by-products

The prescribed prices on sales of wheat by-products are fixed on the basis that delivery is given by the seller at the place where the wheat by-products are lying at the time of sale and accordingly where, at the request of the buyer, delivery is given at any other place, there may be added to the said prescribed prices the amount of any costs and charges reasonably paid or payable by the seller in respect of transport from the place where the wheat by-products are lying at the time of sale to the place at which delivery is given, but save as aforesaid, no additional charge may be made on any such sale in respect of transport or delivery.

6. Additions in respect of drying flour

On any sale of flour which has at the request of the purchaser been dried to a specified moisture content, there shall be added to the prescribed price—

- (a) a charge at the rate of 2s. per 280 lb. ; and
- (b) in the case of any flour dried to a moisture content of less than $12\frac{1}{2}$ per cent. a further charge at the rate of 3s. per 280 lb. for every one per cent. and fraction of one per cent. below $12\frac{1}{2}$ per cent.

7. Sale of flour for ships' stores

Where any flour is sold for shipment as ships' stores there shall be added to the prescribed price a charge equal to the actual cost incurred by the seller in respect of the sealing of the bags, sacks or other containers in accordance with the requirements of any Act, Regulation or Order, and in respect of breaking bulk.

8. Discount

The prescribed prices are fixed on the basis of payment being made after 21 but within 28 days from the appropriate date. Where payment is made within 21 days from the appropriate date discount shall be allowed as follows on the prescribed price and any additions thereto made in accordance with paragraph 1 of this Part of this Schedule in respect of non-returnable containers :—

	At the rate of—
Payment within 7 days from the appropriate date	4d in the £
Payment after 7 days but within 14 days from the appropriate date	3d in the £
Payment after 14 days but within 21 days from the appropriate date.	2d in the £

In this paragraph " the appropriate date " means in the case of a sale of imported flour by an importer, the date of the delivery order, and in the case of any other sale, the date on which the goods were despatched from the seller's premises or from the premises where the goods were held on the seller's behalf.

PART III.

Provisions in connexion with sales by flour millers and importers to licensed factors.

1. Save as provided in paragraph 3 of this Part of this Schedule, where any flour is sold by a flour miller or importer to a licensed factor, and re-sold by the licensed factor at the price prescribed by Parts I and II of this Schedule for flour of that description, the flour miller or importer may make the licensed factor an allowance or refund in accordance with the following provisions :—

- (a) a flour miller or importer named in the licensed factor's licence may make an allowance or refund at the rate of 1s. 3d. per 280 lb. in respect of flour re-sold by the licensed factor (whether or not in lots of more than 280 lb.) in the original containers in which that flour was received by him from the flour miller or importer :
Provided that—

- (i) no allowance or refund shall be made in respect of flour re-sold by the licensed factor by retail ; and

- (ii) the maximum quantity of flour in respect of which a flour miller or importer may make an allowance or refund to a licensed factor in accordance with sub-paragraph (a) of this paragraph shall be the quantity specified in the licensed factor's licence against the name of that flour miller or importer for the period specified therein ;
- (iii) this sub-paragraph shall have effect in relation to flour which is delivered in Scotland by the licensed factor to the purchaser as if there were substituted for the words " at the rate of 1s. 3d. per 280 lb." the words " at the rate of 1s. 4½d. per 280 lb." ;
- (b) any flour miller or importer may make an allowance or refund at the rate of 4½d. per 280 lb. in respect of any flour which with reasonable cause has been delivered into the licensed factor's approved store in a consignment or lot of 2 tons or more and re-sold by him (whether or not in lots of more than 280 lb.) in the original containers in which that flour was received by him from the flour miller or importer, provided that no allowance or refund shall be made in respect of any flour re-sold by the licensed factor by retail. In this sub-paragraph " approved store " means a store approved for the time being by or on behalf of the Minister for the purposes of this paragraph.
2. Save as provided in paragraph 3 of this Part of this Schedule, where any wheat by-product is sold by a flour miller or importer to a licensed factor and re-sold by the licensed factor at the price prescribed by Parts I and II of this Schedule, the flour miller or importer may make an allowance or refund to the licensed factor at the rate of 6s. per ton.
3. Paragraphs 1 and 2 of this Part of this Schedule do not apply to—
- (a) sales of flour for export ;
- (b) sales by a flour miller of speciality flour other than " W " flour to a licensed factor.
4. Except as provided in this Part of this Schedule and without prejudice to any other provisions of this Order, no refund, allowance, charge or deduction shall be made on or in connection with a sale of any flour or wheat by-product by a flour miller or importer to a licensed factor, except such as might be made in accordance with this Order on a sale by a flour miller or importer to a person other than a licensed factor.

THE SECOND SCHEDULE
MAXIMUM RETAIL PRICES OF FLOUR
PART I

Maximum Retail Prices of National Flour, Imported Flour and Self-raising Flour (whether or not pre-packed)

Column 1	Column 2	Column 3
Description of Flour	Weight (see note below)	Maximum Retail Price
		At the rate of— s. d.
National flour or Imported flour	{ 3 lb. or less	2½ per lb.
	{ More than 3 lb. but less than 20 lb.	2½ " "
Imported flour	{ Not less than 20 lb. but not more than 112 lb.	2½ " "
	{ 140 lb. or more	22 6 per 140 lb.
Self-raising flour	{ Less than 3 lb.	3½ per lb.
	{ Not less than 3 lb. and not more than 6 lb. ...	11 per 3 lb.
	{ More than 6 lb. but not more than 112 lb. ...	3½ per lb.
	{ 140 lb. or more	25 6 per 140 lb.

Note : The weights specified in the above table signify—

- (a) in the case of flour sold in a container provided by the seller, the weight per container, and may, subject to the provisions of the Sale of Food (Weights and Measures) Act, 1926(a), include the weight of the container ;
- (b) in any other case, the net weight sold.

PART II

Maximum Retail Prices of Pre-packed Semolina

Column 1	Column 2
Weight per container	Maximum Retail Price
	At the rate of—
$\frac{1}{2}$ lb.	d.
1 lb.	3 $\frac{1}{2}$ per container
More than 1 lb. but less than 28 lb.	6 $\frac{1}{2}$ „ „
28 lb. or more	6 per lb.
	4 „ „

The weights specified in the above table may include the weight of the container.

PART III

Maximum Retail Prices of Semolina (Not Pre-packed)

Column 1	Column 2
Quantity sold	Maximum Retail Price
	At the rate of—
Less than 7 lb.	d.
Not less than 7 lb but less than 28 lb.	5 per lb.
28 lb. or more	4 $\frac{1}{2}$ „ „
	4 „ „

PART IV

1. Where the maximum retail price calculated in accordance with the above tables includes a fraction of a farthing, such fraction shall be disregarded and it shall not be lawful to treat such fraction as a farthing.

2. No addition to the above prices shall be made on a sale of any flour in respect of the provision of wrappers or containers except—

(a) on a sale of flour in returnable bags provided by the seller, when a charge by way of deposit may be made as follows :—

(i) in the case of 140 lb. flour bags of a type customarily used as such prior to 3rd September, 1939, 2s. 6d. per bag ; or

(ii) in the case of any other returnable bag, 1s. per bag ;

Provided that any such deposit shall be repaid by the seller to the buyer on the re-delivery to the seller of such bag in such condition as is reasonable having regard to its condition when supplied and to ordinary wear and tear ;

(b) on a sale of flour for shipment as ships' stores.

THE THIRD SCHEDULE

ZONING OF SELF-RAISING FLOUR PACKED OTHERWISE THAN IN BULK.

Column 1	Column 2
Zones	Places outside the Zone to which self-raising flour may be transported
<i>Zone A</i> The Counties of Northumberland and Durham ... The North Riding of the County of York, excluding the Urban District of Malton and the Rural Districts of Flaxton and Malton.	Any place in Zones G or J.
<i>Zone B</i> The Counties of Chester, Cumberland, Lancaster, Westmorland, Anglesey, Caernarvon, Denbigh, Flint, Merioneth and Montgomery.	Any place in Zones G or H.
<i>Zone C</i> The Counties of Cornwall, Devon, Gloucester, Somerset and Wilts.	Any place in Zone H.
<i>Zone D</i> The Counties of Brecknock, Cardigan, Carmarthen, Glamorgan, Monmouth, Pembroke and Radnor	—
<i>Zone E</i> The Administrative County of London ... The Counties of Essex, Hertford, Kent, Middlesex, Surrey, Sussex, Berks, Buckingham, Dorset, Hants (including the Isle of Wight) and Oxford	Any place in Zone H.
<i>Zone F</i> The Counties of Bedford, Cambridge, Huntingdon, Norfolk, Suffolk, Derby, Leicester, Lincoln, Northampton, Nottingham and Rutland.	Any place in Zone G.
<i>Zone G</i> The East and West Ridings of the County of York... The North Riding of the County of York, that part comprising the Urban District of Malton and the Rural Districts of Flaxton and Malton.	—
<i>Zone H</i> The Counties of Hereford, Salop, Stafford, Warwick and Worcester.	—
<i>Zone J</i> Scotland	—

THE FOURTH SCHEDULE

LICENCES CONTINUING IN EFFECT

First Column	Second Column	Third Column
Description of Document	Order under which granted	Modifications
Factor's Licence ...	The Flour (Control and Prices) Order, 1941.	—
Miller's Licence ...	The Flour (Control and Prices) Order, 1941.	—
Licence to produce speciality flour.	The Flour (Control and Prices) Order, 1941.	—
Licence to produce manufacturers' flour.	The Flour (Control and Prices) Order, 1941.	Substitute in paragraph 1 for the words 'manufacturers' flour,' the words "' M ' flour " and delete paragraph 2.
Licence bearing the serial letter " M," authorising the manufacture and/or packing of self-raising flour.	The Flour and Flour Mixtures (Licensing and Control) Order, 1942.	(1) Paragraph 1 shall have effect as though there were substituted for the words ' flour mixtures ' the word ' flour ' ; and (2) Sub-paragraph (b) of Condition 1 in the Schedule thereto shall cease to apply in so far as it relates to the size of the container.
Licence bearing the serial letter " P," authorising the packing of flour.	The Flour and Flour Mixtures (Licensing and Control) Order, 1942.	(1) Paragraph 1 shall have effect as though there were substituted for the words ' flour mixtures ' the word ' flour ' ; and (2) Sub-paragraph (b) of Condition 1 in the Schedule thereto shall cease to apply in so far as it relates to the size of the container.
Licence bearing the serial letter " A," " Q " or " R."	The Milled Wheaten Substances (Restriction) Order, 1940.	—
Licence bearing the serial letter " P."	The Milled Wheaten Substances (Restriction) Order, 1940.	Substitute for the word ' flour ' in each case where that word occurs (otherwise than as part of the expression ' flour miller ') the words "' D ' flour "
Any description of licence, authorisation or direction.	The Flour Order, 1943	—

EXPLANATORY NOTE

This Order is, in the main, a consolidating Order, replacing the Flour Order, 1943 (S.R. & O. No. 11) and three amending Orders (S.R. & O. 1943 Nos. 625, 797 and 1275).

The Order contains certain minor alterations of which the principal are as follows:—

1. The definition of export is slightly varied to clarify the distinction between export shipments and shipments of flour as ships' stores (Article 1).
2. Licensed flour factors in Northern Ireland have been excluded from the operation of Article 9, which prohibited them from obtaining flour except from persons named in their licence, as their deliveries are already controlled under Article 22.
3. Provisions in the previous Order which restricted the transport of flour in excess of a certain cost have been rendered obsolete by statutory and voluntary schemes of transport economy and have been omitted.
4. An alteration has been made in the price of bulk self-raising flour on sales by flour millers, importers and exporters and certain amendments have been made in Part II of the First Schedule to the scale of additional charges for non-returnable flour containers.

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