

MINUTE of MEETING of the "CONDITIONS"  
sub-COMMITTEE of the SCOTTISH POTATO  
TRADE ASSOCIATION held at 8, Kinnoull  
Street, PERTH at 4p.m. on Friday,  
31st AUGUST, 1979

PRESENT: Messrs. G. Brass, J. George, J. Henderson, R. D. Hunter (Secretary) and D. H. Lindsay, with D. Blackmore (Assistant) in attendance.

APOLOGIES: Mr. Blackmore intimated an apology for absence on behalf of Mr. J.H. Barr.

The sub-Committee recorded its sincere regret on the recent sudden death since its last meeting of its Convenor, Mr. A.D. Williamson. In reply to Mr. Hunter the Committee decided not to appoint a new Convenor.

Discussions opened with consideration of Mr. Hunter's pre-circulated Report on the Meeting with NASPM and N. Ireland representatives which he and Messrs. G. Brass and D. H. Lindsay (vice Mr. A. D. Williamson at very short notice) had attended in Manchester on 1st August, 1979. Mr. Hunter explained the Meeting had been very business-like and for the most part had proceeded very smoothly.

In respect of their efforts to secure the N.F.U. "Seal of Approval" (which was regarded as an important re-inforcement of the "reasonableness" of the revised Conditions in a Court of Law) it had been clear that NASPM had been very surprised by the unexpected set-back it had received. It had been decided that a fresh informal approach would be made to N.F.U. to try to resolve this problem.

Mr. Hunter also expressed concern that this problem, coupled with resolution of other points taken back from the Manchester meeting by NASPM, could impede the projected timetable for the introduction of the revised Conditions. Additionally, with SPTA requiring also to consult with N.F.U.S., the Scottish timetable appeared to be even more at risk.

He also explained that the question of consultation with NFUS had been put during an informal meeting with their Potatoes Committee on 27th August. The NFUS were thus now aware that a revision is well under way and, expressing confidence that Scottish interests will be safeguarded, opted to wait until the revision is in Scottish form before they consider it.

The sub-Committee then reconsidered the printed draft Conditions of Sale clause by clause, alongside the points detailed in Mr. Hunter's Report of the Manchester meeting.

Arising from these very carefully detailed discussions it was agreed that only two points remained outstanding, both considered to be very important to the Scottish Seed Potato Industry.

Principal of these was NASPM's adherence to its legal advisors' advice that former "mitigation of loss" provisions must be omitted from the revision. Mr. Hunter explained he had been unable to obtain a satisfactory legal explanation for this view at the Manchester meeting. The sub-Committee unanimously agreed these provisions must be retained, especially since SPTA members are always further from the delivery point than NASPM members. The Secretariat was instructed to write NASPM requesting them to ask their legal advisors to provide SPTA with a written explanation of the legal foundation of their view that these provisions should be omitted.

The second point of difference concerned the definition of "delivery". Mr. Hunter explained that SPTA and NASPM Conditions respectively had always been at difference on this point. NASPM had indicated that since its own definition was (and is) non-specific, they will not object to a specific, non-conflicting, definition in Scottish and Irish versions of the Conditions.

The sub-Committee agreed the Secretary should now proceed to prepare a Scottish version of the printed draft Conditions of Sale. This should include the present SPTA definition of "delivery", retention of the present/

present mitigation of loss provisions and allow for Scottish Arbitration procedures, otherwise adhering as closely as possible to the NASPM draft. The Scottish draft will be circularised to the sub-Committee members preparatory to arranging a further meeting thereafter to discuss it. It was agreed that revision of the Conditions of Purchase be deferred until revised Conditions of Sale have been agreed, even although this could mean that revised Conditions of Purchase may not be introduced in time to apply to the 1980 Crop.

In conclusion the Meeting agreed with Mr. Lindsay's compliments on the clarity of the Secretary's Report on the "rapid cross-fire" of the Manchester meeting. In reply, Mr. Blackmore reported that the copy transcript of the "Bodmin" case Judgement had still not come to hand. He undertook to expedite this, as also to ask Mr. Barr to ascertain at the Consortium and JCC meetings in London on 10th September what progress had been made in further informal dialogue between NASPM and N.F.U. regarding securing the latter's "Seal of Approval", so that he could report to Council's next meeting on 13th September.

The Meeting thereupon concluded.