

REPORT on MEETING of S.P.T.A./N.A.S.P.M.
JOINT LIAISON COMMITTEE held at Ellersley
House Hotel, EDINBURGH, at 10.30a.m. on
Wednesday, 17th OCTOBER, 1979.

PRESENT:

S.P.T.A. - Messrs. J.H. Barr, J.G.H. Fenton, J. Henderson, D.H. Lindsay and T. McClung, with R.D. Hunter (Secretary) and D. Blackmore (Assistant) in attendance.

N.A.S.P.M. - Messrs. H.N. Aves, C.J. Baker, E.R. Sherriff and D.H. Smith.

Mr. D.H. Lindsay occupied the Chair.

APOLOGIES:

An apology was intimated on behalf of Mr. A.J. Allan (S.P.T.A.).

The Chairman welcomed those present and looked forward to past experience being repeated to ensure a very practical and useful meeting today. He explained Mr. Hunter required to leave before lunch and (to ensure completion of the Agenda) proposed the meeting defer Item 1 until last. After a brief discussion the proposal was adopted.

PLANTING
CERTIFIED
SEED IN
SELECTED
AREAS:

Mr. Baker explained NASPM sought SPTA support to raise this subject again with the Department of Agriculture and Fisheries for Scotland. A Scottish NASPM member had reported substantial N.F.U.S. support for creation of a "clear area" in his district, wherein planting of other than certified seed would be prohibited. The H.I.D.B. had indicated support in principle but regarded the proposal as impractical. Mr. Baker accepted that a total Scottish ban could not be achieved but, concerning only virus health, a start should be made now to avoid a possible repetition of the 1975/77 experience. Mr. Aves pointed out that exclusion of foreign seed is much more difficult when ware crops are planted with uncertified seed.

Mr. Henderson recalled the Department had consistently rejected the proposal in the past. The Chairman confirmed the SPTA would support again the proposal and (in reply to Mr. Smith) felt the NFUS would support formation of a small exclusive area. In reply to Mr. Sherriff as to location of such an area, Mr. Fenton felt Ross-shire to be perhaps the most suitable county but an alternative would be to create a "designated area" within a county. Mr. Smith stressed the proposal would serve the long-term interests of the whole U.K. Seed Potato Industry.

BLACKLEG
INCIDENCE:

The Committee's discussion of the increased incidence of Blackleg followed reports of heavy damage in some parts of England in 1979 with some increased damage in Scottish early crops from this cause. Causal factors were thought to be rough handling at planting (especially of chitted seed), cold wet weather at that time, greater susceptibility of certain varieties, increased use of machinery, etc. Insufficiency of scientific information was recognised and Mr. Smith proposed pressure to overcome this should go beyond DAFS to the PMB, to Rothampstead and even to European avenues. It was agreed the matter be discussed at the afternoon meeting with DAFS but the question of who should approach which other agencies thereafter was not decided.

Mr. Baker explained an analysis of DAFS Inspections of English Crops showed that, of the 34 crops, 12 grown from Scotch seed contained more than 1½% Blackleg whereas 7 grown from non-Scotch seed contained not more than 1½%. Mr. Lindsay enquired whether these results indicated the prevalence was non-tuber borne and Mr. Baker quoted Dr. David Graham view that while in-season spread could be by various means inter-season spread must be tuber-borne, since blackleg bacteria are not known to survive 6-8 weeks without hosts. Mr. Baker also felt relative Dutch freedom was attributable to their earlier burning off practices, Mr. Aves adding that Northern Ireland is encouraging a return to the use of sulphuric acid rather than pulverisation. Mr. Fenton's view was that crop hygiene advice to growers, particularly in respect of chitted early crops, would contribute much to the reduction of the incidence of blackleg.

BURNING-OFF:

Mr. Baker recalled that at last year's meeting DAFS offered to issue advisory burning off dates for Scotland but that despite his fairly extensive enquiries he can find no evidence the offer has been implemented. While the Colleges have issued recommendations, the Department has not.

Mr. Aves explained the Northern Ireland programme provides discretion to Inspectors to allow up to one week extension (two weeks in 1979) in individual cases. Mr. Sherriff felt that the compulsory scheme already operating in the English High Grade Seed areas will eventually be extended throughout England and Wales, where recommended dates were issued by the Ministry in 1979. He felt an actual date in Scotland was less important than that DAFS should be seen by English growers to be actually doing something. Mr. Smith agreed the date was un-important, the propaganda/psychological effect of a DAFS recommendation on English growers would be enormous.

Mr. Barr felt the practical effects would be unacceptable, inevitably increasing the cost of seed and conceivably pushing some varieties out of production altogether. There was discussion of differing maturity dates between the north of Scotland and East Lothian and Galloway, as also between Yorkshire and Cornwall. The Chairman summarised the Committee's agreement to ask the Department to recommend suitable burning-off dates in 1980 with the widest possible publicity. Mr. Sherriff remarked this would be the third such annual request, Mr. Fenton suggesting if it were again unsuccessful the SPTA should issue its own recommendations to its members (Mr. Aves adding that the seed could be labelled with the date burned off) before the new SSPA adopted this course.

SCOTTISH
SEED
POTATO
ASSOCIATION:

To clarify confusion on the subject of this heading, Mr. Baker explained NASPM had received a copy of the Department's proposed formation of a seed Potato Consultative Panel containing an invitation for views on additional representation. NASPM had asked to be considered but the Department's reply had declined the application unless the SPTA was prepared to accommodate it within its own representation. NASPM had therefore asked for the matter to be placed on today's Agenda. Mr. Blackmore explained he had sought clarification of the heading during a telephone call from Mr. Baker, on which he had worded the heading as shown and he apologised for the confusion this had caused.

Mr. Barr explained the background to DAFS' Consultative Committee, the SPTA view that its too-widespread representation will inhibit its practical trade usefulness and the SPTA's initiative to form a supportive Seed Trade Committee. The Chairman explained the SPTA provided only two representatives on the Consultative Panel and would therefore not wish to share this representation with NASPM.

On the subject of the newly-formed Producers' Association (intended by the heading) Mr. Smith stated that on behalf of its Scottish Members NASPM is trying to ascertain what it is trying to do and a meeting with its Mr. Lyall and others would take place this evening. The Chairman gave a brief history of its formation, understood its short-term intention was publicity, its longer-term intentions not known and recounted its recent and immediate activities. Mr. Barr was concerned these latter might provide outside interests with possibly different views from an apparently single source. On the Chairman's invitation, NASPM representatives agreed to pass on anything they learned.

ANY OTHER
COMPETENT
BUSINESS:

(a)N.S.D.O. - The Chairman explained he understood the new Producers' Association is to approach NSDO to have Royalties levied on a tonnage instead of an acreage basis. He asked that NASPM Council consider this and to give its views at this Committee's December Meeting.

In brief personal reactions Mr. Sherriff preferred the existing system (although potatoes are the only agricultural product on which Royalties are not merchant-collected), Mr. Baker pointed out the present/

present system is administratively the cheapest possible (although it would be improved by refunds in respect of seed sold for other than reproductive purposes) and Mr. Aves felt the Trade should not become unpaid book-keepers for the Plant Royalty Bureau. He also questioned whether the Trade needed a NAC - type organisation and Mr. Sherriff remarked that the new Producers' Association might be aiming at such.

(b) Plant Health Frontier Controls - Mr. Henderson enquired whether NASPM is happy with the health safety of overseas' seed imports to the U.K. under the proposed new legislation. In reply Mr. Smith read a letter from the Ministry in which the chief concern centred on the large number of points of arrival and the administrative problems this posed.

REVISION
OF
CONDITIONS
OF SALE:

Mr. Hunter explained that due to pressure of time it had not been possible for the SPTA to reach a position of minor final adjustments today. Pointing out that whereas NASPM had spent about two years on its proposed revision the SPTA had received its first sight of the proposals less than six months ago, the latest (revised) draft being received on 1st October. SPTA Council had held a special meeting the following day and its Conditions sub-Committee had held a prolonged meeting last evening. He explained his sub-Committee's surprise that the latest revised draft did not implement decisions agreed at the joint meeting in Manchester and despite the best intentions, felt that some important differences, which today's meeting would ^{be}wrong to discuss and decide, still remained. He proposed to explain these points as part of his progress report today, thus to convey them to NASPM's Legal Committee for consideration.

Mr. Baker expressed his disappointment that any Manchester meeting decisions had not been implemented. Mr. Hunter pointed out that the NFU had asked and the Manchester meeting had agreed that postponement of delivery due to adverse weather conditions at the instance of either the Seller or the Buyer should be included in Condition 6. The SPTA view was that this was reasonable and would enhance both the reasonableness of the whole Conditions in a Court of Law and their acceptability to the NFU in pursuit of its Seal of Approval. Mr. Baker read out NASPM Solicitor's letter advising against this view.

Mr. Hunter pointed out that under Condition 8 (3) the expression "loading and delivery" had crept in. In the SPTA view these concepts are not synonymous and the words "and delivery" must be deleted. Quoting the lawyer's letter recommending this change, Mr. Baker proposed to suggest to his Legal Committee Chairman (Mr. Manton Baxter) that the wording should be "loading and thus delivery", Mr. Hunter asking that inclusion of postponement to the buyer be suggested at the same time.

In condition 9 (Passing of Risk and Property) Mr. Hunter was unhappy with an apparent ambiguity in that, in a "free on rail" situation, the passing of risk would be delayed from time of loading until time of delivery. Mr. Baker explained it was extremely rare for an English Merchant to sell on a "farmer-paid rail" basis. The Chairman felt this may require a different Scottish form of this Condition, but Mr. Hunter hoped this situation could be avoided.

Turning to Conditions 11 and 12 Mr. Hunter stated these contained the most important difference between the Associations' points of view. The SPTA was concerned that to some degree use of the terms "Patent Defects", "Latent Defects" and latent diseases gave rise to confusion and contradiction since, by introducing virus (daughter crop) diseases as Latent Defects, formerly traditional "latent diseases" (skinspot, gangrene and dry rot) became neither truly "Patent" or truly (daughter crop) "Latent". Mr. Baker explained Mr. Manton Baxter would not change the two proposed Conditions. Mr. Hunter fully explained his sub-Committee's suggested revisions and agreed to submit a written re-draft as soon as possible. He also read and explained a proposed SPTA/

SPTA revision of the "mitigation of loss" provision [Condition 11(3)] With regard to definition of "destination" [in Condition 11(4)] though three lines would be preferred to the longer SPTA definition presently in use it was most important to make absolutely clear exactly when "complaints periods" commenced. Mr. Baker suggested "destination" be added and defined in Condition 9 and thus remove the need for 11(4) altogether. Mr. Hunter fully explained his sub-Committee's complete rejection of this or any other suggestion that "destination" for "Passing of Risk" and "Liability for Defects" purposes are the same.

The Manchester Meeting had also agreed to deletion of Condition 12(3) and Mr. Hunter pointed out this obviated a need for the final Note (following Condition 18), yet both were retained in the latest revised draft. The SPTA felt these references would be counter-productive in establishing reasonableness of the whole Conditions in a Court of Law and should therefore be deleted.

Finally Mr. Hunter explained the SPTA sub-Committee had accepted the term and definition of "working days" included in Condition 6 (Protection) but did not agree a suggestion that the same term be used in Condition 8 (Delivery) re shortages and Condition 11 (Patent Defects) (1)(a) re skin spot gangrene and dry rot. In the latter two instances the SPTA sub-Committee proposes instead that when the last day of a complaints period falls on a non-working day the period shall be extended until the next working day.

Mr. Sherriff was assured that Mr. Hunter would meet NASPM's Legal Committee in London and Mr. Smith proposed these points be taken back for discussion and to arrange such a meeting as soon as possible thereafter. Mr. Hunter stressed that the SPTA was trying very hard indeed not to be obstructive and wanted to be as helpful as possible. He agreed to submit his Association's observations to NASPM as a matter of urgency with a view to arranging an early November meeting with them in London.

The Meeting then concluded with a vote of thanks to the chair.