

REPORT on a MEETING between the "CONDITIONS" SUB-COMMITTEE of the SCOTTISH POTATO TRADE ASSOCIATION and the NATIONAL FARMERS' UNION OF SCOTLAND held at 25 SOUTH METHVEN STREET, PERTH at 2.00 p.m. on MONDAY, 1st NOVEMBER, 1982.

PRESENT: N.F.U.S. - Messrs. J.W. Hay and J.A. McLaren, with R. Henton and Mrs. J. Armstrong in attendance.

S.P.T.A. - Messrs. R.D. Hunter and K.A. McKenzie, with D. Blackmore in attendance.

Mr. McKenzie occupied the Chair. Mr. Hunter intimated APOLOGIES for absence on behalf of Messrs. J. Henderson, R.G. Ramsay and J.O. Robertson (all S.P.T.A.)

PLANT
BREEDERS'
RIGHTS:

Mr. Hay briefly explained an Appeal submitted to the European Court of Justice in Luxembourg. Although concerned with granting exclusive rights to reproduce a French variety of maize to a West German interest, the outcome could be relevant within the potato industry. He agreed to let Mr. Hunter have a copy of the Statement of Appeal for perusal.

FOOD
LABELLING:

Mr. Blackmore reported the P.M.B. had raised objection to S.P.T.A.'s News Letter setting out the requirements after 1st January, 1983. The Board's view is that a 25 kg. bag of ware potatoes is a "pre-pack" (vide The Weights and Measures Act 1963 (Potatoes) Order 1978). It was agreed N.F.U.S. and S.P.T.A. would each put this point to D.A.F.S. for urgent re-consideration with the Scottish Office.

CONSULTATIVE
PANEL:

Mr. Hay referred to D.A.F.S.' letter proposing the Consultative Panel should meet on Friday, 10th December, 1982. This date was also the final day of the Royal Smithfield Show and would thus preclude the usual preparatory meeting of the Seed Trade Committee. It was agreed to ask D.A.F.S. to postpone the Panel meeting to the period Wednesday 15th - Tuesday 20th December.

CONDITIONS
OF PURCHASE:

Opening discussion of the proposed revised Conditions of Purchase of Seed Potatoes, Mr. Hay confirmed only one point of difference (Condition 17) remained outstanding despite some explanatory correspondence. Mr. Hunter explained the law tends to favour a purchaser against unreasonable Conditions (e.g. Lord Dennings "Cabbage Seed" decision) and if the protection a seller provides himself is eroded it is not unreasonable for him to claim against his supplier for faulty goods supplied. Mr. McKenzie instanced "admixture" problems and Mr. Hunter also exemplified increasing problems of chemical contamination.

N.F.U.S. representatives felt this changed the complexion of the problem. They had previously regarded Condition 17 as having the effect of extending the 3-day and 10-day "complaints" period. Mr. Hunter assured the meeting that S.P.T.A. would strongly resist any change in the established periods for complaints and felt that if the principle of Condition 17 is acceptable then amendment of its wording to make it more watertight could be considered.

Mr. Henton saw the problem as stemming from N.F.U.S.' desire to restrict the Condition to specific circumstances while the S.P.T.A. preferred an elastic, open-ended provision. Mr. Hay stated the present wording was unacceptable to N.F.U.S. and any amendment to make it more specific and restrictive would/

would require extreme care. Mr. Hunter undertook to revise the wording of the Condition along these lines.

CONDITIONS
FOR EXPORT:

The meeting discussed the draft proposed Conditions of Sale of Seed Potatoes for Export, covering the 3-day and 10-day complaints periods, notification of dressing standards or destination country at the outset and prevention of shipload rejection for fault found in a small constituent part of the consignment. Mr. Hunter explained the next step would be to discuss these Conditions with an Exporters' organisation. No such organisation is thought to exist. S.P.T.A. Council had approved a suggestion to ask for Development Council assistance in this respect. The meeting agreed this suggestion be pursued.

FROST BAN:

Mr. Hunter explained the present position in respect of current proposals for a mandatory ban on the movement of seed potatoes, destined for export overseas, during prolonged periods of severe frost. Mr. Hay reported that during an N.F.U.S./D.A.F.S. meeting on other matters last week D.A.F.S. had appeared to be as unco-operative as ever. The meeting decided that an urgent meeting of the Seed Trade Committee (now with Development Council participation) must be arranged to pursue the matter with maximum vigour.

The meeting was then concluded.