

REPORT on a MEETING of the JOINT  
(NASPM/SPTA) LIAISON COMMITTEE held  
at 8 Manor Place, EDINBURGH at  
10.30 a.m. on Wednesday, 12th OCTOBER,  
1983.

PRESENT: N.A.S.P.M: Messrs. E.F. Sherriff, H.N. Aves, C.J. Baker, J.B. Hollywood  
and P.E. Smith.

S.P.T.A: Messrs. J.E. Cook, J.G.H. Fenton, D.H. Lindsay, J.R. McArthur  
and T. McClung, with R.D. Hunter (Secretary) and D. Blackmore  
(Assistant) in attendance.

Mr. J.G.H. Fenton (President, SPTA) took the Chair and welcomed those present to the meeting.

APOLOGIES: The Chairman intimated an apology for absence on behalf of Mr. J.H. Barr (SPTA).

BURNING-  
DOWN DATES:

Mr. Sherriff explained this Item had been placed on the Agenda at NASPM request, to clear up a certain amount of misunderstanding about the definition and recognition of burning down dates in Scotland. In reply Mr. McArthur explained that as a first step towards eventual total crop application, burning down presently applied to Foundation Stocks of early varieties only. It was not a specific calendar date for all such crops. Each individual crop is required to be completely burned down within 14 days after the date of its second inspection. He reported that a very high pass-rate had been achieved in 1983 inspections of such crops. Mr. McClung added that a fair proportion of F.S. stocks had been voluntarily reduced to AAL Class this year, to increase yields.

Mr. Baker cited an example of a crop entered and passed FS Class, the buyer being so informed. Subsequently, because the burning down date had not been met, the crop was downgraded to AAL Class. This had caused some confusion and a feeling that the arrangements are not fully understood in Scotland. In turn this gave rise to concern and some nuisance on odd occasions in NASPM onward-sales situations.

In respect of the first point in the example given the Chairman made it clear that the crop would have been recommended for an FS classification after the second inspection, to be confirmed only after the burning down requirement had been met. In respect of the second point, that the arrangements are not fully understood in Scotland, he felt DAFS should be asked for clarification at this afternoon's meeting. It was also agreed to refer the subsequent short discussion of the relative effects of different burning down chemicals to the same forum.

TREATMENT  
OF SEED:

Messrs. Sherriff and Baker explained the background to this Item, which they felt was both a difficult and ticklish problem. Principal concern centred on the residual effects of contamination of seed by chemicals not necessarily applied to the seed itself. As an example they cited a low dosage of "Roundup", which is undetectable in the seed, may have a disastrous effect on the daughter crop the following year. They pointed out that I.C.I. recommend "Fusillade" for the control of couch, but this product had not been approved by the chemicals regulatory body. NASPM had asked MAFF to issue advisory lists of approved and non-approved chemicals, without success.

Mr. McArthur felt the use of "Roundup" to be more widespread in England, it being hardly used at all in Scotland. In any event, as he pointed out, most crops for seed usually followed three years of grass in Scotland. Mr. Fenton confirmed he had seen crops so affected. He felt the problem would be more amenable to an educational, rather than/

than a statutory, solution. Mr. Sherriff recalled a case that ran on for about two years before being settled out of Court some six months ago, in which Cambridge and MAFF both confirmed the presence of "Roundup" in seed from Scotland. He felt DAFS should be persuaded to issue advice on the matter.

Mr. Hunter recalled an earlier proposal to set up a joint "chemicals committee" to address these problems, which the meeting agreed should now be followed up. It was suggested that requests for information and help should be addressed to MAFF, ADAS, DAFS, PMB, the Scottish Colleges and the SCRI at Mylnefield. Mr. Hollywood counselled care in presentation and to avoid naming product/brand names. Mr. Smith suggested that as much of this information as is possible be collected in readiness for the next meeting in London in December. The Chairman summarised the points agreed before a chemicals committee is actually formed.

NEW SEED

POTATO

REGULATIONS:

Mr. Baker explained that in respect of sprout suppressants, pages 7 and 12 of the draft revised Regulations use the words "primarily" and "inhibited". He reported that NASPM has asked MAFF to clarify the use of these terms, and to use "delay" rather than "inhibit", but he felt that MAFF is not agreeable. It was agreed to ask DAFS for clarification at this afternoon's meeting. It was pointed out that "primarily" affords protection to MAFF/DAFS and the view was expressed that more often than not it was faulty application, rather than the sprout suppressant chemical itself, that gave rise to the problems. Mr. Baker's experience was that "Fusarex" is a constant source of difficult disputes, but some buyers insist on its use (especially for the variety Catriona). Messrs. Lindsay and McArthur both expressed their opposition to a ban on the use of "Fusarex". Mr. Baker pointed out, however, that "Fusarex" is a well-known contaminant of other in-store stocks. It was agreed to take these matters up with DAFS, pressing for lists of approved and non-approved chemicals and for an educational programme.

Mr. Baker also drew attention to an instance where VTSC is required to be "free from" a fault in one part, yet is provided with "a tolerance for" the same fault in another part. The Committee's full discussion was not conclusive.

FINNEY LOCK

JUDGEMENT:

Mr. Sherriff reported that NASPM is looking afresh at the Conditions of Sale following this decision. Mr. Hunter stated his professional belief that the Conditions of Sale clearly state the Buyer's risks and would stand up at Common Law. However, a Court may in certain circumstances nevertheless decide they infringe the Unfair Contract Terms Act. Each case required to be judged on its merits, against a background of the Courts' current tendency to favour buyers rather than sellers. Mr. Hunter felt the Judgement's reference to insurance cover was significant and SPTA is currently investigating this aspect.

Mr. Baker observed that Condition 17 of the newly revised Conditions of Purchase was not also included in the Conditions of Sale. He questioned whether the latter were not thus weakened, in "unfair" considerations. In reply, Mr. Hunter explained "admixture" and "chemicals" were recognised as risk areas and Condition 17 therefore reflected the thinking that a Buyer should not bear the risk of "admixture" which a Court would probably debar in any case.

The Chairman referred again to SPTA's investigations for possible insurance cover. Messrs. Baker and Sherriff reported that NASPM's own previous enquiries had been through Towry Law, and on each occasion quoted premiums had been too expensive.

CONDITIONS

OF PURCHASE:

The Chairman explained SPTA had been approached by NIPMA for permission to adapt SPTA's newly revised copyright Conditions of Sale for their/

their own use. In principle, SPTA felt the wider the use of a "standardised" set of Conditions the better it would be for all concerned. This is already the case with Conditions of Sale and thus, it was felt, NASPM would wish to consider adopting an adapted form of the revised Conditions of Sale. While SPTA's costs of this revision had been between £400 and £500, allocating shares of these costs with other organisations wishing to use the Conditions is not made easier when many members of one organisation are also members of another.

Mr. Sherriff pointed out that today's meeting was not the proper forum to discuss this matter, but he indicated NASPM would certainly wish to discuss it and reply in due course. Mr. Hunter hoped NIPMA would regard this position as an interim reply to its enquiry. In reply to Mr. Hunter, Mr. Baker confirmed that NASPM was actively maintaining the copyright of its Conditions of Sale.

DIPUTES:

Mr. Hunter explained that in a number of recent disputes it had been noticed that merchants in England seemed reluctant to insist that Condition 18 of the Conditions of Sale (requiring all disputes to be settled by Arbitration) be observed. In reply, Mr. Sherriff explained the NFU had now approved NASPM's revised Arbitration Rules which, hopefully, would reduce this problem. Further, NFU letters (which he read out) indicate it may be possible to re-open discussions to secure NFU approval of the Conditions of Sale. Mr. Baker added that the main criticism of Arbitrations seems to be that all too often they produce a "split down the middle" result. NASPM strongly recommends that its Arbitration Service be available to non-Members.

DATE OF  
NEXT  
MEETING:

After brief discussion the Committee agreed to hold its next meeting in London at 10 a.m. on Thursday, 8th December, 1983.

The meeting then concluded with a Vote of Thanks to the Chair.