

MINUTES of the MEETING of  
COUNCIL of THE SCOTTISH POTATO  
TRADE ASSOCIATION in Glenhurst  
(formerly Wheel Inn) Hotel,  
SCONE at 2 p.m. on Thursday,  
14th SEPTEMBER, 1989.

ACTION

PRESENT: Messrs. J.H. Barr, G.S. Brass, J.P. Deuchar, R. Doig, J.G.H. Fenton, D.H. Lindsay, D. Maxwell, J.L. Milne, J.R. McArthur, T. McClung, K.A. McKenzie, J.O. Robertson, J.M. Swinton and A.S. Whitehead, with R. David Hunter (Secretary) and D. Blackmore (Assistant) in attendance.

The President, Mr. G.S. Brass, took the Chair and welcomed those present to the meeting.

APOLOGIES: The Secretary intimated apologies for absence received from Messrs. I. Melrose, P. Miller and P. Moffat.

MINUTES: The Minutes of the meeting of Council in Scone on 6th July, 1989 (previously copied to each Member of Council) were taken as read. They were formally approved and signed to this effect by the Chairman.

MATTERS  
ARISING:

(a) Membership - The Secretary reported receipt of formal notice of amalgamation of Anderson-McKay (Produce) Ltd. with Clarence Murray Ltd. on 1st July, 1989, thereby reducing the total Membership Roll to 98 Members.

Mr. Hunter also reported receipt of two formal written nominations of Messrs. John Laselles (Seeds) for Association Membership. After due consideration Council accepted these nominations and instructed enrolment of this firm with effect from today's date, thereby increasing the total Membership Roll to 99 Members.

RDH

Council also noted the latest amendments (to 7th July, 1989) to the P.M.B. List of Licensed Merchants.

(b) N.A.S.P.M. - The Secretary reported having written both letters to N.A.S.P.M. as instructed at Council's last meeting. An acknowledgement of the Joint Liaison Committee letter had been received, the full reply referred to therein being still awaited. The Chairman also reported a conversation he had had with D.A.F.S. on this same topic.

(c) "Small Ware" Policy - Following further discussion at and instruction by the Chairman's Committee on 1st September, 1989 the Secretary read out a policy statement he had since prepared for Council's consideration. Following discussion, this was adopted in the following form,

"THE SCOTTISH POTATO TRADE ASSOCIATION IS STRONGLY OPPOSED TO ANY FORM OF ILLEGAL TRADING ACTIVITY, ESPECIALLY IF THIS INVOLVES ANY BREACH OF THE SEED POTATO REGULATIONS. ALL ASSOCIATION MEMBERS ARE REMINDED OF THEIR OBLIGATIONS UNDER THE ASSOCIATION'S CONSTITUTION AND RULES BY WHICH THEY ARE BOUND"

It was further decided that an immediate public announcement was not required at the present time.

(d)/



(d) Arbitrations Procedures - Council considered the pre-circulated proposals and the Chairman's Committee's recommendations regarding changes in the Association's Arbitrations Procedures. Following discussion those recommendations were accepted, the Secretary being instructed:-

(a) to submit the proposed amendment of the Association's Constitution and Rules "(Rule 17a) COUNCIL SHALL HAVE POWER TO PRESCRIBE ARBITRATION RULES TO BE ADOPTED IN CONNECTION WITH PROCEEDINGS IN ARBITRATIONS FOR THE SETTLEMENT OF DISPUTES BETWEEN MEMBERS OF THE ASSOCIATION. IN PARTICULAR, COUNCIL SHALL HAVE POWER TO PRESCRIBE THAT THE PARTIES TO SUCH A DISPUTE SHALL MAKE PAYMENT OF DEPOSITS OF AN AMOUNT TO BE PRESCRIBED BY COUNCIL FROM TIME TO TIME TO THE ARBITERS BEFORE THE ARBITERS ENTER UPON REFERENCE" to the next General Meeting of Members for adoption;

RDH

(b) to defer amendment of the Association's copyright Conditions of Sale and Conditions of Purchase (in the final paragraph, after "the Tribunal shall have power" insert) "(i) TO CALL UPON THE PARTIES TO THE DISPUTE TO MAKE PAYMENT OF REFUNDABLE DEPOSITS EITHER BEFORE OR AFTER ENTERING UPON REFERENCE TO BE USED AS PAYMENT TO ACCOUNT OF THE AWARD OF THE TRIBUNAL AND (ii)" ("to take such skilled advice ....") for reconsideration at the next revision of those Conditions and

RDH

(c) to incorporate "IT IS RECOMMENDED THAT THE MINIMUM FEE CHARGED BY ARBITERS AND/OR OVERSMEN SHOULD NOT BE LESS THAN £100.00 EACH IN ADDITION TO THEIR OUTLAYS AND EXPENSES" into the Association's "Arbitrations Guidance Notes".

RDH

(e) Non-payment of Arbitrations Expenses - The Secretary reported that the offending Member had ignored a recorded delivery requirement for immediate settlement sent on 7th July, 1989. Court action to implement the Arbiters' Award itself is continuing. After a short discussion Council decided unanimously to suspend forthwith the offending Member's Membership of the Association, including removal of that Member's name and address from the Association's Mailing List and withdrawal of the right to use Association's copyright Conditions of Sale and Conditions of Purchase from that Member. Council also agreed the Arbiters should take Court Action against that suspended Member for recovery of the unpaid expenses of Arbitration awarded against that Member.

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PROPOSED  
AMENDMENTS  
TO THE  
POTATO  
MARKETING  
SCHEME:

Introducing discussion of the Potato Marketing Board's pre-circularised proposals, the Chairman explained these had already been very thoroughly considered by (1) the Chairman's Committee on 1st September, in readiness for meetings of (2) the British Potato Trades Consortium and (3) the Joint Consultative Committee in London on 4th September and (4) the Scottish Advisory Committee and (5) the Seed Potato Advisory Committee in Edinburgh on 7th September. Reports on all five meetings, listed later in today's Agenda, would necessarily be incorporated into and form part of this discussion of the Board's proposals.

National Joint Council counter-proposals, broadly supported at the Consortium meeting, had been submitted to the J.C.C. but were rejected by the Board as requiring major legislative change for which Parliamentary time is not/



not available. The resulting only option, of adjusting the Board's own proposals, left Mr. Brass with a distinct impression that contact between the Board and the Minister had not been communicated to other interests within the industry. Mr. Brass reported that within the J.C.C., the National Joint Council, the Produce Packers, Mr. Whittle and the N.F.U.S. all advocated inclusion of a Scottish trade seat in any reconstitution of the J.C.C.

In Council's ensuing wide and prolonged discussion, Mr. McArthur confirmed the Chairman's summary and explained his own encouragement stemmed from the new J.C.C.'s capacity to make direct representation to the Minister. Mr. Brass also explained that rather than a Ministerially appointed independent J.C.C. Chairman, there had been support for say five Ministerial nominees from which the new J.C.C. itself could choose its own Chairman. In conclusion, in reply to Mr. Lindsay, Mr. Brass assured Council that the Board's proposals are still subject to negotiation, and there is still "everything to play for" before finalisation.

GSB/JAMcA

S.S.P.D.C.: Council took note of the pre-copied Minutes of the meeting of the Scottish Seed Potato Development Council in Edinburgh on 10th August, 1989.

Council also considered a pre-copied letter from D.A.F.S. seeking S.P.T.A. support of a proposal to defer the statutorily required Review of the S.S.P.D.C. (due by the end of January, 1990) for a further year, to the end of January, 1991. In a lively and prolonged discussion of the various considerations given in the letter as underlying the proposal, Council was unable to reach a unanimous view, some favouring only six months deferral rather than twelve months as proposed. Following a "show of hands" vote, it was decided by a majority of 9 to 5 to support the twelve months deferral proposal, on condition that the deferred Review shall include a properly conducted ballot of S.S.P.D.C. levy payers and that no further deferral of this Review will be considered under any circumstances.

RDH

V.H.Q.S.: For the benefit of those present without a copy, the Secretary read out the proposals for a Voluntary Higher Quality Scheme for seed potatoes enclosed with a covering letter recently received from D.A.F.S.

Opening discussion, the Chairman explained that at a meeting with D.A.F.S. (and in complete contradiction of its conclusions in its Paper of February, 1989) it was quite clear that D.A.F.S. intends to introduce provision for Early Burning Down. He also felt the proposals failed to take account of the results of the recent English N.F.U. delegates' visit (when the delegation had accepted that overall Early Burning Down in Scotland is absolutely impractical) and for this reason alone the proposals were badly timed.

Mr. McKenzie pointed out that many specialist growers already receive premium prices by burning down to customers' instructions. Being already commercially driven, he spoke strongly against any course by which this initiative could fall into bureaucratic hands and eventually become an un-enforceable statutory requirement for all seed growers, thus destroying any premium advantage.

These views were widely supported. In searching discussion it was also the majority view that achievement of 100% tuber inspections remained of paramount importance and if the only means of doing so involved payment/



payment of an additional fee to D.A.F.S., then that would have to be acceptable.

In conclusion and to ensure that D.A.F.S. is the servant, rather than the master, of any Scheme it was agreed the Industry should try to formulate its own counter proposals. To this end an early meeting of the Scottish Working Party would be arranged for exploratory discussion.

RDH/GSB

ANNUAL  
ELECTIONS:

The Secretary reported that the six Members of Council due to retire in terms of the Constitution on 31st October, 1989 were Messrs. J.H. Barr, D.H. Lindsay, I. Melrose, P. Moffat, T. McClung and K.A. McKenzie. Of these, Messrs. Moffat and McClung did not wish to stand for re-election and Mr. Barr was reluctant to do so. In addition, Mr. R. Doig had asked to stand for election, to provide the Membership with the opportunity to ratify his recent co-option to Council. Together with the existing vacancy, therefore, there were a total of eight Council vacancies to be filled.

There was a short discussion of several means of securing all the new nominations necessary to ensure a postal ballot to fill all these vacancies. The Secretariat was instructed to put the usual Elections procedures in train meantime.

RDH

A.O.C.B.:

(a) Correspondence - Mr. Hunter tabled a letter from a Member regarding the possible outcome of this year's reduced levels of crop inspections. Discussion was inhibited by lack of any hard statistical evidence to date and the Secretariat was instructed to write in reply in these terms meantime.,

RDH

The Secretary also tabled two letters from another Member, the first of which expressed concern regarding the monopolistic effect of the restricted sale of certain protected varieties. Council pointed out this was permitted under national and international Plant Breeders' Rights legislation and the Association is quite unable to contest this. In reply to the second letter seeking to ease the tolerance for Veinal Necrosis at VTSC and SE levels, Council felt the current hard won position represented a valuable improvement on the recent "nil tolerance" position and there are no grounds for believing that pressure for further change at the present time would be successful.

RDH

Mr. Hunter further reported a telephoned enquiry from an English merchant for a copy of the Association's Membership Roll. Council agreed not to break with precedent to meet this request, suggesting that the P.M.B. List of Licensed Merchants would serve the enquirer's purpose equally well.

RDH

In respect of a letter from D.A.F.S. regarding V.C.U. Trial Sites for Potatoes, Council agreed this matter should be discussed by the Scottish Working Party.

GSB

Mr. Hunter also reported receipt of an apologetic letter from the British Society of Plant Breeders for having failed to complete consultation with the Association before introducing the new form of their Sales Licence (a specimen copy of which had been enclosed).

(b) Date of Next Meeting - Council confirmed its intention to hold its next meeting in the Glenhurst Hotel Scone, at 7 p.m. on Monday, 16th October, 1989 and the Secretariat was instructed to make the necessary arrangements.

RDH

The meeting then closed with a Vote of Thanks to the

*JS Bross*