

# ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

## **The Agricultural Census Ordinance, 1997 \***

*[CONSOLIDATED TEXT]*

### **NOTE**

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* No. XXXVII of 1997 (Recueil d'Ordonnances Tome XXVII, p. 414); as amended by the Agricultural Census (Amendment) Ordinance, 2001 (No. XIX of 2001, Recueil d'Ordonnances Tome XXVIII, p. 432); the States Agricultural and Milk Marketing Board (Transfer of Functions) Ordinance, 2001 (No. XX of 2001, Recueil d'Ordonnances Tome XXVIII, p. 433); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016).

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ARRANGEMENT OF SECTIONS

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*(Made on 26th November, 1997.)*

## **The Agricultural Census Ordinance, 1997**

**THE STATES**, in pursuance of their Resolution of 24<sup>th</sup> September 1997<sup>a</sup> hereby order: –

### **Annual Agricultural Census.**

**1.** (1) An agricultural census is to be conducted during each calendar year, on 1<sup>st</sup> July or such other date as [the Committee] may prescribe by Order ("**agricultural census day**").

(2) It is the duty of every prescribed person, within 14 days following agricultural census day, to deliver to [the Committee] a return –

- (a) in the prescribed form,
- (b) containing the prescribed information as at midnight on the day immediately preceding agricultural census day,
- (c) signed by or on behalf of the prescribed person.

(3) [The Committee] must, at least 7 days before each agricultural census day –

- (a) deliver a return in the prescribed form to every person believed by [the Committee] to be a prescribed person, and
- (b) publish in La Gazette Officielle notice of the date of the census and of the requirements of subsection (4) of this section.

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<sup>a</sup> On Article 18 of Billet d'État No. XVIII of 1997.

(4) Every prescribed person to whom no return has been delivered at least 7 days before an agricultural census day must within those 7 days require [the Committee] to deliver a return to him.

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**NOTE**

*In section 1, the words "T/the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 5, with effect from 1st May, 2016.*

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**Orders.**

2. (1) [The Committee] may by Order –
- (a) prescribe the form of, and the information to be contained in, any return required to be delivered to it under section 1 of this Ordinance in respect of any agricultural census,
  - (b) prescribe a day other than 1<sup>st</sup> July as agricultural census day for any, or any particular, calendar year,
  - (c) vary the definition of prescribed person set out in section 4 of this Ordinance in respect of any, or any particular, agricultural census.

(2) An Order made under this section must be laid before a meeting of the States as soon as possible (and in any event before the first agricultural census day to which the Order relates) and shall, if at that or the next meeting the States resolve to annul it, cease to have effect, but without prejudice to anything done under it or to the making of a new order.

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**NOTES**

*In section 2, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 5, with effect from 1st May, 2016.*

*The following Order has been made under section 2:*

*Agricultural Census Order, 1998.*

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**Offences.**

3. (1) Any person who –
- (a) fails to deliver a return to [the Committee] in accordance with section 1(2) of this Ordinance, or
  - (b) fails to require the delivery by [the Committee] of a return in accordance with section 1(4) of this Ordinance, or
  - (c) in a return purporting to be delivered in accordance with section 1(2) of this Ordinance –
    - (i) fails to include all of the prescribed information, or
    - (ii) includes information which he knows to be false or misleading, or recklessly includes information which is false or misleading

is guilty of an offence under this section.

- (2) A person found guilty of an offence under this section is liable

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- (a) to a fine not exceeding level 3 on the uniform scale, and
- (b) in the case of an offence within paragraph (1)(a) or subparagraph (1)(c)(i) of this section, to a further fine of such amount, not exceeding level 2 on the uniform scale, as the court may impose on convicting him of

that offence in respect of each week or part of a week when the offence continues to be committed by that person, whether before or after the date of conviction.

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**NOTE**

*In section 3, the words "the Committee" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 5, with effect from 1st May, 2016.*

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**Interpretation.**

4. In this Ordinance, unless the context otherwise requires –

**"agricultural census"** means a census relating to animals, crops and agriculture conducted in accordance with this Ordinance,

**"agricultural census day"** has the meaning given in section 1(1) of this Ordinance,

**"[the Committee]"** means the States [Committee for the Environment & Infrastructure],

**"deliver"** means deliver personally or send by post,

**"prescribed"** means prescribed by an Order made by [the Committee] under section 2 of this Ordinance,

**"prescribed person"** means any individual, any partnership or other unincorporated body, and any body corporate, who or which –

- (a) owns or keeps any bovine animal or pig (whether for commercial purposes or otherwise), or
- (b) owns or keeps any [horse,] sheep, goats, poultry or deer for commercial purposes, or

- (c) grows any crops for commercial purposes,

and for the purposes of the above definition –

- (i) **"bovine animal"** means any bull, cow, ox, heifer or calf (whether pure or cross-bred),
- (ii) **"poultry"** means any domestic fowl, turkey, geese, duck, guinea fowl, partridge or pheasant,
- (iii) **"crops"** means anything grown in or on land other than inside a glasshouse, and
- (iv) **"for commercial purposes"** means to sell or transfer (in the case of an animal either live or as a carcass) by way of business.

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## NOTES

*In section 4,*

*the words, first, "the Committee" and, second, "Committee for the Environment & Infrastructure" in square brackets in the definition of the expression "the Committee" in subsection (1), and, third, the words "the Committee" in square brackets wherever else occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 5, section 2, Schedule 1, paragraph 1(c), Schedule 2, Part 1, paragraph 2 and section 5(1), Schedule 3, paragraph 5, with effect from 1st May, 2016;<sup>1</sup>*

*the word and punctuation mark in square brackets in paragraph (b) of the definition of the expression "prescribed person" was inserted by the Agricultural Census (Amendment) Ordinance, 2001, section 1, with effect from 26th September, 2001.*

*The functions, rights and liabilities of the Commerce and Employment Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for the Environment & Infrastructure and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 1(c), Schedule 2, Part 1, paragraph 2, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>2</sup>*

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**Relationship to other requirements.**

5. The returns required to be made in accordance with this Ordinance are independent of, and not in substitution for, any requirement to furnish information to which a person may be subject by virtue of the Animal Health Ordinance, 1996<sup>b</sup> or any other enactment for the time being in force.

**Application.**

6. This Ordinance applies in the Islands of Guernsey, Herm and Jethou.

**Repeals.**

7. The Ordinance entitled "Ordonnance ayant rapport au Recensement de Récoltes et de Bétail" of 30<sup>th</sup> July 1932<sup>c</sup>, and the reference to that Ordinance in the Schedule to the States Committee for Agriculture (Transfer of Functions) Ordinance, 1987<sup>d</sup>, are repealed.

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**NOTE**

*The States Committee for Agriculture (Transfer of Functions) Ordinance, 1987 has since been repealed by the States Agricultural and Milk Marketing Board (Transfer of Functions) Ordinance, 2001, section 4, with effect from 21st January, 2002.*

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**Citation.**

8. This Ordinance may be cited as the Agricultural Census Ordinance, 1997.

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**NOTE**

*The Ordinance was made and came into operation on 26th November, 1997.*

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<sup>b</sup> Ordinance No. XI of 1996.

<sup>c</sup> Recueil d'Ordonnances Tome V, p. 386.

<sup>d</sup> Recueil d'Ordonnances Tome XXIV, p. 17.

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<sup>1</sup> The words "Committee for the Environment & Infrastructure" were previously substituted by the States Agricultural and Milk Marketing Board (Transfer of Functions) Ordinance, 2001, section 3, Schedule 2, paragraph 20, with effect from 21st January, 2002; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 2, with effect from 6th May, 2004

<sup>2</sup> The functions, rights and liabilities of the Commerce and Employment Department and its Minister arising under or by virtue of this Ordinance were previously transferred to them from the Agriculture and Countryside Board and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 2, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions, rights and liabilities of the States Agriculture and Countryside Board and its President were previously transferred to it and its President from, respectively, the States Agricultural and Milk Marketing Board and its President by the States Agricultural and Milk Marketing Board (Transfer of Functions) Ordinance, 2001, section 1, Schedule 1, paragraph 20, with effect from 21st January, 2002, subject to the savings and transitional provisions in section 2 of the 2001 Ordinance.