

ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Colorado Beetle (Bailiwick of Guernsey) Law, 1956.

(Registered on the Records of the Island of Guernsey
on the 3rd day of November, 1956.)



1956.

XII

1956

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 3rd day of November, 1956, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present :— Sir John Leale, Arthur Falla, William Robert Freake Clark, Ernest Francis Lainé, Bertram Bartlett, Esquires, Donald Carey Brock, Esquire, C.B.E., Osmond Priaulx, Théophile Le Messurier Allez, Bertram Guy Blampied, Esquires, Richard Edward Gibson, Esquire, O.B.E., and Claude Fortescue Nason, Esquire, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 9th day of October, 1956, ratifying a *Projet de Loi* entitled "The Colorado Beetle (Bailiwick of Guernsey) Law, 1956",—the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands respectively, of which Order in Council the tenor followeth:—

of Alderney, at a meeting held on the 7th day of June, 1956, considered the said Bill or "Projet de Loi," when a resolution was passed approving the same. 3. That the Chief Pleas of the Island of Sark, at a meeting held on the 4th day of April, 1956, considered the said Bill or "Projet de Loi," when a resolution was passed approving the same. 4. That the said Bill or "Projet de Loi" is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The Colorado Beetle (Bailiwick of Guernsey) Law, 1956," and to order that the same shall have the force of Law in the Bailiwick of Guernsey.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HER MAJESTY, having taken the said Report into consideration, is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Bailiwick of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. G. AGNEW.

**Projet de Loi referred to in the foregoing
Order in Council.**

PROJET DE LOI

ENTITLED

**The Colorado Beetle
(Bailiwick of Guernsey) Law, 1956.**

THE STATES, in pursuance of their Resolution of the 20th day of July, 1949, and of the 12th day of December, 1951, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

1. (1) The Legislative Assembly of an Island may, from time to time, by Ordinance make such provision as respects that Island as they deem necessary or expedient for preventing the infestation of or the spread of infestation in that Island or of any other place by Beetles.

(2) Without prejudice to the generality of the provisions of the preceding subsection the Legislative Assembly may, from time to time, by Ordinance, in particular, provide for any or all of the following matters:—

- (a) for taking possession of land;
- (b) for entry upon land, ships and aircraft;
- (c) for the inspection of persons and property including ships and aircraft;
- (d) for the destruction or confiscation of vegetation whether growing or otherwise;
- (e) for imposing an obligation on persons to report the presence of or suspected presence of Beetles

- and to take steps for the destruction, capture or handing in of, any Beetles found;
- (f) for requiring persons to supply such information as may be necessary or expedient for preventing infestation or the spread of infestation by Beetles;
 - (g) for prohibiting or limiting the movement of ships or aircraft and the movement, export, or import, of any property;
 - (h) for requiring the occupier of any land on which there are or have been potato plants to treat with such insecticide as they may provide such potato plants or land, as the case may be, in such manner as they may require;
 - (i) for empowering the Committee to cause any potato plants, or any land on which there are or have been potato plants, or both, to be treated with insecticide in such manner as the Committee may require;
 - (j) for any matters ancillary to those set out in paragraphs (a) to (i) of this subsection both inclusive.

2. (1) No compensation shall be payable to any person suffering loss or damage by the exercise of any power given under the provisions of an Ordinance made under the provisions of this Law otherwise than under and in accordance with the provisions of the next succeeding subsection.

(2) Compensation shall, subject to such conditions as an Ordinance made under the provisions of this Law may direct, be payable, according to such scale as may be therein contained, to a person whose vegetation, whether growing or otherwise, has been destroyed or confiscated by the exercise of any power given under the provisions of an Ordinance made under the provisions of this Law.

(3) In a case where the Committee take possession of land by the exercise of any power given under the provisions of an Ordinance made under the provisions of this Law, the Committee shall, for such period and subject to such conditions as an Ordinance made under this Law may provide, pay to the person who, but for such taking of possession as aforesaid, would be entitled to possession of the land such rent therefor at such rate as the said Ordinance may provide.

(4) Payment of compensation as aforesaid shall be in full satisfaction of the value of the vegetation destroyed or confiscated and payment of rent as aforesaid shall be full satisfaction of the value of any loss incurred by the person to whom such rent is paid by reason of such possession as aforesaid during the period such rent is paid.

3. (1) The Committee may, in their discretion, from time to time by order declare any locality within such limits as the Committee shall define to be an infested area.

(2) At any time after a locality has been declared to be an infested area, the Committee may from time to time by order declare a locality, in relation to an infested area, extending to such limits beyond the limits of the infested area as the Committee shall define, to be a zone of protection.

(3) The Legislative Assembly of an Island may from time to time by Ordinance made under the provisions of this Law empower the Committee to take such steps in relation to an infested area, or a zone of protection, or both, for preventing the spread of infestation in that Island as may be specified in that Ordinance.

4. A person shall not, unless thereunto duly authorised by the Committee, enter or leave an infested area.

5. Any person who—

- (a) resists or interferes with any person in the performance of any act or duty which he is authorised to perform by virtue of this Law or of any Ordinance or order made hereunder, or who refuses or neglects to obey any order applicable to him issued by such person,
- (b) refuses or neglects to supply information which he is required to supply under the provisions of any Ordinance made under subsection (2) of section one of this Law,
- (c) knowingly supplies information which he is required to supply under the provisions of any Ordinance made under subsection (2) of section one of this Law which is false in a material particular,
- (d) contravenes any of the provisions of this Law or of any Ordinance or order made hereunder,

shall be guilty of an offence and liable, on conviction, to a fine not exceeding two hundred pounds.

6. Every order made by the Committee under this Law shall be laid before a meeting of the Legislative Assembly as soon as may be after the making thereof and if, at that meeting or at the next subsequent meeting, the Legislative Assembly resolve that the order be annulled, the order shall cease to have effect but without prejudice to anything done thereunder or to the making by the Committee of any new order.

7. For the purposes of this Law the following expressions shall have the meanings hereby respectively assigned to them:—

“Legislative Assembly” means—

- (i) in relation to the Island of Guernsey, the States of Guernsey and the States Legislation Committee when acting within the scope of its authority,
- (ii) in relation to the Island of Alderney, the States of Alderney,
- (iii) in relation to the Island of Sark, the Chief Pleas of Sark;

“Committee” means—

- (i) in relation to the Island of Guernsey, the States Committee for Agriculture and Fisheries of that Island,
- (ii) in relation to the Island of Alderney, the States Committee for Agriculture and Fisheries of that Island,
- (iii) in relation to the Island of Sark, the Sark Potato Crop Protection Committee;

“Beetle” means the Colorado Beetle (*Leptinotarsa decemlineata*) and includes the eggs, larvae, and pupae thereof;

“Island of Guernsey” includes the Islands of Herm and Jethou.

8. The Interpretation (Guernsey) Law, 1948, shall apply to this Law in its application to the Islands of Alderney and Sark as it applies to the same in its application to the Island of Guernsey.

9. The enactments set out in the Schedule to this Law shall be repealed on such date as the States may by Ordinance appoint.

SCHEDULE

Loi relative au Doryphore (anglicé Colorado Beetle),
1933, registered on the Records of the Island of
Guernsey on the 6th day of May, 1933.

Loi relative au Doryphore (anglicé Colorado Beetle,
1932, registered on the Records of the Island of
Guernsey on the 1st day of April, 1933 (which
relates to the Island of Alderney).

JAMES E. LE PAGE,

Her Majesty's Greffier.