

Island of Guernsey

Ordinance of the States

L
1976

Made 27th October, 1976.
Came into Operation ... 27th October, 1976.

The Control of Diseased Plant Material Ordinance, 1976

THE STATES, in pursuance of their Resolution of the twenty-ninth day of November, nineteen hundred and seventy-two, hereby order:—

1. The Inspector upon production, if so required, of a certificate of his authority signed by the President of the Committee, may at any reasonable time enter on any land on which he has reason to believe is deposited any material of any plant specified in the Schedule to this Ordinance (hereinafter referred to as "plant material") which is affected by any pests and may examine any plant material found deposited on such land and for the purposes of such examination may take sample of any such plant material.
Examination of diseased plant material.
2. The occupier of any land on becoming acquainted or being informed by the Inspector that any plant material deposited on the land of which he is the occupier is substantially affected by any
Action to be taken to prevent movement of diseased plant material.

pests shall take steps to prevent the movement of such plant material except under the authority of the Inspector.

Power of the Committee to order destruction etc. of diseased plant material.

3. Where, as a result of an examination carried out under the provisions of section one of this Ordinance, any plant material deposited on land is found to be substantially affected by any pests and that any such pests are likely to spread to any other land in this Island, the Committee may serve on the occupier of such land a notice in writing requiring him within such time as shall be specified in the notice to adopt one or more of the following measures, that is to say:—

- (a) to destroy the plant material or such of it as may be specified in the notice;
- (b) to disinfect, treat or dispose of the plant material or such of it as may be specified in the notice;
- (c) to take such action as may be deemed expedient by the Committee to prevent the spread of any pests or disease.

Destruction etc. of diseased plant material.

4. Any destruction, disinfection, treatment or removal, as the case may be, of any plant material required by a notice served under the provisions of the last preceding section shall be carried out at the expense of the person upon whom the notice is served at such place and in such manner as shall be specified by the Inspector and to his satisfaction and, except with his written authority, none of the affected plant material shall be moved otherwise than to such place.

Powers of the Committee.

5. Where a notice has been served on any person under the provisions of section three of this

Ordinance and such person shall have failed fully to comply with the requirements of such notice then, without prejudice to any proceedings under this Ordinance consequent upon such failure, the Committee may apply ex parte to the Court for an Order authorising the Inspector to enter on any land in which the affected plant material or any part of it may be and to remove, destroy or otherwise dispose of it; and the cost of taking such action shall be recoverable by the States from such person as a civil debt.

6. Any notice which may be served for the purposes of this Ordinance shall be validly served:— Service of notices.

- (a) on any person, if delivered to him, left, or sent by registered post or by recorded delivery service to him, at his usual or last known place of abode;
- (b) on any firm if delivered to any partner of the firm or left at, or sent by registered post or by recorded delivery service to, the principal or last known principal place of business of the firm;
- (c) on any body corporate, if left at, or sent by registered post or by recorded delivery service to, its registered office if situate in this Island or, if its registered office is not so situate, its principal or last known principal place of business in this Island.

7. If any person—

Offences.

- (a) fails to comply with any requirement of a notice served on him by the Committee under the provisions of section three of this Ordinance; or

- (b) fails to take any steps which he is required to take under section two of this Ordinance; or
- (c) fails to do any act which he is required to do by the Inspector under any of the provisions of this Ordinance; or
- (d) wilfully obstructs the Inspector in the exercise of any of his powers under any of the provisions of this Ordinance;

he shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds, and the Court may, in addition, order the seizure, destruction or other disposal of the plant material or any part of it to which the conviction relates at the expense of the convicted person.

Offences by
bodies
corporate.

8. Where a person convicted of an offence under this Ordinance is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

Power to
amend
Schedule
by order.

9. (1) If it appears to the Committee that any plant should be added to, or removed from, the Schedule to this Ordinance, the Committee may, from time to time, by order make the requisite modifications in that Schedule.

(2) Every order made by the Committee under the provisions of the last preceding subsection shall be laid before a meeting of the States as soon as may be after the making thereof and if, at that meeting or at the next subsequent meeting, the

States resolve that the order be annulled the order shall cease to have effect but without prejudice to anything previously done thereunder or to the making by the Committee of a new order.

(3) Any power conferred by subsection (1) of this section to make any order shall be construed as a power exercisable in like manner to vary or repeal the order.

10. (1) In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:— Interpretation.

“the Committee” means the States Committee for Horticulture;

“the Court” means the Magistrate’s Court constituted under the Magistrate’s Court (Guernsey) Law, 1954(a);

“the Inspector” means the States Plant Health Inspector for the time being appointed by the States Civil Service Board and includes a person authorised by the Committee to execute and perform the powers and duties of the Inspector under the provisions of this Ordinance;

“this Island” includes the Islands of Herm and Jethou;

“land” does not include a building;

“material” in relation to any plant specified in the Schedule to this Ordinance means the haulm, tuber, bulb, layer, cutting or any other part of any such plant, whether dead or alive and whether or not such part is attached to or

separated from the plant to which it forms part;

“pests” means insects, bacteria, fungi and other vegetable or animal organisms, viruses and all other agents causative of any transmissible disease of agricultural or horticultural crops or trees or bushes, and include pests in any stage of existence.

(2) Any reference in this Ordinance to any other enactment shall, except where the context otherwise requires, be construed as including a reference to that enactment as amended, repealed or replaced, extended or applied by or under any other enactment including this Ordinance.

Extent.

11. This Ordinance shall have effect in the Islands of Guernsey, Herm and Jethou.

Citation.

12. This Ordinance may be cited as the Control of Diseased Plant Material Ordinance, 1976.

SCHEDULE

Sections one, nine and ten

Plants to which the provisions of this Ordinance apply

Capsicum	Iris
Carnation	Narcissus
Chrysanthemum	Pelargonium
Cucumber	Potato
Fern	Rose
Freesia	Tomato
Gladiolus	

R. H. VIDELO,

Her Majesty's Greffier.