

# ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

## **The Flower Transport (Guernsey) Law, 1971**

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(Registered on the Records of the Island of Guernsey  
on the 2nd day of November, 1971.)

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1971.

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 2nd day of November, 1971, before Bertram Guy Blampied, Esquire, O.B.E., Lieutenant-Bailiff; present:—Claude Fortescue Nason, Esquire, Gilbert Carey de Jersey, Esquire, C.B., Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., D'Arcy George Le Tissier, William Burton Fox, Esquires, Edward James Lainé, Esquire, C.B.E., D.F.C., Jean Le Pelley, Walter Francis Robin, Richard Alan Kinnersly, Esquires and Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Jurats.*

The Lieutenant-Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 27th day of October, 1971, ratifying a *Projet de Loi* entitled "The Flower Transport (Guernsey) Law, 1971", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Comptroller thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth:—

## At the Court at Buckingham Palace

The 27th day of October 1971

PRESENT,

### The Queen's Most Excellent Majesty

LORD PRESIDENT

LORD PRIVY SEAL

LORD TRYON

LORD MACLEAN

MR. AMERY

MR. CORFIELD

SIR EUSTACE ROSKILL

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 21st day of October 1971, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That, in pursuance of their Resolution of the 31st day of March 1971, the States of Deliberation at a meeting held on the 28th July 1971 approved a Bill or “Projet de Loi” entitled “The Flower Transport (Guernsey) Law, 1971” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. 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 Flower Transport (Guernsey) Law, 1971" and to order that the same shall have force of law in the Islands of Guernsey, Herm and Jethou.'

"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 Islands of Guernsey, Herm and Jethou.

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 Flower Transport (Guernsey) Law, 1971**

THE STATES, in pursuance of their Resolution of the thirty-first day of March, nineteen hundred and seventy-one, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

1. (1) There shall be an authority which shall be called the Guernsey Flower Transport Authority (hereinafter referred to as "the Authority") and which shall be a body corporate and shall have a common seal and in relation to the exercise of its powers and the performance of its duties in pursuance of any Ordinance made under the provisions of this Law shall have all such powers as if it were a limited liability company deriving the same under Article VI of the Law entitled "Loi relative aux Sociétés Anonymes ou à Responsabilité Limitée" registered on the twenty-first day of March, nineteen hundred and eight.

Establishment of Authority as a body corporate with borrowing powers.

(2) The States may, from time to time, by Ordinance empower the Authority to borrow money in such circumstances and for such purposes as may be specified in any such Ordinance.

2. The States may by Ordinance provide:—

(a) for the constitution of the Authority with authority to exercise such powers and perform such duties as may be conferred or

Constitution and dissolution of Authority.

imposed upon it by an Ordinance made under the provisions of section three of this Law;

- (b) for the appointment of the first Chairman and first members of the Authority;
- (c) for the manner of election of the Chairman and members of the Authority after the retirement of the first Chairman and members thereof;
- (d) for such matters with respect to the proceedings and procedure of the Authority as the States may deem it necessary or expedient to provide;
- (e) for the winding up and dissolution of the Authority.

Power of  
States to  
make  
Ordinances.

3. (1) The States may, from time to time, by Ordinance make such provision as they may deem necessary or expedient:—

- (a) for requiring that non-edible horticultural produce for export from the Island, being non-edible horticultural produce of such description as may be specified in any such Ordinance, shall be delivered by or on behalf of the producer thereof to the Authority for transport by it to such destination as may be required by the said producer;
- (b) for requiring that non-edible horticultural produce for export from the Island, not being non-edible horticultural produce of a description specified as aforesaid, delivered to the Authority for transport to such destination as may be required by the producer

thereof shall be accepted by the Authority for transport by it as so required.

(2) Without prejudice to the generality of the provisions of the last preceding subsection the States may, in particular, make provision in any Ordinance made in pursuance of the provisions of the said subsection for all or any of the following matters:—

- (a) empowering the Authority to enter into such arrangements with such persons as the Authority may deem it necessary or expedient for the transport of non-edible horticultural produce delivered to it in accordance with the provisions of any such Ordinance;
- (b) empowering the Authority to employ such form of transport as it may deem fit for the transport of non-edible horticultural produce delivered to it as aforesaid;
- (c) the chartering of ships or aircraft for the transport of non-edible horticultural produce delivered to it as aforesaid;
- (d) the negotiation by the Authority of freight rates for the transport of non-edible horticultural produce delivered to it as aforesaid;
- (e) the fixing, levying and securing the payment of charges by the Authority for the transport of non-edible horticultural produce delivered to it as aforesaid and the approval by the States Committee for Horticulture (hereinafter referred to as "the Committee") of the methods used by the Authority for fixing such charges;
- (f) the raising of levies in respect of non-edible horticultural produce delivered to the Authority as aforesaid for such purposes as

may be specified in any such Ordinance and securing the payment of such levies and the approval by the Committee of the amounts of such levies;

- (g) empowering the Authority to compensate, out of the proceeds of a levy raised by virtue of any such Ordinance, any producer whose non-edible horticultural produce is damaged or lost or which deteriorates, otherwise than through his default or negligence, during the period between its delivery to the Authority and its delivery to the destination required by the producer, where the pecuniary loss arising from such damage loss or deterioration would otherwise fall upon such producer;
- (h) the provision by the Authority of reception and dispatch facilities for non-edible horticultural produce delivered to it as aforesaid and the establishment of a permanent depôt for the assembly of units comprising more than one consignment of such produce for transport to the same destination;
- (i) for the storage by the Authority of consignments of non-edible horticultural produce delivered to it as aforesaid while awaiting transport;
- (j) the preparation and packing by the Authority of non-edible horticultural produce delivered to it as aforesaid in such manner and for such purposes as may be specified in any such Ordinance;
- (k) the keeping of accounts by the Authority in such form and the auditing thereof in such manner as may be specified in any such Ordinance;

- (l) the presentation by the Authority to the Committee of the said accounts audited as aforesaid and the laying by the Committee of copies thereof before the States;
- (m) the preparation of an annual report by the Authority on its operations and the presentation of such report to the Committee and the laying by the Committee of copies thereof before the States;
- (n) the making of orders by the Committee regulating the delivery of non-edible horticultural produce to the Authority in accordance with the provisions of any such Ordinance;
- (o) such incidental and supplementary matters for which the States deem it necessary or expedient for the purposes of any such Ordinance to provide.

(3) An Ordinance made under the provisions of subsection (1) of this section may exempt from the provisions of such Ordinance consignments of non-edible horticultural produce which would otherwise be required to be delivered to the Authority for transport, being consignments of such size, weight or description as may be specified therein.

(4) An Ordinance made under the provisions of subsection (1) of this section may make different provisions for different descriptions of non-edible horticultural produce.

4. Any power conferred by this Law to make any Ordinance shall be construed as including a power exercisable in the like manner to vary, suspend or repeal the Ordinance.

Variation,  
suspension  
and repeal  
of Ordin-  
ances.

**Offences.** 5. Save as otherwise expressly provided by that Ordinance, any person who contravenes or attempts to contravene or fails to comply with any of the provisions of any Ordinance made under this Law or any order made under any such Ordinance or any direction given or requirement imposed under or by virtue of that Ordinance or order shall be guilty of an offence under that Ordinance.

**Penalties.** 6. The States may, from time to time, by Ordinance prescribe the penalties which shall be incurred by any person guilty of any offence under any Ordinance made under this Law and different penalties may be so prescribed for different offences.

**Interpretation.** 7. In this Law, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“consignment” means a consignment of non-edible horticultural produce all of which is consigned to the same consignee;

“non-edible horticultural produce” means any product of horticulture which is not edible by human beings;

“the Island” means the Islands of Guernsey, Herm and Jethou.

**Citation.** 8. This Law may be cited as the Flower Transport (Guernsey) Law, 1971.

**Commencement.** 9. This Law shall come into force on such date as the States may by Ordinance appoint.

R. A. MALLET,  
Her Majesty's Deputy Greffier.