

PROJET DE LOI

ENTITLED

The Flower Transport (Guernsey) Law, 1971 *

[CONSOLIDATED TEXT]

NOTE

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* Ordres en Conseil Vol. XXIII, p. 163; as amended by 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. ** of 2016).

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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.

Establishment of Authority as a body corporate with borrowing powers.

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.

(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.

NOTES

The following Ordinance has been made under section 1:

Flower Transport (Repeal) Ordinance, 1972.

The Loi relative aux Sociétés Anonymes ou à Responsabilité Limitée, 1908 has since been repealed by the Companies (Guernsey) Law, 1994, section 122, with effect from 31st March, 1995, subject to the savings and transitional provisions in section 121 of, and Schedule 1 to, the 1994 Law.

The Companies (Guernsey) Law, 1994 has since been repealed by the Companies (Guernsey) Law, 2008, section 543, Schedule 5, paragraph 4(1)(a), with effect from 1st July, 2008, subject to the savings and transitional provisions in, first, section 541 of and Schedule 4 (paragraphs

2 and 4 of which entered into force on 12th June, 2008) to the 2008 Law, second, the Companies (Transitional Provisions) Regulations, 2008, third, the Companies (Transitional Provisions) (No. 2) Regulations, 2008 and, fourth, the Companies (Transitional Provisions) (No. 3) Regulations, 2008.

Constitution and dissolution of Authority.

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 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.

NOTE

The following Ordinance has been made under section 2:

Flower Transport (Repeal) Ordinance, 1972.

Power of State to make Ordinances.

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

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- (a) for requiring that non-edible horticultural product 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,

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- (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 Economic Development] (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 dépôt for the assembly of units comprising more than one consignment of such produce for transport to the same destination,

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- (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.

NOTES

In section 3, the words in square brackets in paragraph (e) of subsection (2) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 1(a), with effect from 1st May, 2016.¹

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 Law were transferred to and vested in, respectively, the Committee for Economic Development and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 1(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

The following Ordinance has been made under section 3:

Flower Transport (Repeal) Ordinance, 1972.

Variation, suspension and repeal of Ordinances.

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.

NOTE

The following Ordinance has been made under section 4:

Flower Transport (Repeal) Ordinance, 1972.

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.

NOTE

The following Ordinance has been made under section 6:

Flower Transport (Repeal) Ordinance, 1972.

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" produces 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.

NOTE

The Law was brought into force on 24th November, 1971 by the Flower Transport (Guernsey) Law, 1971 (Commencement) Ordinance, 1971, section 1.

¹ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 10, with effect from 6th May, 2004.

² The functions, rights and liabilities of the Commerce and Employment Department and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Committee for Horticulture and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 10, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.