

Island of  Guernsey

Ordinance of the States **LIX**

1971

Made 24th November, 1971.

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The Flower Transport Ordinance, 1971

ARRANGEMENT OF SECTIONS

Section

PART I

*Constitution and proceedings of the Guernsey Flower
Transport Authority*

1. Constitution of Authority.
2. Registered office of Authority.
3. Chairman and Vice-Chairman.
4. First Chairman and members of Authority.
5. Retirement of members of Authority.
6. Disqualification of members.
7. Elections to fill casual vacancies.
8. Eligibility for re-election.
9. Procedure at meetings of Authority.
10. Disclosure by persons of interest in contracts.
11. Application of seal of Authority.
12. Evidence as to documents.

Section

PART II

*Compilation of register and election of members
of the Guernsey Flower Transport Authority*

13. Election of members of Authority.
14. Persons not to vote unless inscribed on register of producers.
15. Qualification to be inscribed on register of producers.
16. Voting rights.
17. Compilation of register of producers.
18. Restrictions on amendments to register of producers.
19. Joint cultivation of produce.
20. Transfer of business or death or insolvency of producer.
21. Authority responsible for elections.
22. Declaration of candidates elected.
23. Certification of result of poll.
24. Notice of election.
25. Nomination of candidates.
26. Consent to nomination.
27. Place and time for return of completed nomination papers.
28. Withdrawal of candidates.
29. Publication of nominations.
30. Method of election.
31. Poll to be taken by postal ballot.
32. Voting papers.
33. Despatch of voting papers.
34. Return of voting papers.
35. Voting.
36. Lost or spoilt voting papers.

Section

37. Death of candidate.
38. Attendance at counting of votes.
39. Rejected voting papers.
40. Equality of votes.
41. Declaration of result.
42. Retention of documents.
43. General duty of Authority.

PART III

Meetings of registered producers

44. Notice of annual general meeting.
45. First general meeting.
46. Extraordinary general meetings.
47. Interpretation of provisions relating to meetings.
48. Business of meetings.
49. Voting at meetings.
50. Proxies and powers of attorney.
51. Procedure at meetings.
52. Only registered producers to vote.

PART IV

*Winding up of the Guernsey Flower Transport
Authority*

53. Winding up of Authority.

PART V

*Powers and duties of the Guernsey
Flower Transport Authority**Section*

54. General obligation of Authority.
55. Arrangements for transport of produce, including freight rates.
56. Chartering of ships and aircraft.
57. Provision of facilities by Authority.
58. Charges.
59. Raising of levies by Authority.
60. Compensation payable out of levy.
61. Borrowing powers of Authority.
62. Accounts and audit thereof.
63. Review of operations by Authority.

PART VI

Powers and duties of the Committee

64. Copy of accounts for information of States.
65. Copy of report to be laid before States.
66. Power of Committee to make orders.

PART VII

*Compulsory and voluntary delivery of non-edible
horticultural produce for transport*

67. Certain produce to be delivered compulsorily to Authority for transport.
68. Voluntary delivery of produce to Authority for transport.
69. Exemptions.

PART VIII

*General**Section*

70. Offences.
71. False statements.
72. Offences by bodies corporate.
73. Interpretation.
74. Computation of time.
75. Citation.
76. Commencement.

SCHEDULES

First Schedule: Form of nomination paper.

Second Schedule: Form of voting paper.

Third Schedule: Borrowing powers of the Guernsey Flower Transport Authority.

Fourth Schedule: Non-edible horticultural produce which is required to be delivered to the Guernsey Flower Transport Authority for transport.

The Flower Transport Ordinance, 1971

THE STATES, in pursuance of their Resolution of the thirty-first day of March, nineteen hundred and seventy-one, and in exercise of the powers conferred upon them by section one, section two, section three and section six of the Flower Transport (Guernsey) Law, 1971 (a), hereby order:—

PART I

Constitution and proceedings of the Guernsey Flower Transport Authority

Constitution
of Authority.

1. The Guernsey Flower Transport Authority established under the provisions of the Flower Transport (Guernsey) Law, 1971 (hereinafter referred to as "the Authority") shall consist of eight members who, subject to the provisions of section four of this Ordinance, shall be elected in accordance with the provisions of Part II of this Ordinance.

Registered
office of
Authority.

2. (1) The Authority shall, as soon as may be after it has been constituted in accordance with the provisions of this Part of this Ordinance, establish and shall thereafter maintain in this Island a registered office at which all instruments for service upon the Authority shall be served.

(2) Notice of the situation of the registered office of the Authority, and any change thereof, shall be given by the Authority in writing before the expiration of the seven days next after the establishment or of the change, as the case may be, to Her Majesty's Greffier.

(a) No. XII of 1971.

3. (1) Subject to the provisions of the next succeeding section, the Chairman and Vice-Chairman of the Authority shall be elected by the Authority from among its members and any person so elected may be removed by the Authority.

Chairman
and Vice-
Chairman.

(2) If the Chairman or Vice-Chairman of the Authority ceases to be a member thereof he shall cease to hold the office of Chairman or Vice-Chairman, as the case may be, of the Authority.

(3) A meeting of the Authority shall, in the absence of the Chairman and Vice-Chairman, be presided over by one of the members appointed for that meeting by the members present thereat.

4. The President and the members of the Voluntary Authority in office immediately before the date of the coming into force of this Ordinance shall, on that date, take office by virtue of this section as the first Chairman and members of the Authority.

First Chair-
man and
members of
Authority.

5. (1) Four members of the Authority shall retire from office on the thirtieth day of November, nineteen hundred and seventy-two, and thereafter four members shall retire on the thirtieth day of November terminating each succeeding period of two years.

Retirement
of members
of
Authority.

(2) The four members to retire in accordance with the provisions of the last preceding subsection shall be the four members who have held office longest since they were appointed under the provisions of the last preceding section or were last elected save that where more than four members were so appointed or last elected on the same date the order of their retirement shall be determined by agreement or, failing such agreement, by lot.

Disqualifi-
cation of
members.

6. A member of the Authority shall cease to hold office if he—

- (a) becomes insolvent or makes any arrangement or composition with his creditors; or
- (b) becomes subject to some legal disability; or
- (c) resigns his office by notice in writing to the Authority; or
- (d) shall for more than four months continuously have been absent without permission of the Authority from meetings of the Authority held during that period.

Elections to
fill casual
vacancies.

7. (1) If a member of the Authority ceases to hold office otherwise than by effluxion of time, an election shall be held to replace him, unless the vacancy occurs within the sixty days next preceding the date on which he would have retired by effluxion of time, and the members so elected shall be deemed to have been elected to fill the office so vacated for the remainder of the term then current.

(2) An election held under the provisions of this section shall be conducted on the basis of the register of producers compiled under, and in accordance with, the provisions of Part II of this Ordinance and the Authority shall as soon as may be after the holding of any election give notice in "La Gazette Officielle" of the result thereof.

Eligibility
for re-
election.

8. A member of the Authority who ceases to be a member shall be eligible for re-election:

Provided that a member of the Authority who ceases to be a member by reason of the provisions of paragraph (b) of section six of this Ordinance shall not be eligible for re-election.

9. (1) Each member of the Authority, other than the member presiding at a meeting thereof, shall have one vote and the person so presiding shall in the case of an equality of votes have a casting vote. Procedure at meetings of Authority.

(2) A decision of a majority of the members of the Authority present and voting at a meeting shall be a decision of the Authority.

(3) A quorum for a meeting of the Authority shall be five members and, subject to the preceding provisions of this section, the Authority shall regulate its own procedure.

10. (1) It shall be the duty of a member of the Authority who is in any way, whether directly or indirectly, interested in a contract or proposed contract with the Authority to declare the nature of his interest at a meeting of the Authority and such member shall not vote in respect of any such contract. Disclosure by persons of interest in contracts.

(2) In the case of a proposed contract the declaration required by the last preceding subsection shall be made at a meeting of the Authority at which the question of entering into the contract is first taken into consideration, or if the member was not at the date of that meeting interested in the proposed contract, at the next meeting of the Authority held after he became so interested, and in a case where the member becomes interested in a contract after it is made, the said declaration shall be made at the first meeting of the Authority held after the member becomes so interested.

(3) Any person who fails to comply with the provisions of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

Application
of seal of
Authority.

11. The application of the seal of the Authority shall be authenticated by any member of the Authority thereunto authorised by the Authority.

Evidence as
to
documents.

12. Any document purporting to be an instrument issued by the Authority and to be sealed as aforesaid shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.

PART II

Compilation of register and election of members of the Guernsey Flower Transport Authority

Election of
members of
Authority.

13. The members of the Authority shall be elected by the producers of non-edible horticultural produce whose names are for the time being inscribed on a register (hereinafter referred to as "the register of producers") compiled by the Authority in accordance with the succeeding provisions of this Part of this Ordinance.

Persons not
to vote
unless
inscribed on
register of
producers.

14. A person shall not vote at an election unless his name is inscribed on the register of producers for the time being in force and having once voted at an election he shall not thereafter vote or attempt or purport to vote in respect of that election but no subsequent vote or attempted or purported vote shall invalidate the election in respect of which the same was or was attempted or purported to be given.

Qualification
to be
inscribed on
register of
producers.

15. A producer of non-edible horticultural produce who, in the period of twelve months ending on the thirty-first day of August next preceding the compilation of the register of producers in each year, cultivated at least—

- (a) two thousand five hundred square feet of such produce in glasshouses, or

- (b) one vergée of such produce otherwise than in glasshouses,

shall be entitled to have his name inscribed on the register of producers and on such inscription shall, subject to the provisions of this Part of this Ordinance, be a registered producer for the purposes of this Ordinance during the period that that register remains in force.

16. A registered producer shall have one vote at an election. Voting rights.

17. (1) The register of producers shall be compiled by the Authority in such manner as the Authority shall determine not later than the first day of November in each year and shall, subject to the provisions of this Part of this Ordinance, constitute the register of producers on and after that day until the thirty-first day of October in the year next following. Compilation of register of producers.

(2) The register of producers shall contain the name and address of every registered producer.

(3) A copy of the register of producers shall be available for inspection by any producer throughout the period that register remains in force, during normal business hours at the registered office of the Authority.

(4) The Authority shall as soon as practicable, and not later than seven days from the compilation of the register of producers, inform each registered producer whose name is inscribed thereon of that fact.

(5) Any producer of non-edible horticultural produce claiming that he is entitled to have his name inscribed on the register of producers and that it is omitted therefrom or that some material error in his name or address appears thereon, may at any time deliver to the Authority

an application in writing to have his name and address inscribed thereon or for the rectification of the error alleged, and the Authority shall, if it is satisfied of the existence of an omission or error, forthwith cause the register of producers to be amended and notify that producer in writing accordingly.

Restrictions on amendments to register of producers.

18. Notwithstanding anything in this Part of this Ordinance contained, no alteration to, or amendment of, the register of producers shall be made during any of the following periods, that is to say—

- (a) from the date of the publication of notice of an election to the latest date fixed for the return of the voting papers in connection therewith, both dates inclusive;
- (b) from the date of issue of a notice convening a meeting of registered producers to the date of that meeting, both dates inclusive.

Joint cultivation of produce.

19. (1) Where two or more producers of non-edible horticultural produce, throughout the period specified in section fifteen of this Ordinance, jointly cultivated such an area of such produce as is specified in paragraph (a) or (b) of the said section, those producers shall be treated as one producer for the purposes of compiling the register of producers and the one who shall be entitled to have his name inscribed on the register of producers shall be as agreed between them.

(2) Unless and until each such producer as aforesaid notifies the Authority of the name of the producer agreed as aforesaid, the name of neither producer shall be inscribed on the register of producers.

Transfer of business or death or insolvency of producer.

20. (1) Where a registered producer transfers by sale or otherwise the whole or part of the business by reason of the operation of which his name is

inscribed on the register of producers or the premises in which that business or that part thereof was carried on, the Authority shall on the written application of the transferee and on being satisfied that a transfer has taken place and that the business is being or will be carried on by the transferee, delete the name and address of the said registered producer from the register of producers and inscribe thereon the name and address of the said transferee and forthwith notify the parties in writing of the alterations.

(2) Where, by reason of a registered producer dying or becoming subject to some legal disability or becoming insolvent or entering into a composition or arrangement with his creditors, the control of the business by reason of the operation of which the name of such registered producer is inscribed on the register of producers becomes vested in a personal representative, trustee, guardian or other person (hereafter in this subsection referred to as "the transferee") the Authority shall, on the written application of the transferee and on being satisfied of the vesting as aforesaid, delete the name and address of the said registered producer from the register of producers and inscribe thereon the name and address of the transferee and forthwith notify him in writing of the fact.

(3) Where the Authority is satisfied that a registered producer has ceased to operate the business by reason of the operation of which his name is inscribed on the register of producers, the Authority shall delete the name of the said registered producer from the register of producers and forthwith notify him in writing of the fact.

21. Subject to the provisions of this Ordinance, the Authority shall be responsible for holding elections.

Authority
responsible
for elections.

Declaration
of candidates
elected.

22. At any election where the number of candidates is not greater than the number of vacancies, the Chairman of the Authority shall, after the time fixed for the delivery of nominations has elapsed, declare such candidate or candidates elected, and shall thereupon give notice of such election by means of a notice published in "La Gazette Officielle".

Certification
of result of
poll.

23. On a poll of registered producers taken by postal ballot in accordance with the provisions of sections thirty-one to forty, both inclusive, of this Ordinance the Authority shall cause the result of that poll to be certified by two independent persons, being persons who are not members of the Authority or registered producers, and the result of that poll as certified by those independent persons shall be conclusive evidence thereof.

Notice of
election.

24. (1) Not less than twenty-one days notice of the day fixed by the Authority for an election shall be given by the Authority in "La Gazette Officielle".

(2) The said notice shall state—

- (a) the number of vacancies in relation to the election which is to be held;
- (b) the place and time at which nomination papers may be obtained;
- (c) the place, date and time at and by which completed nomination papers are to be returned to the Authority; and
- (d) the latest time for the return to the Authority of voting papers in the event of a contest.

Nomination
of
candidates.

25. (1) Each candidate shall be nominated on a separate nomination paper in the form set out in the First Schedule to this Ordinance, stating the full name, place of residence and description of the candidate, and shall bear the signatures and addresses of not less than five registered producers.

(2) The Authority shall provide nomination papers and shall supply any registered producer with as many nomination papers as may be required.

26. A person shall not be validly nominated as a candidate unless he consents to nomination and endorses the nomination paper accordingly: **Consent to nomination.**

Provided that if the Authority is satisfied that owing to the absence of a person from this Island it has not been reasonably practicable for his consent in writing to be given as aforesaid, a telegram consenting to his nomination and purporting to have been sent by him or a letter or other document signed by him and consenting to his nomination and delivered at the place and within the time for the delivery of nomination papers shall be deemed for the purposes of this section to be consent given by him, and endorsement of the nomination papers shall not be required.

27. Every completed nomination paper shall be returned to the Authority at its registered office not later than four o'clock in the afternoon on such day as shall be appointed by the Authority, being not earlier than the sixth day after the first day of the giving of the notice of election in pursuance of the provisions of subsection (1) of section twenty-four of this Ordinance nor later than the sixteenth day before the day fixed for the election. **Place and time for return of completed nomination papers.**

28. A candidate may withdraw his candidature by notice of withdrawal signed by him and attested by a witness and delivered at the place and within the time for the return of completed nomination papers. **Withdrawal of candidates.**

29. (1) The Authority shall not later than the fourteenth day before the day fixed for the election prepare and publish a statement in "La Gazette Officielle" of the names, addresses and descriptions of persons nominated as given in their **Publication of nominations.**

nomination papers, together with the names of the registered producers by whom they are nominated.

(2) The aforesaid statement shall show the persons nominated arranged alphabetically.

Method of election.

30. If the number of persons remaining validly nominated after any withdrawals under the provisions of this Ordinance is greater than the number of vacancies a poll shall be taken in accordance with the provisions of sections thirty-one to forty, both inclusive, of this Ordinance.

Poll to be taken by postal ballot.

31. The votes at a poll shall be given by postal ballot.

Voting papers.

32. (1) The ballot of every registered producer shall consist of a voting paper; and the persons shown in the statement of persons nominated and no others shall be entitled to have their names inserted as candidates in the voting paper.

(2) Every voting paper shall be in the form set out in the Second Schedule to this Ordinance and—

- (a) shall have a distinctive number printed thereon;
- (b) shall contain the name and address of the registered producer; and
- (c) shall contain the names and other particulars of the candidates as shown in the statement of persons nominated.

(3) The order of the names of the candidates in the voting paper shall be the same as in the statement of persons nominated.

Despatch of voting papers.

33. The Authority shall not later than the ninth day before the day fixed for the election serve a voting paper on every registered producer entitled to vote in the election together with a postage prepaid or a business reply envelope for the return of the voting paper.

34. Voting papers shall be returned to the Authority at its registered office not later than four o'clock in the afternoon of the day preceding the day fixed for the election. Return of voting papers.

35. (1) A registered producer shall record his choice of candidate or candidates by marking a cross on the voting paper— Voting.

- (a) against the name of the candidate chosen by him where there is only one vacancy; or
- (b) against the names of the candidates chosen by him where there are two or more vacancies.

(2) The application of a cross as aforesaid against the name of a candidate shall operate to give to that candidate the vote of the registered producer.

(3) The voting paper shall be signed by the registered producer.

36. Subject to the provisions of section thirty-four of this Ordinance, a registered producer who has lost or spoilt or inadvertently dealt with his voting paper in such a manner that it cannot be conveniently used as a voting paper may, on proving that fact to the Authority's satisfaction, obtain another voting paper. Lost or spoilt voting papers.

37. If before the counting of the votes is commenced the Authority is satisfied that a candidate has died, the Authority shall countermand the counting of votes and all proceedings with reference to the election shall be commenced afresh in all respects: Death of candidate.

Provided that no fresh nomination shall be necessary in the case of a person shown in the statement as standing nominated.

Attendance
at counting
of votes.

38. No person other than—

- (a) members of the Authority;
- (b) servants of the Authority thereunto authorised in that behalf by the Authority; and
- (c) the two independent persons referred to in section twenty-three of this Ordinance;

may be present at the counting of the votes, unless permitted by the Authority to attend.

Rejected
voting
papers.

39. (1) Any voting paper—

- (a) on which votes are given for more candidates than there are vacancies; or
- (b) on which a vote is given in favour of a person other than a candidate; or
- (c) which is unmarked or the marking on which is uncertain; or
- (d) which is not signed by the registered producer;

shall, subject to the provisions of this section, be void and not counted.

(2) Where there is more than one vacancy, a voting paper shall not be deemed to be void for uncertainty as respects any vote as to which no uncertainty arises and that vote shall be counted.

(3) A voting paper on which a vote is marked—

- (a) elsewhere than in the proper place; or
- (b) otherwise than by means of a cross; or
- (c) by more than one mark;

shall not by reason thereof be deemed to be void (either wholly or as respects that vote) if the intention that the vote shall be for one or other of the candidates clearly appears.

(4) The Authority shall endorse—

- (a) the word “rejected” on any voting paper which under this section is not to be counted, and
- (b) in the case of a voting paper on which any vote is counted under subsection (2) of this section, the words “rejected in part” and shall specify thereon the votes counted.

(5) The Authority shall draw up a statement showing the number of voting papers rejected, including those rejected in part, under the several heads of:—

- (a) voting for more candidates than there are vacancies;
- (b) voting for a person other than a candidate;
- (c) not marked or wholly void by reason of uncertain marking;
- (d) not signed; and
- (e) rejected in part.

40. Where at an election two or more candidates secure an equal number of votes and the addition of one vote to his poll would have entitled any such candidate to be declared elected, a further election shall be held, as soon as conveniently may be, in respect of such candidates only, which further election shall, for the purpose of the term of office of any successful candidate, be deemed to have been held on the date of the original election.

Equality of votes.

41. (1) In an uncontested election the statement of persons nominated shall also declare the person or persons elected.

Declaration of result.

(2) In a contested election, where the result of the poll has been certified under the provisions of section twenty-three of this Ordinance by the independent person, the Authority shall forthwith publish in "La Gazette Officielle" the name or names of the person or persons elected and the total number of votes given for each candidate whether elected or not.

Retention of documents.

42. The Authority shall retain for twelve months all documents relating to an election and on the expiry of the said period the Authority shall destroy the said documents.

General duty of Authority.

43. It shall be the general duty of the Authority at an election to do any act or thing that may be necessary for effectually conducting the election under the provisions of this Part of this Ordinance.

PART III

Meetings of registered producers

Notice of annual general meeting.

44. (1) An annual general meeting of registered producers shall be held as soon as may be after the first day of October and not later than the fifteenth day of November in each year.

(2) The Authority shall give at least fourteen days notice in writing of an annual general meeting to all registered producers and shall make all other arrangements necessary for the holding thereof.

(3) The notice referred to in subsection (2) of this section shall be accompanied by—

(a) an agenda of the business for the meeting;

- (b) a copy of the audited accounts and the annual statement referred to in paragraph (b) of subsection (1) of section sixty-two of this Ordinance for the accounting period last preceding the date of such meeting together with the proposals of the Authority for the disposal of any surplus shown in the said accounts;
- (c) an estimate of the expenditure likely to be incurred by the Authority in the accounting year then current; and
- (d) a statement of the provision proposed by the Authority for contingencies in respect of that year:

Provided that the accidental omission to give notice, in accordance with the provisions of this section, of a meeting to, or the non-receipt of notice of a meeting by, any person entitled to receive notice shall not invalidate the proceedings at that meeting.

45. (1) The Authority shall as soon as may be after it has been constituted convene a first meeting of registered producers (hereafter in this Ordinance referred to as the "first general meeting"). First general meeting.

(2) For the purposes of subsection (4) of section sixty-two of this Ordinance the first general meeting shall be deemed to be an annual general meeting.

(3) The provisions of section forty-four of this Ordinance (which relates to notice of annual general meetings) shall apply in relation to the first general meeting as though that meeting were an annual general meeting save that the provisions with respect to the accounts and the annual statement of the Authority shall not apply.

Extra-
ordinary
general
meetings.

46. (1) The Authority may at any time and shall upon a request in writing by not less than thirty registered producers convene a meeting of registered producers (hereinafter referred to as "an extraordinary general meeting").

(2) The quorum for an extraordinary general meeting shall be twenty persons present and entitled to vote.

(3) A request as aforesaid shall state the objects of the proposed meeting, shall be signed by the registered producers requesting the convening of the meeting and shall be deposited at the registered office of the Authority; such request may consist of several documents each signed by one or more registered producers.

(4) If the Authority does not within fourteen days from the date of the deposit of the request or, if the request be made in a number of documents as aforesaid, within fourteen days of the date when thirty registered producers have so deposited their requests, convene an extraordinary general meeting to take place not more than twenty-one days from the date of the convening notice, the registered producers so requesting or not less than half of them, may themselves at the expense of the Authority convene a meeting.

(5) Notice of any meeting convened in accordance with the provisions of this section shall be sufficiently given by publication at least twice in "La Gazette Officielle" not less than seven days before the date of the holding of such meeting, of the day and hour and the place of such meeting and particulars of the business to be discussed thereat.

47. In the succeeding sections of this Part of this Ordinance, the expression "meeting" shall include the first general meeting, an annual general meeting and an extraordinary general meeting.

Interpretation of provisions relating to meetings.

48. No business shall be transacted at any meeting other than business of which notice has been given in the notice convening that meeting.

Business of meetings.

49. (1) Any decision of a meeting shall, subject to the provisions of the next succeeding subsection, be taken by a majority of persons entitled to vote present and voting thereat and each such person shall have only one vote.

Voting at meetings.

(2) At any meeting a question put to the meeting may in the discretion of the chairman, exercised before the question is put, be decided by a show of hands or a poll and shall be decided by a poll if a demand in that behalf by any ten or more persons present and entitled to vote is made before or on the declaration of the result of a show of hands.

50. (1) Any registered producer entitled to attend and vote at any meeting shall be entitled to appoint another person (whether a registered producer or not) as his proxy to attend and vote instead of him: Provided that—

Proxies and powers of attorney.

(a) a registered producer shall not be entitled to appoint more than one proxy to attend on the same occasion; and

(b) a proxy shall not be entitled to vote except on a poll.

(2) The instrument appointing a proxy to vote at a meeting shall be deemed also to confer authority to demand or join in demanding a poll.

(3) Subject to the provisions of subsection (2) of this section, a proxy, not being a registered producer, shall not have the right to speak at a meeting.

(4) In every notice convening a meeting there shall appear with reasonable prominence a statement that a registered producer entitled to attend and vote is entitled to appoint a proxy and that a proxy need not be a registered producer.

(5) The instrument appointing a proxy shall be in such form as may, from time to time, be prescribed by the Authority.

(6) The instrument appointing a proxy and the power of attorney or other authority, if any, under which it is signed or a notarially certified copy of that power or authority shall be deposited at the registered office of the Authority not less than forty-eight hours before the time for holding the meeting or adjourned meeting at which the person named in the instrument is authorised to vote and in default the instrument of proxy shall not be treated as valid.

(7) A person authorised by a general or special power of attorney to attend and vote at a meeting in the place of a registered producer may, subject to the succeeding provisions of this section, attend and vote as aforesaid.

(8) The said person may vote on a show of hands and on a poll and the said power shall be deemed also to confer authority to demand or join in demanding a poll.

(9) Subject to the provisions of subsection (8) of this section, the said person, not being a registered producer, shall not have the right to speak at a meeting.

(10) The said power shall be deposited at the registered office of the Authority not less than forty-eight hours before the time for holding the meeting or adjourned meeting at which the said person is authorised to vote and in default the said power shall not be treated as valid for the purposes of this section.

51. (1) The Chairman, or in his absence the Vice-Chairman of the Authority, or, in the absence of both of them, such person being a registered producer as shall be appointed by the meeting concerned, shall preside at and be responsible for the conduct of that meeting and shall cause proper minutes of the proceedings to be kept. Procedure at meetings.

(2) The declaration by the chairman of a meeting of the result of any vote whether on a show of hands or on a poll at that meeting shall be conclusive evidence thereof, and in the event of an equality of votes the chairman shall in addition to his other vote (if any) have a casting vote.

52. A person shall not be entitled to vote at a meeting unless he is a registered producer. Only registered producers to vote.

PART IV

Winding up of the Guernsey Flower Transport Authority

53. (1) The Authority may in any accounting year and at the request in writing of not less than fifty registered producers delivered to the Authority not later than the fifteenth day of June in that accounting year shall forthwith take a poll by postal ballot of the registered producers to decide whether or not the operation of this Ordinance shall cease. Winding up of Authority.

(2) The result of any poll taken under the provisions of this section shall be published forthwith in "La Gazette Officielle" by the Authority.

(3) Where, on a poll taken as aforesaid, a majority of the registered producers have voted and a majority of at least two-thirds of the votes cast in that poll have been cast in favour of the cessation of the operation of this Ordinance, the provisions of subsections (4) to (11), both inclusive, of this section shall have effect.

(4) The Authority shall forthwith lodge with Her Majesty's Greffier a certificate as to the result of the poll.

(5) On the first day of September next following the publication as aforesaid of the result of the said poll, the provisions of this Ordinance shall cease to have effect except so far as may be necessary for the winding up of the Authority, and the Authority shall proceed forthwith to wind up its affairs and to realise its assets and distribute the proceeds thereof and all other monies remaining in the hands of the Authority in manner hereinafter provided.

(6) For the purpose of the last preceding subsection the corporate state and corporate powers of the Authority shall continue until the Authority is dissolved.

(7) The members of the Authority in office immediately before the taking of the said poll shall continue to hold office until the winding up of the Authority has been completed and the Authority as constituted under this subsection may act notwithstanding that it may consist of less than five members and may from time to time fix a quorum for any meeting thereof:

Provided that a member of the Authority constituted as aforesaid shall cease to hold office if he—

- (a) becomes insolvent or makes any arrangement or composition with his creditors; or
- (b) becomes subject to some legal disability.

(8) In the succeeding subsections of this section the expression "current producer" means a producer who in the accounting year next preceding the said first day of September delivered non-edible horticultural produce to the Authority for transport.

(9) In the event of the Authority being wound up all the current producers shall be liable to contribute to the assets of the Authority an amount sufficient for payment of its debts and liabilities and the costs of winding up, and the liability of each current producer to pay the same shall bear the same proportion to the liability in respect thereof of all the current producers as the number of boxes of non-edible horticultural produce delivered by that current producer to the Authority for transport in the said accounting year bears to the total number of boxes of the said produce so delivered by all the current producers in that year.

(10) The Authority shall have the same power in relation to the recovery of any sum due as aforesaid as it has in relation to the recovery of any sum due in respect of any levy raised under section fifty-nine of this Ordinance.

(11) All moneys remaining in the hands of the Authority after payment of the Authority's debts and liabilities and the costs of the winding up shall be distributed by the Authority amongst the current producers and as respects each current producer in the same proportion as the number of boxes of non-edible horticultural produce delivered by him to the

Authority for transport in the said accounting year bears to the total number of boxes of the said produce so delivered by all the current producers in that year.

(12) As soon as the affairs of the Authority are fully wound up the Authority shall forthwith—

- (a) send to the current producers a copy of the audited accounts for the last accounting year and a copy of the audited account of the winding up; and
- (b) lodge with Her Majesty's Greffier a certificate to the effect that the affairs of the Authority have been fully wound up;

and thereupon the Authority shall be dissolved and this Ordinance shall cease to have effect.

PART V

Powers and duties of the Guernsey Flower Transport Authority

General obligation of Authority. 54. The Authority shall transport all non-edible horticultural produce for export delivered to it in accordance with the provisions of Part VII of this Ordinance to such destination as the producer of the said produce may require.

Arrangements for transport of produce, including freight rates. 55. For the purposes of discharging its obligation under the provisions of the last preceding section, the Authority may negotiate and make such arrangements as it may deem necessary or expedient with carriers for the transport of non-edible horticultural

produce delivered to it in accordance with the provisions of Part VII of this Ordinance on such terms, including freight rates, as the Authority may in its absolute discretion arrange.

56. The Authority may charter ships or aircraft or make such other arrangements as the Authority may in its absolute discretion determine for the transport of non-edible horticultural produce delivered to it in accordance with the provisions of Part VII of this Ordinance.

Chartering of
ships and
aircraft.

57. The Authority may provide such facilities as it may deem necessary or expedient:—

Provision of
facilities by
the
Authority.

- (a) for the reception of non-edible horticultural produce delivered to it in accordance with the provisions of Part VII of this Ordinance;
- (b) for the sorting of such produce;
- (c) for the assembly of units comprising more than one consignment of such produce for transport to the same destination;
- (d) for the storage of such produce awaiting transport;
- (e) for the despatch of such produce.

58. (1) Subject to the provisions of the next succeeding subsection, the Authority shall, from time to time, determine the manner of payment and the charges which shall be paid by the producers of non-edible horticultural produce delivered to the Authority in accordance with the provisions of Part VII of this Ordinance, for the sorting and storage of such produce awaiting transport and the transport of the said produce to the destination required

Charges.

by the producer including the operating and administrative costs of discharging the obligation of the Authority under the provisions of section fifty-four of this Ordinance.

(2) The charges determined by the Authority in pursuance of the provisions of the last preceding subsection shall be calculated by such method as shall, from time to time, be approved by the Committee.

(3) The amount of any charges due by any producer under the provisions of subsection (1) of this section and not paid in accordance with the provisions of the said subsection may be recovered by the Authority as a civil debt.

Raising of
levies by
Authority.

59. (1) The Authority may, from time to time, raise a levy on producers in respect of all non-edible horticultural produce delivered to the Authority in accordance with the provisions of Part VII of this Ordinance for all or any of the following purposes:—

- (a) to provide such sums as may, from time to time, be required by the Authority for the purchase of such capital assets, including equipment, as may be necessary for the discharge of the obligation of the Authority under the provisions of section fifty-four of this Ordinance;
- (b) for the payment of compensation in accordance with the provisions of the next succeeding section;
- (c) for the repayment of any sum borrowed in pursuance of the provisions of section sixty-one of this Ordinance.

(2) The manner of payment of any levy raised as aforesaid by the Authority shall be such as the Authority may, from time to time, determine.

(3) The amount of any levy raised as aforesaid by the Authority and not paid in accordance with the provisions of the last preceding subsection may be recovered by the Authority as a civil debt due to the Authority.

(4) The amount of any levy raised as aforesaid by the Authority shall be of such amount as shall be approved by the Committee.

60. The Authority may in its discretion, out of the proceeds of a levy raised by virtue of the provisions of the last preceding section, compensate any producer whose non-edible horticultural produce delivered to the Authority in accordance with the provisions of Part VII of this Ordinance is damaged or lost otherwise than through his default or negligence, during the period between its delivery as aforesaid to the Authority and its delivery to the destination required by the producer, where the pecuniary loss arising from such damage or loss would otherwise fall on the producer. Compensation payable out of levy.

61. The Authority may, with the prior approval of the Committee, borrow from any person and in any manner such sums as the Authority may require for all or any of the purposes or circumstances set out in the Third Schedule to this Ordinance. Borrowing powers of Authority.

62. (1) The Authority shall:—

- (a) keep proper accounts and other records in relation to their business; and
- (b) prepare an annual statement in respect of each accounting year in a form which shall conform to the best commercial standards.

Accounts and audit thereof.

(2) Without prejudice to the generality of the provisions of the last preceding subsection, the accounts of the Authority shall be in such form—

- (a) as will permit the cost of transporting each consignment of non-edible horticultural produce delivered to the Authority in accordance with the provisions of Part VII of this Ordinance to be determined,
- (b) as will record the number of packages and quantity of each description of such produce so delivered by each producer thereof.

(3) The accounts of the Authority shall be audited by an auditor appointed annually by the registered producers at the annual general meeting and any person so appointed shall be an accountant who is, under the provisions of subsection (2) of section sixty-four of the Income Tax (Guernsey) Law, 1950 (b), entitled to appear at the hearing by the Income Tax Authority of an appeal under the provisions of that Law and every auditor so appointed shall be entitled to require from any member or officer of the Authority such books, contracts, accounts, vouchers, receipts and other documents and such information and explanations, as may be necessary for the performance of his duties.

(4) The Authority shall present for the approval of the registered producers at each annual general meeting:—

- (a) the audited accounts and the annual statement referred to in paragraph (b) of subsection (1) of this section for the accounting year last preceding the date of such meeting together with proposals for the disposal of any surplus shown by the said accounts;

(b) Ordres en Conseil Vol. XIV, p. 235.

- (b) an estimate of the expenditure likely to be incurred by the Authority in the accounting year then current; and
- (c) a statement of the provision proposed by the Authority for contingencies in respect of that year.

(5) As soon as may be after the accounts of the Authority have been approved as aforesaid the Authority shall send a copy of the annual statement referred to in paragraph (b) of subsection (1) of this section to the Committee.

63. The Authority shall review its operation during the twelve months ending with the thirty-first day of August in each year and, on each such review, shall prepare a report thereon and as soon as may be thereafter send a copy of the said report to the Committee.

Review of operations by Authority.

PART VI

Powers and duties of the Committee

64. As soon as may be after the receipt of a statement of accounts sent to the Committee in pursuance of the provisions of subsection (5) of section sixty-two of this Ordinance, the Committee shall transmit a copy thereof to the President of the States for the information of members of the States.

Copy of accounts for information of States.

65. As soon as may be after the receipt of a report sent to the Committee in pursuance of the provisions of section sixty-three of this Ordinance, the Com-

Copy of report to be laid before States.

mittee shall transmit a copy thereof, together with any recommendations or remarks thereon which the Committee may think desirable, to the President of the States to be laid before the States.

Power of
Committee
to make
orders.

66. The Committee may, from time to time, by order regulate the manner in which, and the conditions subject to which, non-edible horticultural produce shall be delivered to the Authority in accordance with the provisions of Part VII of this Ordinance and any such order may make different provisions for different descriptions of non-edible horticultural produce.

PART VII

Compulsory and voluntary delivery of non-edible horticultural produce for transport

Certain
produce to
be delivered
compulsorily
to Authority
for transport.

67. All non-edible horticultural produce for export by way of trade from this Island, being non-edible horticultural produce of a description specified in the Fourth Schedule to this Ordinance, shall be delivered by or on behalf of the producer thereof to the Authority in accordance with any order for the time being in force made by the Committee under the provisions of section sixty-six of this Ordinance for transport by the Authority to such destination as may be required by the said producer.

Voluntary
delivery of
produce to
Authority
for transport.

68. Non-edible horticultural produce for export by way of trade from this Island, not being horticultural produce of a description specified in the Fourth Schedule to this Ordinance, which is delivered to the Authority in accordance with any order for the

time being in force made by the Committee under the provisions of section sixty-six of this Ordinance for transport to such destination as may be required by the producer thereof shall be accepted by the Authority for transport as so required by the producer.

69. Nothing in section sixty-seven of this Ordinance contained shall be taken to apply in relation to the export otherwise than by way of trade or by post, from this Island of any consignment of non-edible horticultural produce. Exemptions.

PART VIII

General

70. (1) Any person who fails to comply with the provisions of section sixty-seven of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds. Offences.

(2) Any person who contravenes the provisions of section fourteen of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

(3) Any person who fails to comply with any of the provisions of an order made under section sixty-six of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding twenty-five pounds.

71. Any person who makes any statement or furnishes any information which he is required to make or furnish under the provisions of this Ordinance which he knows to be false or recklessly makes False statements.

any such statement or furnishes any such information which is false in a material particular shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

Offences by
bodies
corporate.

72. 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 he exercised all due diligence to prevent the commission of the offence.

Interpreta-
tion.

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

“accounting year” means the period beginning with the date of the coming into force of this Ordinance and ending with the thirty-first day of August next following or any subsequent period of twelve months beginning with the end of a previous accounting year;

“annual general meeting” means an annual general meeting of registered producers held in accordance with the provisions of section forty-four of this Ordinance;

“bank holiday” means any day for the time being specified in section two of the Bank Holidays and Negotiable Instruments (Guernsey) Ordinance, 1955, as amended (c);

“the Committee” means the States Committee for Horticulture;

(c) Recueil d'Ordonnances Tome XI, p 165.

“election” means an election of a member or members of the Authority;

“glasshouse” includes any structure which would be a glasshouse were it not for the fact that in the construction thereof translucent material other than glass is used instead of glass but does not include any conservatory the area of which does not exceed one thousand square feet and which is adjacent to and is used otherwise than for profit in connection with a dwelling house;

“registered producer” means a person whose name is for the time being inscribed on the register of producers;

“the Voluntary Authority” means the voluntary transport authority consisting of six members of the Guernsey Growers Association and two members of the Guernsey Produce Exporters Association which, immediately before the coming into force of this Ordinance, consisted of the following persons:—

Guernsey Growers Association

Mr. D. G. Le Tissier (President)

Mr. L. Broekhuizen

Mr. O. N. Falla

Mr. H. J. Martel

Mr. P. A. C. Falla

Mr. R. G. Rowe.

Guernsey Produce Exporters Association

Mr. W. P. Ingrouille

Mr. R. H. Marquis.

Computation of time. 74. In computing any period of time for the purposes of this Ordinance a Sunday, Christmas Day, Good Friday or bank holiday shall be disregarded and any such day shall not be treated as a day for the purposes of any proceedings up to the counting of votes.

Citation. 75. This Ordinance may be cited as the Flower Transport Ordinance, 1971.

Commencement. 76. This Ordinance shall come into force on the seventeenth day of January, nineteen hundred and seventy-two:

Provided that the power conferred by section sixty-six of this Ordinance on the Committee to make any order may be exercised at any time after the twenty-fourth day of November, nineteen hundred and seventy-one, and before the said seventeenth day of January subject, however, to the restriction that any such order shall not come into force until the said seventeenth day of January.

FIRST SCHEDULE

Section twenty-five

Form of nomination paper

NOMINATION PAPER

ELECTION OF A MEMBER of the Guernsey
Flower Transport Authority

We, the undersigned, being registered producers,
do hereby nominate the undermentioned person as
a candidate at the said election.

Candidate's surname	Other names in full	Place of residence	Description
Signature		Address	
1.	
2.	
3.	
4.	
5.	

Consent of candidate to nomination

I, _____ the above mentioned
candidate do hereby consent to the foregoing
nomination.

.....
(Signature of candidate)

NOTE:

This form must be returned completed to
not later than four o'clock in the afternoon of the
day of _____ 19 .

SECOND SCHEDULE

Section thirty-two

Form of voting paper

VOTING PAPER No.

Election of one * member(s) of the Guernsey Flower
Transport Authority

..... day of 19.....

Name and address of
registered producer:
.....
.....
.....

IMPORTANT: The registered producer should
carefully read the notes for the
guidance of registered producers
set out below.

	Candidates	Mark X Here

.....
(Signature of voter)

Notes for the guidance of registered producers

1. This voting paper must be returned not later than four o'clock in the afternoon of the 19.....
2. The registered producer may vote for not more than one * candidate(s).
3. The registered producer should place a cross on the right-hand side of the voting paper, opposite the name * of the candidate(s) for whom he votes, thus X.
4. If the registered producer votes for more than one * candidate(s) his voting paper will be void and will not be counted.
5. The registered producer must sign the voting paper.

* To be modified when there is more than one vacancy.

THIRD SCHEDULE

Section sixty-one.

*Borrowing powers of the Guernsey Flower
Transport Authority*

Purposes for and circumstances
in which the Authority may borrow money

1. To meet the operating and administrative costs of discharging its obligation under the provisions of section fifty-four of this Ordinance.
 2. To provide such sums as may, from time to time, be required by the Authority for the purchase of such capital assets, including equipment, as may be necessary for the discharge of the aforesaid obligation.
 3. For the payment of compensation in accordance with the provisions of section sixty of this Ordinance.
 4. To meet the cost of constructing a depot for the purposes of section fifty-seven of this Ordinance.
-

FOURTH SCHEDULE

Section sixty-seven.

*Non-edible horticultural produce which is required
to be delivered to the Guernsey Flower
Transport Authority for transport*

All descriptions of cut flowers

Cut fern

All other cut foliage.

R. H. VIDELO,
Her Majesty's Greffier.

Copies may be purchased from
Her Majesty's Greffier, Royal Court House, Guernsey.

PRICE 28p