

# ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

## **The Guernsey Tomato Marketing Board (Elections) Ordinance, 1968 \***

[CONSOLIDATED TEXT]

### NOTE

*This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.*

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\* Recueil d'Ordonnances Tome XV, p. 398. See also the Bills of Exchange (Guernsey) Law, 1958 (Ordres en Conseil Vol. XVII, p. 384). This Ordinance has been repealed by the European Communities (Food and Feed Controls) (Guernsey) Ordinance, 2016 (No. XXI of 2016).

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## **The Guernsey Tomato Marketing Board (Elections) Ordinance, 1968**

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REPEALED

(Made on the 27th November, 1968.)

## The Guernsey Tomato Marketing Board (Elections) Ordinance, 1968

**THE STATES**, in pursuance of their Resolution of the thirty-first day of July, nineteen hundred and sixty-eight, and in exercise of the powers conferred upon them by the Tomato Marketing (Guernsey) Law, 1952<sup>a</sup>, hereby order: –

### PART I INTERPRETATION AND APPLICATION

#### Interpretation.

1. In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

**"bank holiday"** means any day for the time being specified in section two of the Bank Holidays and Negotiable Instruments (Guernsey) Ordinance, 1955<sup>b</sup>,

**"the Board"** means the Guernsey Tomato Marketing Board,

**"election"** means an election of a member or members of the Board,

**"the Law"** means the Tomato Marketing (Guernsey) Law, 1952, and

**"registered producer"** includes a person entitled to exercise

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<sup>a</sup> Ordres en Conseil Vol. XV, p. 341.

<sup>b</sup> Recueil d'Ordonnances Tome XI, p. 165.

voting rights under the Law.

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**NOTES**

*In accordance with the provisions of the Bills of Exchange (Guernsey) Law, 1958, section 1B, the reference in this section to a bank holiday shall be construed as a reference to a public holiday within the meaning of section 1(1) of the 1958 Law, with effect from 27th July, 1993.*

*The Bank Holidays and Negotiable Instruments (Guernsey) Ordinance, 1955 has since been repealed by the Bank Holidays (Guernsey) Ordinance, 1976, section 2, Second Schedule, with effect from 24th November, 1976. The Bank Holidays (Guernsey) Ordinance, 1976 has since been repealed by the Bank Holidays (Guernsey) Ordinance, 1979, section 3, Schedule, with effect from 28th March, 1979. The Bank Holidays (Guernsey) Ordinance, 1979 has since been repealed by the Public Holidays Ordinance, 1994, section 3(b), with effect from 9th February, 1994.*

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**Application.**

2. The provisions of this Ordinance shall apply to every election.

**PART II**

**PROVISIONS AS TO TIME**

**Computation of time.**

3. 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 purpose of any proceedings up to the counting of the votes nor shall the Board be obliged to proceed with the counting of the votes thereon.

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**NOTE**

*In accordance with the provisions of the Bills of Exchange (Guernsey) Law, 1958, section 1B, the reference in this section to a bank holiday shall be construed as a reference to a public holiday within the meaning of section 1(1) of the 1958 Law, with effect from 27 July, 1993.*

PART III

STAGES COMMON TO CONTESTED AND UNCONTESTED ELECTIONS

**Notice of election.**

4. (1) Not less than twenty-one days notice of the day fixed by the Board for the counting of the votes in connection with an election shall be given by the Board in the "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 times 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 Board, and
  - (d) the latest time for the return to the Board of voting papers in the event of a contest.

**Nomination of candidates.**

5. (1) Each candidate shall be nominated by 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 Board shall provide nomination papers and shall supply

any registered producer with as many nomination papers as may be required.

**Consent to nomination.**

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

PROVIDED that if the Board is satisfied that owing to the absence of a person from Guernsey 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 paper shall not be required.

**Place and time for return of completed nomination papers.**

7. Every completed nomination paper shall be returned to the Board at its registered office not later than four o'clock in the afternoon on such day as shall be appointed by the Board, being not earlier than the sixth day after the first day of the giving of the notice of election in pursuance of subsection (1) of section four of this Ordinance nor later than the sixteenth day before the day fixed for the counting of the votes.

**Withdrawal of candidates.**

8. 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.

**Publication of nominations.**

9. (1) The Board shall not later than the fourteenth day before the day fixed for the counting of the votes prepare and publish a statement in the "Gazette Officielle" of the names, addresses and descriptions of persons nominated as given in

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

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

**Method of election.**

10. If the number of persons remaining validly nominated after any withdrawals under the provisions of this Ordinance exceeds the number of vacancies a poll shall be taken in accordance with Part IV of this Ordinance.

PART IV  
CONTESTED ELECTIONS

**Poll to be taken by postal ballot.**

11. The votes at the poll shall be given by postal ballot.

**Voting papers.**

12. (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,
- (c) shall contain the number of votes he is entitled to

exercise, and

- (d) 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.**

13. The Board shall not later than the ninth day before the day fixed for the counting of the votes 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.

**Return of voting papers.**

14. Voting papers shall be returned to the Board at its registered office not later than four o'clock in the afternoon of the day preceding the day fixed for the counting of the votes.

**Voting.**

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

- (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 number of votes exercisable by the registered producer.

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

**Lost or spoilt voting papers.**

16. Subject to the provisions of section fourteen 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 Board's satisfaction, obtain another voting paper.

**Death of candidate.**

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

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.**

18. No person other than –

- (a) members of the Board, and
- (b) servants of the Board thereunto authorised in that behalf by the Board,

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

**Rejected voting papers.**

19. (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 Board 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 a memorandum specifying the votes counted.

(5) The Board 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.

**Equality of votes.**

20. 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.

PART V

FINAL PROCEEDINGS IN CONTESTED AND UNCONTESTED ELECTIONS

**Declaration of result.**

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

(2) In a contested election, when the result of the poll has been certified under the provisions of section twenty of the Law by the independent person, the Board shall forthwith publish in the "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.

PART VI

MISCELLANEOUS

**Retention of documents.**

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

**General duty of Board.**

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

**Repeals.**

24. The Guernsey Tomato Marketing Board (Elections) Ordinance, 1953<sup>c</sup>, and the Guernsey Tomato Marketing Board (Elections) (Amendment) Ordinance,

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<sup>c</sup> Recueil d'Ordonnances Tome X, p. 333.

1953<sup>d</sup>, are hereby repealed.

**Citation and commencement.**

25. (1) This Ordinance may be cited as the Guernsey Tomato Marketing Board (Elections) Ordinance, 1968.

(2) This Ordinance shall come into force on the first day of January, nineteen hundred and sixty-nine.

REPEALED

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<sup>d</sup> Recueil d'Ordonnances Tome X, p. 352.

FIRST SCHEDULE

Section five

*Form of nomination paper*

NOMINATION PAPER

ELECTION OF A MEMBER of the Guernsey Tomato Marketing Board.

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  
..... 19.....

REPEALED

SECOND SCHEDULE

Section twelve

*Form of voting paper*

VOTING PAPER

No.

*Election of one \* member(s) of the Guernsey Tomato Marketing Board.*

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

Name and address of registered producer:

.....  
.....  
.....  
.....

Number of votes (to which entitled:

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 where there is more than one vacancy.

REPEALED