

Island of  Guernsey

Ordinance of the States **XVI**  
**1956**

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Made .. .. 16th May, 1956.  
Coming into Operation .. 11th June, 1956.

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**The Export of Produce (Other than  
Tomatoes) (Packing and Grading)  
Ordinance, 1956.**

THE STATES, on the representations of the States Committee for Horticulture, hereby order:—

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

- “carrier”, “consignor”, and “consignee” shall include their respective agents and servants;  
“the Committee” means the States Committee for Horticulture;  
“export” means export by way of trade and “exported” shall be construed accordingly;  
“exporter” means any person whose name, trade-name, mark, number, description or address

Definitions.

appears upon any container of produce delivered at any place from which produce may lawfully be exported from the Island for the purpose of being exported:

“fit for market” means packed in a clean and sound container, clean, in such condition, of such quality, sufficiently free from disease and blemishes, and so packed, on the date of exportation from the Island, that it can reasonably be expected that at the time at which the produce would normally reach the consignee to whom it is addressed it will be of merchantable quality;

“inspector” means a person appointed by the Board of Administration to execute and perform the powers and duties of an inspector in accordance with the provisions of this Ordinance;

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

“merchantable quality” means of such quality and in such condition that a reasonable man would, after a full examination, accept the goods in the circumstances of the case in performance of his offer to buy them whether he buys for his own use or to sell again;

“preserved” means treated by drying, tinning, bottling, cooking, pickling or deep-freezing;

“produce” means fruit, vegetables, potatoes, mushrooms, roots, flowers, ferns, herbs, foliage or any other agricultural or horticultural produce grown in the Island, but does not include any such produce which is preserved or tomatoes;

“true to indicated quantity” means weighing or consisting of not less than the weight or other measure of quantity indicated by the statement

of net weight or other quantity on or attached to the container.

2. A person shall not export, cause to be exported or attempt to export produce from the Island unless the produce is fit for market and true to indicated quantity.

Containers describing produce, weight and quantity.

3. (1) A person shall not export, cause to be exported or attempt to export produce from the Island otherwise than in a container showing either by imprint on the outside of the container or by clear and legible writing on a label securely attached to the outside of the container a brief and accurate description sufficient to indicate the nature of the produce contained therein and also, in the case of produce in respect of which weight or quantity commonly enters into the calculation of the price returnable in respect thereof by the consignee, a statement of the net weight or quantity of that produce.

(2) Any such imprint or label as is mentioned in the last preceding subsection of this section shall be in such form and colour and contain such particulars as the Committee may from time to time by order direct.

(3) Where two or more containers are attached together to form one package, the information required to be shown on a container under the provisions of subsection (1) of this section shall be at the same end of each container in the package.

4. (1) A person shall not export, cause to be exported or attempt to export produce from the Island otherwise than in a container showing the place of destination, imprint or label showing destination, imprint or label showing the place of destination of the produce either by imprint on the outside of each end of the container or by clear legible writing on a label securely attached to each end of the container.

(2) Any such imprint or label as is mentioned in the last preceding subsection shall be in such form and colour and contain such particulars as the Committee may from time to time by order direct.

(3) Where two or more containers are attached together to form one package, the package shall be deemed to comply with the provisions of subsection (1) of this section if one container in the package complies with the provisions of that subsection.

Consign-  
ment notes.

5. (1) Except as otherwise agreed in writing between the consignor and the carrier, a consignor shall not deliver to a carrier for export from the Island any consignment of containers containing produce unless the consignment is accompanied by a consignment note bearing:—

- (a) the full names and addresses of the consignor and the consignee;
- (b) the station or place of destination;
- (c) the gross weight of the containers inclusive of packing; and
- (d) the number of the containers and the nature of their contents.

(2) In respect of any consignment of containers accepted by a carrier without reserve, the gross weight referred to in subsection (1) of this section shall, as between the consignor and the carrier, be deemed to be the actual gross weight thereof unless and until the contrary is proved.

(3) A carrier may delay the acceptance for carriage of any consignment of containers of produce for export if the gross weight of the consignment is not clearly indicated on the consignment note or other document referring thereto and may give priority to any other consignment of containers

the gross weight of which is clearly indicated on the consignment note or other document referring thereto.

(4) A carrier to whom any consignment of containers of produce for export is offered for carriage may have the whole or any part thereof weighed and therefor that purpose may have any consignment or part thereof removed from its position in the line of vehicles or elsewhere and in the meanwhile may proceed to accept other consignments save that the shipment of any consignment of produce offered before the closing time fixed for acceptance thereof shall not be refused in consequence of the delay incurred by any such removal.

6. (1) A person shall not export, cause to be exported or attempt to export grapes as produce from the Island—

(a) unless they are packed in containers containing eight, nine or fifty-six or more pounds weight of grapes and each container contains eight or nine pounds weight of grapes is clearly marked on the outside thereof with the words and figures "8 lbs." or "9 lbs." as the case may be; and

(b) unless the percentage sugar solution of a representative sample of the grapes measured on a refractometer is—

(i) where the grapes are packed in containers marked as containing grapes which are "choice", "selected" or "first quality" or otherwise indicating that the grapes are of superior quality, fourteen or more; and

(ii) where the grapes are packed otherwise than as mentioned in the last preceding subparagraph, eleven or more.

Grapes—  
containers  
and sugar  
content.

(2) The Committee may, from time to time, by order vary the amounts of percentage sugar solution mentioned in the last preceding subsection.

Flowers—  
Packing and  
containers.

7. (1) A person shall not export, cause to be exported or attempt to export flowers from the Island unless—

- (a) the container of the flowers is completely lined with paper and so fitted with one or more pinned sticks as to enable the flowers to be held in a reasonably secure position in the container; and
- (b) the flowers in the container are completely covered with paper.

(2) Except with the permission, in writing, of the Committee, a person shall not export, cause to be exported or attempt to export flowers from the Island in cardboard containers which bear the name, trade-name, mark, number, description or address of any person other than the exporter of those flowers.

Powers of  
inspector.

8. (1) An inspector, on the production by him, if required, of a certificate of his appointment signed by the States Supervisor, may examine any produce and any containers thereof which are delivered for export within the limits of any place from which produce may lawfully be exported.

(2) An inspector, at such place as mentioned in the last preceding subsection, may open or cause to be opened and may examine, count and weigh the contents of any container in which produce arriving for export is packed and may order the removal of any consignment of produce or any part thereof from its place or position to any other place or position at or near the place of export and may order the unloading or separation of any such consignment or part thereof.

(3) If on examining or counting or weighing any container or the contents thereof it appears to an inspector that—

- (a) any of the provisions of this Ordinance or the provisions of any order made hereunder has been contravened; or
- (b) the produce in the container is not fit for market; or
- (c) the produce in the container is not true to indicated quantity; or
- (d) the description indicating the nature of the produce is insufficient or inaccurate;

the inspector shall forthwith report the matter in writing to the States Supervisor and the inspector may, in his discretion, take action in any one or more of the following ways, that is to say:—

(i) he may forbid the exportation of the container and its contents;

(ii) he may order that the consignment or part thereof of which the container or forms part be returned for repacking to the exporter or his agent and may require that the consignment or part thereof after repacking be presented to him for inspection;

(iii) he may, if in his opinion the produce in the container can be rendered fit for market, permit the container to proceed after the produce therein has been rendered fit for market by the exporter or his agent;

(iv) he may, if the description borne by the container of the produce therein does not conform to the requirements of section three of this Ordinance or the provisions of any order made hereunder

or in his opinion is insufficient or inaccurate and not wilfully misleading, or if the container, contrary to section three of this Ordinance or order, bears no description of the produce therein, or bears no statement of the net weight or quantity of such produce or if, the produce being not true to indicated quantity, he is satisfied that the disparity resulted from inadvertence and not from intent to cheat and defraud, permit such container and the contents thereof to proceed after such description or such statement of net weight or quantity or both shall have been correctly marked on such container in accordance with the provisions of section three of this Ordinance by the exporter thereof or his agent; and

- (v) he may, if the container or the produce therein does not conform to the requirements of either section six or section seven of this Ordinance and he is satisfied that the disparity resulted from inadvertence and not from intent to cheat or defraud, permit the container and the produce therein to proceed after the container or the produce, as the case may be, has been made to conform to those requirements by the exporter or his agent.

(4) An inspector may, as respects any produce and the containers thereof examined by him under the foregoing provisions of this section, seize any such produce and containers as he may deem necessary for the purposes of any prosecution under the provisions of this Ordinance.

(5) Where an inspector takes any action under subsections (3) or (4) of this section he shall forthwith inform the exporter or his agent of the action taken.

(6) In any case where, under the provisions of this section, the exportation of a container and the produce therein has been forbidden by an inspector and has not been collected by the exporter or his agent by five o'clock in the afternoon on the working day but one next following the date of such detention, or been made to conform by that time with the provisions of sections three, six or seven of this Ordinance, as the case may be, by the exporter or his agent, the inspector may, with the approval of the President of the Committee in consultation with the States Supervisor, confiscate and destroy or otherwise dispose of the container and produce.

(7) The proceeds of disposal of any produce or containers disposed of for value after confiscation under the provisions of the last preceding subsection shall be placed to the credit of the General Revenue of the States and, if there be no such proceeds or if such proceeds are less than the charges and expenses incurred by or on behalf of the inspector in respect of the detention, removal, storage or destruction or other disposal of the produce or containers, the charges and expenses or the difference between the charges and expenses and the proceeds, as the case may be, shall be payable by and recoverable as a civil debt from the exporter of the produce.

9. Nothing in this Ordinance shall apply in relation to any produce or the container thereof which is the subject of any experiment conducted by or on behalf of the Committee.

10. (1) Except where otherwise specifically provided, any person who—  
Penalties.

Saving for experimental produce.

- (a) contravenes any of the provisions of this Ordinance or of any order made thereunder; or
- (b) impedes or obstructs an inspector in the exercise of his duties under the provisions of this Ordinance; or
- (c) refuses or neglects to obey an inspector in the execution of his duties under the provisions of this Ordinance;

shall be guilty of an offence and liable, on conviction, in the case of a first offence to a fine not exceeding five pounds, and in the case of a second or subsequent offence to a fine not exceeding fifty pounds.

(2) Any person who contravenes the provisions of subsection (1) of section five of this Ordinance (which requires the declaration of the weight of any container of produce for export) shall be guilty of an offence and liable, on conviction, to a fine not exceeding ten pounds.

11. Any order made by the Committee under the provisions of this Ordinance shall be laid before a meeting of the States as soon as may be after the making thereof and, if at that meeting or at the next subsequent meeting the States resolve that the order be annulled, the order shall cease to have effect but without prejudice to anything done thereunder or to the making by the Committee of any new order.

Repeals.

12. The Ordinances set out in the first column of the Schedule to this Ordinance are hereby repealed to the extent set out in the second column thereof.

Commence-  
ment.

13. This Ordinance shall come into force on the 11th day of June, 1956.

SCHEDULE

*Ordinances Repealed.*  
Ordinance entitled "Ordonnance relative à l'Exportation de Fruits et autres Produits", made permanent on the 5th day of October, 1931.  
Ordinance entitled "Ordonnance relative à l'Expédition de Fleurs", made permanent on the 18th day of January, 1932.

Ordinance entitled "Ordonnance relative à So much of the Inspection des Produits du Sol (autres que les Tomates) exportés de cette Ile", of the 24th day of February, 1934.

Ordinance entitled "Ordonnance relative à l'amendement à l'Inspection des Produits du Sol (autres que les Tomates) exportés de cette Ile", of the 4th day of May, 1940.

Ordinance entitled "Ordonnance portant amendement à l'Ordonnance dite 'The Produce (other than Tomatoes) Inspection 1934-40', of the 31st day of August, 1946.

The Produce (other than Tomatoes) Inspection Ordinance, 1934-46, Amendment Ordinance, 1949.

JAMES E. LE PAGE,

Her Majesty's Greffier.