

ORDER IN COUNCIL

I
1981

ratifying a Projet de Loi

ENTITLED

The Export of Tomatoes (Prohibition) (Guernsey) Law, 1981

(Registered on the Records of the Island of Guernsey
on the 17th March, 1981.)



1981.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 17th day of March, 1981 before Sir John Loveridge, Kt., C.B.E., Bailiff; present:— Stanley Walter Gavey, Esquire, O.B.E., Edward James Lainé, Esquire, C.B.E., D.F.C., Richard Alan Kinnersly, Richard Oliver Symons, Albert Richard McCartney Straw, Esquires, Frederick William Winslow Chandler, Esquire, D.S.O., D.F.C., Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Donald Pescott Plummer, Esquire, Sydney Haydn Heard, Esquire, M.B.E., Brian Ernest Herbert Joy, Esquire, Charles Henry Hodder, Esquire, O.B.E. and Harry Wilson Bisson, Esquire, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 18th day of February, 1981, ratifying a Projet de Loi entitled "The Export of Tomatoes (Prohibition) (Guernsey) Law, 1981", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth;—

At the Court at Buckingham Palace

The 18th day of February 1981

PRESENT,

The Queen's Most Excellent Majesty in Council

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey dated the 16th day of February 1981 in the words following, viz:—

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

1. That, in pursuance of their Resolution of the 28th day of March 1979, the States of Deliberation at a Meeting held on the 27th day of November 1980 approved a Bill or “Projet de Loi” entitled “The Export of Tomatoes (Prohibition) (Guernsey) Law, 1981”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Export of Tomatoes (Prohibition) (Guernsey) Law, 1981”, and to order that the same shall have force of law in the Island of Guernsey.’

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi.”

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty’s Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

N. E. Leigh

Projet de Loi referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

The Export of Tomatoes (Prohibition) (Guernsey) Law, 1981

THE STATES, in pursuance of their Resolution of the twenty-eighth day of March, nineteen hundred and seventy-nine, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

1. (1) Subject to the succeeding provisions of this section, the States may, from time to time, by Ordinance make such provision as they may deem necessary or expedient for regulating or prohibiting the delivery of tomatoes to the Board for export by persons convicted of an offence against any of the provisions of any enactment for the time being in force making provision for the packing and grading of tomatoes for delivery to the Board for export (hereinafter referred to as "a horticultural offence") and, without prejudice to the generality of the foregoing, they may, in particular, make provision in any such Ordinance for all or any of the following matters:—

States may regulate or prohibit export of tomatoes by convicted persons.

- (a) the making by the court before which a person is convicted of a horticultural offence of an order (hereinafter referred to as "a prohibition order") prohibiting that person from delivering or attempting to deliver tomatoes to the Board for export during such period as may be specified in the order;

- (b) prescribing the circumstances in which a prohibition order may be made by a court, including the number of occasions on which the person in respect of whom application for a prohibition order is made shall have been convicted of a horticultural offence prior to the date of the said application during such period as may be prescribed in any such Ordinance;
- (c) empowering the court which makes a prohibition order in respect of any person to vary from time to time or to revoke that order;
- (d) enabling any person in respect of whom a prohibition order is made to apply to the Royal Court to have the prohibition order set aside in such circumstances and on such grounds as may be specified in any such Ordinance;
- (e) such incidental and supplementary matters for which the States deem it necessary or expedient for the purposes of any such Ordinance to provide.

(2) An Ordinance made under the provisions of the last preceding subsection may make different provisions for different prohibition orders made in respect of different horticultural offences committed on or after the commencement of this Law and may make different provisions for different classes of persons and for different categories of persons within those classes.

Offences.

2. Save as otherwise expressly provided by that Ordinance, any person who contravenes or attempts to contravene or who aids or abets another person to contravene the provisions of a prohibition order

made in pursuance of an Ordinance made under the provisions of section one of this Law shall be guilty of an offence under that Ordinance.

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

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 or repeal the Ordinance. Variation and repeal of Ordinances.

5. In this Law the expression "the Board" means the Guernsey Tomato Marketing Board incorporated under the provisions of the Tomato Marketing (Guernsey) Law, 1952, as amended(a). Interpretation.

6. This Law may be cited as the Export of Tomatoes (Prohibition) (Guernsey) Law, 1981. Citation.

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

W. J. GAUDION,
Her Majesty's Deputy Greffier.

(a) Ordres en Conseil Vol. XV, p. 341; Vol. XVI, p. 273; Vol. XVIII, p. 262; Vol. XXI, p. 295; No. IX of 1978.