

PROJET DE LOI

ENTITLED

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

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. 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.

* Ordres en Conseil Vol. XXVII, p. 379. This Law is prospectively repealed by the Plant Health (Enabling Provisions) (Guernsey) Law, 2014 (No. ** of 2014).

Consolidated text

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ARRANGEMENT OF SECTIONS

1. States may regulate or prohibit export of tomatoes by convicted persons.
2. Offences.
3. Penalties.
4. Variation and repeal of Ordinances.
5. Interpretation.
6. Citation.
7. Commencement.

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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.

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

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 –

- (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.

NOTE

The following Ordinance has been made under section 1:

*Export of Tomatoes (Prohibition) (Implementation) Ordinance,
1981.*

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.

Penalties.

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.

NOTE

The following Ordinance has been made under section 3:

*Export of Tomatoes (Prohibition) (Implementation) Ordinance,
1981.*

Variation and repeal of Ordinances.

4. Any power conferred by this Law to make any Ordinance shall be construed as including a power exercisable in the like manner to vary or repeal the Ordinance.

Interpretation.

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.

Citation.

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

Commencement.

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

NOTE

The Law was brought into force on 25th March, 1981 by the Export of Tomatoes (Prohibition) (Guernsey) Law, 1981 (Commencement) Ordinance, 1981, section 1.

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