

# Island of Guernsey



## Ordinance of the States **VII**

**1981**

Made ... .. 25th March, 1981.  
Came into Operation ... 25th March, 1981.

### **The Export of Tomatoes (Prohibition) (Implementation) Ordinance, 1981**

THE STATES, in pursuance of their Resolution of the twenty-eighth day of March, nineteen hundred and seventy-nine, and in exercise of the powers conferred upon them by section one and section three of the Export of Tomatoes (Prohibition) (Guernsey) Law, 1981(a), hereby order:—

1. (1) Where a person is convicted of a horticultural offence Her Majesty's Procureur shall, at the request of the Committee, apply to the court before which the said person was convicted to make a prohibition order in accordance with the provisions of section two of this Ordinance against the said person and the court may, subject to the provisions of the next succeeding subsection:—

Prohibition orders against convicted persons.

- (a) where the date of such conviction occurs during the period of three years next following the date on which this Ordinance

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(a) No. I of 1981.

comes into force, make the prohibition order applied for if the said person has, during the part of the said period preceding the date of such conviction, been convicted of a horticultural offence on at least two separate occasions;

- (b) where the date of such conviction occurs after the expiration of the period of three years next following the date on which this Ordinance comes into force, make the prohibition order applied for if the said person has, during the period of three years immediately preceding the date of such conviction, been convicted of a horticultural offence on at least two separate occasions.

(2) The Court shall not make a prohibition order under the provisions of the last preceding subsection unless:—

- (a) an appeal against the conviction to which the application for the prohibition order relates has been dismissed or the time within which such an appeal must be lodged has expired; and
- (b) the person against whom the prohibition order is being applied for has been served by Her Majesty's Procureur with notice in writing of his intention to apply for the prohibition order and unless the said person has had a reasonable opportunity of being heard thereon.

**Effect of a prohibition order.**

2. A prohibition order made against a person under the provisions of the last preceding section shall prohibit that person from delivering or attempting to deliver tomatoes to the Board for export during such period as may be specified in such order.

3. Any person aggrieved by a prohibition order made against him under the provisions of section one of this Ordinance prohibiting him from delivering or attempting to deliver tomatoes to the Board for export during a period in excess of three weeks may, within the fourteen days next following the date of the prohibition order, apply to the Royal Court sitting as a Full Court to have the prohibition order set aside on the ground that the period specified therein is excessive.

Application  
to set aside  
prohibition  
order.

4. Any person—

Offences.

- (a) who contravenes or attempts to contravene;  
or
- (b) who aids or abets another person to contravene or attempt to contravene;

the provisions of a prohibition order made under the provisions of section one of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding one thousand pounds.

5. When an offence under this Ordinance which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

Offences by  
bodies  
corporate.

6. Any notice which may be served for the purposes of this Ordinance shall be validly served—

Service of  
notices.

- (a) on any person, if delivered to him, left or sent by registered post or by recorded

delivery service to him at his usual or last known place of abode;

(b) on any firm, if delivered to any partner of the firm, or left at, or sent by registered post or by recorded delivery service to, the principal or last known principal place of business of the firm;

(c) on any body corporate, if left at, or sent by registered post or by recorded delivery service to, its registered office if situate in this Island, or, if its registered office is not so situate, its principal or last known principal place of business in this Island.

Interpre-  
tation.

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

“the Board” means the Guernsey Tomato Marketing Board incorporated under the provisions of the Tomato Marketing (Guernsey) Law, 1952, as amended<sup>(b)</sup>;

“the Committee” means the States Committee for Horticulture;

“a horticultural offence” has the meaning assigned to it by subsection (1) of section one of the principal Law;

“the principal Law” means the Export of Tomatoes (Prohibition) (Guernsey) Law, 1981;

“Her Majesty’s Procureur” includes Her Majesty’s Comptroller;

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

“a prohibition order” has the meaning assigned to it by paragraph (a) of subsection (1) of section one of the principal Law.

8. This Ordinance may be cited as the Export of Tomatoes (Prohibition) (Implementation) Ordinance, 1981. <sup>Citation.</sup>

9. This Ordinance shall come into force on the twenty-fifth day of March, nineteen hundred and eighty-one. <sup>Commence-</sup>  
<sup>ment.</sup>

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