

Island of  Guernsey

Ordinance of the States **XXV**
1964

Made 28th October, 1964.
Came into Operation .. 28th October, 1964.

**The Horticultural Industry
(Statistical Information) Ordinance, 1964**

THE STATES, in pursuance of their Resolution of the twenty-ninth day of January, nineteen hundred and sixty-four, 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—

Interpreta-
tion.

“the Committee” means the States Committee for Horticulture;

“fixed equipment” includes any building or structure affixed to land and any works on, in, over or under land;

“horticultural land” means land used or intended for use for the purposes of any trade or business—

- (a) for the production of any consumable produce; or
- (b) for the production of any ferns, flowers, bulbs or other plants;

but does not include land used for the purposes of dairy farming or as grazing, meadow or pasture land;

“occupier”, in relation to any land, means the person who, not being the owner of the land, is in or is entitled to actual possession of the land;

“owner”, in relation to any land, means—

(a) the beneficial owner, if that land is not held in trust;

(b) the trustees, if that land is held in trust;

“prescribed” means prescribed by an order made by the Committee under this Ordinance.

Power of
the Com-
mittee to
make
orders.

2. (1) The Committee may from time to time by order make provision for requiring any person who is the owner or occupier of any horticultural land or any person who carries on any business in connection with the preparation or delivery for market of any produce of such land to furnish to the Committee in writing, in such form and manner as may be prescribed and within such time and with respect to such date or dates or such period or periods as may be prescribed, information relating to—

(a) the name and address of the owner or occupier of such land or of the person carrying on such business;

(b) the situation, area, description and extent of such land and the situation and description of any premises used in connection with any such business;

(c) whether such land or any, and if so what, part thereof is let;

(d) the purposes for which such land or any part thereof has been, is being or is intended to be used and the area of land which has been,

is being or is intended to be used for each such purpose;

- (e) the fixed and other equipment used or held for use in connection with the cultivation of such land, in connection with the treatment of any produce of such land or in connection with the preparation or delivery for market of any such produce;
- (f) the methods and operations used in connection with the cultivation of such land, in connection with the treatment of any produce of such land or in connection with the preparation or delivery for market of any such produce;
- (g) the number and description of persons employed, whether or not under a contract of service, on such land, in disposing of the produce of such land, or in connection with such business and the hours worked by persons so employed or such persons of different descriptions;
- (h) the quantity and description of any crop grown on such land or any part thereof;
- (i) the quantity and description of any such crop which has been marketed;
- (j) the public utility services connected to such land;

and any information incidental and supplementary to any information required to be furnished to the Committee by the order.

(2) An order under subsection (1) of this section may apply to owners or occupiers generally or to such descriptions of owners or occupiers as may be prescribed.

Power of
Committee
to require
any person
to furnish
information.

3. (1) The Committee may, by notice in writing, require any person who is the owner or occupier of any horticultural land or any person who carries on any business in connection with the preparation or delivery for market of any produce of such land to furnish to the Committee in writing, in such form and manner as may be specified in the notice and within such time as may be so specified, such information as may be so specified, being information which any such person could be required to furnish to the Committee by an order made under the last preceding section.

(2) A notice under subsection (1) of this section may be served—

- (a) on any person by delivering it to him, by leaving it, or by sending it by post addressed to him, at his usual or last known place of abode;
- (b) on any firm by delivering it to any partner of the firm or by leaving it at, or sending it by post to, the principal or last known principal place of business of the firm;
- (c) on any body corporate by leaving it at, or by sending it by post to, its registered office if situated in the Island or, if its registered office is not so situated, its principal or last known principal place of business in the Island.

Failure to
furnish
information,
etc.

4. (1) Any person who without reasonable excuse fails to furnish information in compliance with any order made under section two of this Ordinance or in compliance with a requirement under the last preceding section shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

(2) If any person, in purported compliance with any order made under section two of this Ordinance or in purported compliance with a requirement imposed under the last preceding section, knowingly or recklessly furnishes any information which is false in any material particular, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

5. (1) Any person duly authorised in that behalf by the President of the Committee may, on production if so required of some duly authenticated document showing his authority, at all reasonable times enter and inspect any land or any premises—

Entry and inspection of land and premises.

(a) for the purpose of verifying any information furnished to the Committee in compliance or purported compliance with any order made under section two of this Ordinance or with a requirement imposed under section three of this Ordinance; or

(b) in the case where any person has failed to furnish any information in compliance with any such order or requirement, for the purpose of obtaining such information;

and the owner or occupier of any such land or premises, his servants or agents, shall furnish the means required by any person authorised as aforesaid as necessary for an entry or inspection.

(2) Any person who obstructs any person authorised as aforesaid in the exercise of his powers under subsection (1) of this section shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

6. Where a person convicted of an offence under this Ordinance is a body corporate, every person who, at the time of the commission of the offence, was a

Offence by body corporate.

director or officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

Citation.

7. This Ordinance may be cited as the Horticultural Industry (Statistical Information) Ordinance, 1964.

R. H. VIDELO,

Her Majesty's Greffier.