

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Horticultural Industry (Statistical Information) Ordinance, 1964 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. 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.

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* Recueil d'Ordonnances Tome XIV, p. 47; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016).

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

ARRANGEMENT OF SECTIONS

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(Made on 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: –

Interpretation.

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

"the Committee" means the States [Committee for Economic Development],

"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.

NOTES

In section 1, the words in square brackets in the definition of the expression "the Committee" were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 1(a), with effect from 1st May, 2016.¹

The functions, rights and liabilities of the Commerce and Employment Department and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Economic Development and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 1(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

Power of the Committee 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

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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.

NOTE

The following Order has been made under section 2:

*Horticultural Industry (Statistical Information) (Tomato Producers)
Order, 1979.*

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 [level 1 on the uniform scale].

(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 [level 1 on the uniform scale].

NOTE

In section 4, the words and figures in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

Entry and inspection of land and premises.

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 –

- (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 [level 1 on the uniform scale].

NOTES

In section 5,

the words in square brackets in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 1(a), with effect from 1st May, 2016;³

the words and figure in square brackets in subsection (2) were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

Offence by body corporate.

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 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.

NOTE

The Ordinance was made and came into operation on 28th October, 1964.

¹ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 10, with effect from 6th May, 2004.

² The functions, rights and liabilities of the Commerce and Employment Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Committee for Horticulture and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 10, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

³ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 10, with effect from 6th May, 2004.