

ORDINANCE

OF THE STATES OF DELIBERATION

ENTITLED

The Importation of Hay, Straw and Litter Ordinance, 1950 *

[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.

© States of Guernsey

* Recueil d'Ordonnances Tome X, p. 93; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Importation of Hay, Straw and Litter (Amendment) Ordinance, 1961 (Recueil d'Ordonnances Tome XIII, p. 15); the States Committee for Agriculture and Fisheries (Transfer of Functions) Ordinance, 1962 (Recueil d'Ordonnances Tome XIII, p. 251); the States Committee for Agriculture (Transfer of Functions) Ordinance, 1987 (Recueil d'Ordonnances Tome XXIV, p. 17); the Importation of Hay, Straw and Litter (Amendment) Ordinance, 1988 (Recueil d'Ordonnances Tome XXIV, p. 273); the States Agricultural and Milk Marketing Board (Transfer of Functions) Ordinance, 2001 (No. XX of 2001, Recueil d'Ordonnances Tome XXVIII, p. 433); 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). See also the Importation of Hay, Straw and Litter (Amendment) Ordinance, 1988 (*supra*). This Ordinance has been repealed by the European Communities (Food and Feed Controls) (Guernsey) Ordinance, 2016 (No. XXI of 2016).

ORDINANCE
OF THE STATES OF DELIBERATION

ENTITLED

The Importation of Hay, Straw and Litter Ordinance, 1950

ARRANGEMENT OF SECTIONS

1. Prohibition of importation.
2. Conditions of importation.
3. Merchandise packed in hay, straw or litter.
4. Prohibition of importation from other Islands.
5. Revocation or variation of orders.
6. Penalties.
7. Definitions.
8. Repeals.
9. Commencement.

FIRST SCHEDULE
SECOND SCHEDULE
THIRD SCHEDULE
FOURTH SCHEDULE
FIFTH SCHEDULE

(Made on 28th June, 1950.)

The Importation of Hay, Straw and Litter Ordinance, 1950

THE STATES, on the representations of the States Committee for Agriculture and Fisheries, hereby order: –

Prohibition of importation.

1. Save as hereinafter provided, the importation into Guernsey of hay, straw or litter from any place other than the Islands of Jersey, Alderney or Sark is prohibited.

NOTE

In accordance with the provisions of the Importation of Hay, Straw and Litter (Amendment) Ordinance, 1988, section 3, with effect from 17th March, 1988, this Ordinance may, when cited together with the amending Ordinances (the Importation of Hay, Straw and Litter (Amendment) Ordinance, 1961, and the 1988 Ordinance), be cited as the Hay, Straw and Litter Ordinances, 1950 to 1988.

Conditions of importation.

2. Nothing in section 1 of this Ordinance shall be taken to prohibit the importation of hay, straw or litter –

- (a) from Great Britain, provided that the conditions specified in the First Schedule hereto are complied with,
- (b) from Northern Ireland, the Republic of Ireland, or the Isle of Man, provided the conditions specified in the Second Schedule hereto are complied with, or

- (c) from any other country or territory specified from time to time by order of the [Committee] published in La Gazette Officielle provided the conditions specified in the Third Schedule hereto are complied with.

NOTES

In section 2, the word in square brackets was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 5, with effect from 1st May, 2016.

The following Orders have been made under section 2:

*Hay, Straw and Litter (Importation) Order, 1950;
Hay, Straw and Litter (Importation) Order, 1997.*

Merchandise packed in hay, straw or litter.

3. Nothing in sections 1 or 2 of this Ordinance shall be taken to prohibit the importation of merchandise packed in hay, straw or litter, provided the conditions specified in the Fourth Schedule hereto are complied with.

Prohibition of importation from other Islands.

4. Notwithstanding the provisions of section 1 of this Ordinance the [Committee] may at any time by order published in La Gazette Officielle prohibit, restrict or impose conditions on the importation of hay, straw and litter into Guernsey from the Islands of Jersey, Alderney or Sark.

NOTES

In section 4, the word in square brackets was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 5, with effect from 1st May, 2016.

The following Orders have been made under section 4:

Hay, Straw and Litter (Importation) Order, 1959;

Hay, Straw and Litter (Importation) (No. 2) Order, 1959.

Revocation or variation of orders.

5. The [Committee] may at any time revoke or vary any order made by them under the provisions of this Ordinance.

NOTES

In section 5, the word in square brackets was substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 5, with effect from 1st May, 2016.

The following Orders have been made under section 5:

*Hay, Straw and Litter (Importation) Order, 1959;
Hay, Straw and Litter (Importation) (No. 2) Order, 1959.*

Penalties.

6. Every person contravening the provisions of this Ordinance or of any order made hereunder or making a declaration for the purposes of this Ordinance which is false in any material particular, shall be liable, on conviction, to a fine not exceeding [level 2 on the uniform scale], and any hay, straw or litter imported into Guernsey in contravention of this Ordinance or of any order made hereunder, may be destroyed in such manner as the [Chief Executive of the States of Guernsey] may direct.

NOTES

In section 6,

the words in the first pair of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989;

the words in the second pair of square brackets were substituted by the Machinery of Government (Transfer of Functions) (Guernsey)

Ordinance, 2003, section 3, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

Definitions.

7. In this Ordinance –

"[**Committee**]" means the [Committee for the Environment & Infrastructure],

"**Guernsey**" includes Herm and Jethou,

"**hay and straw**" includes chaffed hay and chaffed straw and hay and straw chaffed together,

"**litter**" means straw or other substance commonly used for bedding or otherwise for or about animals[,

"**prohibited port**" means any port in a country from which the importation of hay, straw or litter is prohibited and any port within a radius of 15 miles from the centre of a reported outbreak of Foot and Mouth Disease].

NOTES

In section 7,

the words in the first and second pairs of square brackets in the definition of the expression "Committee" were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 5 and section 2, Schedule 1, paragraph 1(c), Schedule 2, Part 1, paragraph 2, with effect from 1st May, 2016;¹

the definition of the expression "prohibited port" was inserted, and the punctuation immediately after the definition of the expression "litter" was substituted, by the Importation of Hay, Straw and Litter (Amendment) Ordinance, 1961, section 1(a), with effect from 16th January, 1961.

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 the Environment & Infrastructure and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 1(c), Schedule 2, Part 1, paragraph 2, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

Repeals.

8. The Ordinances set out in the Fifth Schedule hereto are hereby repealed.

Commencement.

9. This Ordinance shall come into force on the 1st day of August, 1950.

REPEALED

FIRST SCHEDULE

Section 2(a)

Before landing any part of any consignment of hay, straw or litter, there shall be delivered to the [President of the Committee for the Environment & Infrastructure] –

1. A declaration made [...] by the Consignor stating where the consignment was grown.
2. A certificate signed by a responsible official of the Government Department responsible for Agriculture that there has been no outbreak of Foot and Mouth Disease during the immediately preceding 12 months on the premises where the said consignment was grown and that at the date of despatch of the consignment, such premises were not in an area officially declared to be a Foot and Mouth Disease infected area.

NOTES

In the First Schedule,

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

the words omitted in the second pair of square brackets were repealed by the Importation of Hay, Straw and Litter (Amendment) Ordinance, 1988, section 1(b), with effect from 17th March, 1988.

SECOND SCHEDULE

Section 2(b)

Before landing any part of any consignment of hay, straw or litter, there shall be delivered to the [President of the Committee for the Environment & Infrastructure] –

1. A declaration made [...] by the Consignor stating where the consignment was grown.
 2. A certificate signed by a responsible official of the Government Department responsible for Agriculture that there has been no outbreak of Foot and Mouth Disease during the immediately preceding 12 months on the premises where the said consignment was grown and that at the date of despatch of the consignment such premises were not within a radius of 15 miles from the centre of a reported outbreak of Foot and Mouth Disease.
 3. (i) If the said consignment has been carried direct from the country of origin, a declaration by the Master of the ship from which the consignment is to be landed that no part of the cargo carried by the said ship has been loaded or discharged since its departure from the said country, or
(ii) If the consignment has not been so carried direct a certificate signed by an Officer of His Majesty's Customs and Excise in Great Britain that the whole of the said consignment has been transhipped overside in the territorial waters of Great Britain from a vessel to be named in such certificate into the vessel from which it is to be landed.
-

NOTES

In the Second Schedule,

the words in the first pair of square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 1(c), with effect from 1st May, 2016;⁴

the words omitted in the second pair of square brackets were repealed by the Importation of Hay, Straw and Litter (Amendment) Ordinance, 1988, section 1(b), with effect from 17th March, 1988.

REPEALED

THIRD SCHEDULE

Section 2(c)

Before landing any part of any consignment of hay, straw or litter, there shall be delivered to the [President of the Committee for the Environment & Infrastructure] –

1. A declaration made [...] by the Consignor stating where the consignment was grown.
2. A declaration signed by a responsible official of the Government Department responsible for Agriculture that there has been no outbreak of Foot and Mouth Disease during the immediately preceding 12 months on the premises on which the said consignment was grown and that at the date of despatch of the consignment such premises were not within a radius of 15 miles from the centre of a reported outbreak of Foot and Mouth Disease, or if the said consignment forms part of a larger quantity covered by such a declaration so that such declaration is not available for delivery as aforesaid, a copy of such declaration certified as a correct copy thereof by such official as aforesaid.
- [3. (i) If the said consignment has been carried direct from the country of origin, a declaration by the Master of the ship from which the consignment is to be landed that the ship has not called at a prohibited port since its departure from the said country, or
(ii) if the consignment has not been so carried direct –
 - (a) a declaration signed by a responsible official of the government of any country in which it is transhipped that the ship on which the consignment was carried

from the country of origin has not since it departed from that country called at a prohibited port and that the port of transshipment is not a prohibited port, and

- (b) a declaration by the Master of the ship from which the consignment is to be landed that during the twenty-eight days immediately preceding the day on which the consignment was transhipped the ship had not called at a prohibited port or if it had, that it was disinfected before the consignment was transhipped and that since the ship departed from the port of transshipment it has not called at a prohibited port.]

NOTES

In the Third Schedule,

the words in the first pair of square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 1(c), with effect from 1st May, 2016;⁵

the words omitted in the second pair of square brackets were repealed by the Importation of Hay, Straw and Litter (Amendment) Ordinance, 1988, section 1(c), with effect from 17th March, 1988;

paragraph 3 was substituted by the Importation of Hay, Straw and Litter (Amendment) Ordinance, 1961, section 1(b), with effect from 16th January, 1961.

FOURTH SCHEDULE

Section 3

1. The merchandise must be accompanied by a declaration signed by the exporter and countersigned by a responsible Government Official of the country of origin to the effect that the hay, straw or litter used in the packing of the said goods is clean and has been stored or kept in store free from contact with any animal likely to be affected with Foot and Mouth Disease for a period of three months prior to its use, or has been treated by one of the three following methods –
 - (a) subjected to the action of live steam in a closed compartment, a temperature of not less than 185 degrees Fahrenheit being maintained in all parts of the compartment for a period of at least ten minutes,
 - (b) placed loosely in a compartment having a temperature of not less than 65 degrees Fahrenheit, and thoroughly sprayed with 10 fluid ounces of formaldehyde solution (containing not less than 37 per centum of formaldehyde by weight) for each 1,000 cubic feet of space in the compartment, the compartment being immediately closed in such manner as to prevent the escape of the formaldehyde vapour, and being kept closed for not less than eight hours, or
 - (c) placed loosely in a closed compartment and subjected to the action of heat in the presence of moisture at a temperature of not less than 260 degrees Fahrenheit, this temperature being maintained throughout the whole of the chamber for a period of not less than two hours.

2. In the event of the conditions contained in Section 1 not having been complied with, all hay, straw or litter in which the merchandise is packed shall, on arrival, at the discretion of the [Chief Executive of the States of Guernsey] –
 - (1) be destroyed at the importer's expense in such manner as may be prescribed by the said [Chief Executive of the States of Guernsey], or
 - (2) together with the goods with which they are used, be kept at the importer's expense in bonded store for a period as will provide that three months shall elapse from the date of shipment to the date of release.

NOTE

In the Fourth Schedule, the words in square brackets were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 3, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

FIFTH SCHEDULE

Ordonnance relative à l'Importation en cette Île de Marchandises emballées dans de la Paille, du Foin ou autre Litière—(VII—1929) of the 9th day of February, 1929.

Ordonnance ayant rapport à l'Importation de Foin, Paille et Litière (1938)—(XLVII—1938).

Ordonnance ayant rapport à l'Importation de Foin, Paille et Litière (No. 5) 1938—(XLVIII—1938).

Ordonnance permettant l'Importation de Foin, Paille, et Litière de l'Irlande du Nord et de l'Eire, 1939—(LXI—1939).

Ordonnance ayant rapport à l'Importation de Foin, Paille et Litière de la Grande Bretagne (1945)—(XXXI—1945).

Hay and Straw Import (South Africa) Ordinance, 1947—(XXVIII—1947).

¹ The words "Committee for the Environment & Infrastructure" were previously substituted by the States Agricultural and Milk Marketing Board (Transfer of Functions) Ordinance, 2001, section 3, Schedule 2, paragraph 8, with effect from

21st January, 2002; by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 2, 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 them from the Agriculture and Countryside Board and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 2, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions, rights and liabilities of the Agriculture and Countryside Board were previously transferred to it from the States Agricultural and Milk Marketing Board by the States Agricultural and Milk Marketing Board (Transfer of Functions) Ordinance, 2001, section 1, Schedule 1, paragraph 7, with effect from 21st January, 2002, subject to the savings and transitional provisions in section 2 of the 2001 Ordinance; the functions, rights and liabilities of the States Agricultural and Milk Marketing Board were previously transferred to it from the States Committee for Agriculture by the States Committee for Agriculture (Transfer of Functions) Ordinance, 1987, section 1, Schedule, with effect from 1st March, 1987, subject to the savings in section 3 of the 1987 Ordinance; the functions, rights and liabilities of the States Committee for Agriculture were previously transferred to it from the States Committee for Agriculture and Fisheries by the States Committee for Agriculture and Fisheries (Transfer of Functions) Ordinance, 1962, section 1, with effect from 12th December, 1962, subject to the savings in section 2 of the 1962 Ordinance.

³ These words were previously substituted by the Importation of Hay, Straw and Litter (Amendment) Ordinance, 1988, section 1(a), with effect from 17th March, 1988; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 2, with effect from 6th May, 2004.

⁴ These words were previously substituted by the Importation of Hay, Straw and Litter (Amendment) Ordinance, 1988, section 1(a), with effect from 17th March, 1988; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 2, with effect from 6th May, 2004.

⁵ These words were previously substituted by the Importation of Hay, Straw and Litter (Amendment) Ordinance, 1988, section 1(a), with effect from 17th March, 1988; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 2, with effect from 6th May, 2004.