

GREFFE
ROYAL COURT

30 JUN 2010

GUERNSEY

GUERNSEY STATUTORY INSTRUMENT

2010 No. 61

The Tomatoes (Control of Importation) Order, 2010

Made

29 June 2010

Coming into operation

1 July 2010

Laid before the States

2010

THE COMMERCE AND EMPLOYMENT DEPARTMENT, in exercise of the powers conferred on it by section 13 of the Import and Export (Plant Health) Ordinance, 1982, as amended,^a and all other powers enabling it in that behalf, hereby orders:-

Prohibition of Importation

1. The importation into the Islands of tomatoes, other than pre-packed tomatoes, that originate in Spain, including the Canary Islands, or Morocco is prohibited.

Interpretation.

2. In this Order:

“the Islands” means the Islands of Guernsey, Herm and Jethou; and

“pre-packed tomatoes” means tomatoes put into packaging in such a way that, whether wholly or only partly enclosed, they cannot be altered without opening or changing the packaging, and are ready for sale to the ultimate consumer or to a catering establishment.

3. The Interpretation (Guernsey) Law, 1948^b applies to the interpretation of this Order.

^a Recueil d'Ordonnances Tome XXII, p. 219; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Import and Export (Plant Health) (Amendment) Ordinance, 1984 (Recueil d'Ordonnances Tome XXIII, p. 70); the Import and Export (Plant Health) (Amendment) Ordinance, 1987 (Recueil d'Ordonnances Tome XXIV, p. 78); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003). See also the Customs and Excise (General Provisions) (Bailiwick of Guernsey) (Amendment) Law, 1991 (No. XIII of 1991).

^b Ordres en Conseil Vol. XIII, p. 355.

Citation and commencement.

4. This Order may be cited as the Tomatoes (Control of Importation) Order, 2010 and shall come into force on 1 July 2010.

Dated this 29th day of June, 2010



Deputy C.S. McNulty Bauer

Minister of the States Commerce and Employment Department

For and on behalf of the Department

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prohibits the importation into Guernsey, Herm and Jethou of tomatoes, other than pre-packed tomatoes, that originate in Spain or Morocco. For the purposes of the Order, Spain includes the Canary Islands.

The Tomato Leaf Miner, *Tuta absoluta*, is a devastating tomato pest that is a serious threat to tomato production. This pest can be transmitted in the tomato fruit and has been found in tomatoes that originate in Spain and Morocco.

Tomato production in Guernsey relies heavily of biological controls in order to exploit the opportunity to market such production as “chemical-free”.

At the present time, there is no biological control for *Tuta absoluta* and until such a control becomes available, the Commerce and Employment Department considers that it is necessary to protect Island tomato production from this pest by prohibiting the importation of tomatoes that originate in Spain and Morocco.

Loose tomatoes represent a higher risk of import of *Tuta absoluta* compared to pre-packed tomatoes, which are subject to significantly higher levels of scrutiny and quality checks in the packhouse.