

PROJET DE LOI

ENTITLED

The Noxious Weeds (Guernsey) Law, 1952 *

[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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* Ordres en Conseil Vol. XV, p. 276; as amended by the States Committee for Agriculture and Fisheries (Transfer of Functions) Law, 1963 (Ordres en Conseil Vol. XIX, p. 126); the States Committee for Agriculture (Transfer of Functions) (Guernsey) Law, 1988 (Ordres en Conseil Vol. XXXI, p. 16); the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); 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 Noxious Weeds (Amendment) Ordinance, 2001 (No. XLI of 2001, Recueil d'Ordonnances Tome XXVIII, p. 522); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). This Law is prospectively repealed by the Plant Health (Enabling Provisions) (Guernsey) Law, 2014 (No. X of 2014).

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ARRANGEMENT OF SECTIONS

1. Existence of weeds not permitted.
2. Powers of Committee, etc.
3. Ordinances.
4. Offences and penalties.
5. Definitions.
6. Repeal.

SCHEDULE Noxious weeds.

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THE STATES, in pursuance of their Resolution of the 27th day of February, 1952, have approved the following provisions, which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

Existence of weeds not permitted.

1. An occupier of land shall not permit the existence thereon of a noxious weed which is in flower or in seed.

Powers of [Committee], etc.

2. (1) A person authorised in that behalf by [the Committee] may enter upon any land on which there is in flower or in seed any noxious weed and may take such action thereon as he may deem necessary to prevent the spread of seed therefrom.

(2) Any expense incurred by or on behalf of [the Committee] under the last preceding subsection may be recovered by [the Committee] as a civil debt from the occupier of the land in relation to which the expense was incurred.

(3) Any person authorised in that behalf by [the Committee] may enter upon and inspect any land (other than a building) for the purpose of ascertaining whether there are noxious weeds in flower or in seed thereon.

(4) Any person entering on land under the provisions of this section shall, if so required, produce to the occupier thereof or to any person authorised by the occupier to require such production, a written authorisation under this section, signed by the [President] of [the Committee].

(5) [The Committee] shall give not less than twenty-four hours

notice of any intended entry on land under this section. Such notice shall be in writing and delivered to the occupier of the land or, if after reasonable inquiry he cannot be found, shall be left on the land.

NOTE

In section 2, the words, first, "Committee" and "the Committee" and, second, "President" in square brackets, wherever occurring, 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

Ordinances.

3. The States may from time to time pass such Ordinances as they may deem necessary for the due execution of this Law or for the amendment of the Schedule thereto.

NOTE

The following Ordinance has been made under section 3:

Noxious Weeds (Amendment) Ordinance, 2001.

Offences and penalties.

4. Any person contravening a provision of this Law or of any Ordinance passed thereunder or who obstructs or attempts to obstruct any person duly authorised under section two of this Law in the execution of his duties shall be guilty of an offence and liable on conviction for a first offence to a fine not exceeding [level 1 on the uniform scale] and for a second or subsequent offence to a fine not exceeding [level 2 on the uniform scale].

NOTES

In section 4,

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

Definitions.

5. In this Law the expression "[**the Committee**]" means the States [Committee for the Environment & Infrastructure] [...] and the expression "**noxious weed**" means any of the weeds set out in the Schedule to this Law.

NOTES

In section 5,

the words, first, "the Committee" and, second, "Committee for the Environment & Infrastructure" in square brackets 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;²

the words omitted in the third pair of square brackets were repealed by the States Committee for Agriculture and Fisheries (Transfer of Functions) Law, 1963, section 1, with effect from 11th April, 1963.

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 Law 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.³

Repeal.

6. The Loi relative aux Mauvaises Herbes, registered on the Records of this Island on the 16th day of July, 1927, is hereby repealed.

NOTE

The Law received Royal Sanction on 18th July, 1952 and was registered on the Records of the Island of Guernsey and came into force on 16th August, 1952.

[SCHEDULE
NOXIOUS WEEDS

COMMON NAME	SCIENTIFIC NAME	PATOIS NAME	REVISED NAME
Common ragwort	<i>Senecio jacobaea</i>	Mèque	Mécque
Hemlock water dropwort	<i>Oenanthe crocata</i>	Pain-faie	Pôin-feis
Spear thistle	<i>Cirsium vulgare</i>	Chardon béni	Cardaon beni
Creeping thistle	<i>Cirsium arvense</i>	mauvais létion	P' tit cardaon

NOTE

The Schedule was substituted by the Noxious Weeds (Amendment) Ordinance, 2001, section 1, with effect from 1st November, 2001.

¹ The word "President" was previously substituted 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 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 1, with effect from 21st January, 2002; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 2, with effect from 6th May, 2004.

3 The functions, rights and liabilities of the Commerce and Employment Department and its Minister arising under or by virtue of this Law 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 Agricultural and Milk Marketing Board by the States Agricultural and Milk Marketing Board (Transfer of Functions) Ordinance, 2001, section 1, Schedule 1, paragraph 1, 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 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) (Guernsey) Law, 1988, section 1(a), with effect from 3rd May, 1988, subject to the savings in section 4 of the 1988 Law.