

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Live Poultry Importation Ordinance, 1950 *

[CONSOLIDATED TEXT]

NOTE

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* Recueil d'Ordonnances Tome X, p. 107; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Live Poultry and Pigeons Control Ordinance, 1952 (Recueil d'Ordonnances Tome X, p. 316); 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 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 Live Poultry and Pigeons Control Ordinance, 1952 (*supra*).

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ARRANGEMENT OF SECTIONS

1. Importation of certain live poultry prohibited.
- 2-3. Powers of Committee.
4. Section 4.
5. Definitions.
6. Repeals.
7. Commencement.

(Made on 8th November, 1950.)

The Live Poultry Importation Ordinance, 1950

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

Importation of certain live poultry prohibited.

1. A person shall not, without a licence in that behalf from [the Committee], import or attempt to import into this Island any live poultry other than poultry directly imported from the Island of Jersey or from another Island of this Bailiwick.

NOTES

In section 1, the words in square brackets were 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.

In accordance with the provisions of the Live Poultry and Pigeons Control Ordinance, 1952, section 2, with effect from 11th December, 1952, this Ordinance may, when cited together with the 1952 Ordinance, be cited as the Live Poultry and Pigeons Control Ordinances, 1950 and 1952.

Powers of [Committee].

2. For the purpose of preventing the introduction or spread of disease, [the Committee] may refuse to grant a licence under the last preceding section or may attach to the grant thereof such conditions as they may think fit, and may at any time vary such conditions or any of them. They may further at any time revoke any licence granted by them.

NOTE

In section 2, and the marginal note thereto, the words in square brackets were 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.

[3. (i) Notwithstanding the provisions of section one of this

Ordinance, [the Committee] may from time to time by order prohibit, restrict, or impose conditions on the importation of live poultry into this Island from any of the Islands of Jersey, Alderney or Sark and the importation of live poultry into the Island of Guernsey from either of the Islands of Herm or Jethou.

(ii) [The Committee] may from time to time by order prohibit, restrict, or impose conditions on the importation into or exportation from this Island of pigeons from or to any place outside this Island and their importation into or exportation from the Island of Guernsey from or into either of the Islands of Herm or Jethou.]

NOTES

Section 3 was substituted by the Live Poultry and Pigeons Control Ordinance, 1952, section 1(A), with effect from 11th December, 1952.

In section 3, the words "T/the Committee" in square brackets, wherever occurring, were 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 3:

*Live Poultry (Importation) (Revocation) Order, 1952;
Live Poultry (Importation) (Revocation) Order, 1953;
Import and Export of Live Pigeons (Prohibition) (Revocation) Order, 1957;
Live Poultry and Pigeons Control (Revocation) Order, 1957;
Live Poultry and Pigeons Control (Revocation) Order, 1958;
Live Poultry Importation (Repeal) Order, 1987.*

Section 4.

[4. (1) A person contravening any of the provisions of this Ordinance or of any order made thereunder or who, having been granted an import or export licence thereunder, infringes any condition attached to the grant of that licence, shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 1 on the uniform scale], and the Court may, in addition thereto, order the destruction or other disposal of the poultry or pigeons to which the conviction relates, at the expense of the convicted person.

(2) The [Chief Executive of the States of Guernsey], in agreement with the [President] of [the Committee], may order –

- (a) in respect of any poultry or pigeons importation into this Island, the presence of which, in his opinion, constitutes an immediate danger to the poultry industry or agricultural industry of this Island –
 - (i) that they be destroyed if they are not exported from the Island within such period as he shall prescribe (and any such poultry or pigeons which are to be exported from the Island shall be isolated in such place and manner as he shall prescribe until they are exported), or
 - (ii) that they be placed in quarantine in such place, for such period and under such conditions as he may direct,

- (b) in respect of any poultry or pigeons importation into this Island for which a certificate required by or under any order made or licence granted under this Ordinance has not been provided, that they be examined by a person appointed by him and thereafter –
 - (i) that they be forthwith delivered to the importer, or
 - (ii) that they be forthwith returned to the sender, or
 - (iii) that they be detained in his custody until the said certificate has been provided.

(3) The charges for or in connection with any action taken under this section shall be recoverable as a civil debt from the importer of the poultry or pigeons concerned.]

NOTES

Section 4 was substituted by the Live Poultry and Pigeons Control Ordinance, 1952, section 1(B), with effect from 11th December, 1952.

In section 4,

the words in square brackets in subsection (1) 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 first pair of square brackets in subsection (2) 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;

the words in, first, the second and, second, the third pairs of square brackets in subsection (2) were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 2, Schedule 1, paragraph 1(c), Schedule 2, Part 1, paragraph 2 and section 5(1), Schedule 3, paragraph 5, with effect from 1st May, 2016.¹

Definitions.

5. For the purposes of this Ordinance, the expression "**poultry**" shall mean domestic fowls, turkeys, geese, ducks and guinea-fowls, and the expression "[**the Committee**]" shall mean the States of Guernsey [Committee for the Environment & Infrastructure][, and the expression "**this Island**" shall mean the Islands of Guernsey, Herm and Jethou.]

NOTES

In section 5,

the words in the first and second pairs of 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 in the third pair of square brackets were substituted by the Live Poultry and Pigeons Control Ordinance, 1952, section 1(C), with effect from 11th December, 1952.

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.*³

Repeals.

6. The Ordonnance relative à l'Importation dans cette Île de la Volaille Vivante et des Oeufs pour l'Incubation, passed on the 12th day of May, 1934, and the Ordonnance suspendant l'opération de l'Ordonnance relative à l'Importation dans cette Île de la Volaille Vivante et des Oeufs pour l'Incubation, passed on the 31st day of October, 1936, are hereby repealed.

Commencement.

7. This Ordinance shall come into force on the 1st day of December, 1950.

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 9, 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 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 9, 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.