

ORDER IN COUNCIL

XII

1973

ratifying a Projet de Loi

ENTITLED

The Marketing (Produce other than Tomatoes) (Guernsey) Law, 1973

(Registered on the Records of the Island of Guernsey
on the 23rd day of August, 1973.)



1973.

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 23rd day of August, 1973, before John Henry Loveridge, Esquire, C.B.E., Bailiff; present:— Bertram Guy Blampied, Esquire, O.B.E., Claude Fortescue Nason, Esquire, Gilbert Carey de Jersey, Esquire, C.B., D'Arcy George Le Tissier, Esquire, Edward James Lainé, Esquire, C.B.E., D.F.C., Jean Le Pelley, Walter Francis Robin, Richard Alan Kinnersly, Richard Brook Sutcliffe and Richard Oliver Symons, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 16th day of July, 1973, ratifying a *Projet de Loi* entitled "The Marketing (Produce other than Tomatoes) (Guernsey) Law, 1973", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 16th day of July 1973

PRESENT,

The Queen's Most Excellent Majesty in Council

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 9th day of July 1973, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That, in pursuance of their Resolution of the 14th day of December 1972, the States of Deliberation at a meeting held on the 1st day of March 1973, approved a Bill or “Projet de Loi” entitled “The Marketing (Produce other than Tomatoes) (Guernsey) Law, 1973” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Marketing (Produce other than Tomatoes) (Guernsey) Law, 1973” and to order that the same shall have force of law in the Island of Guernsey.’

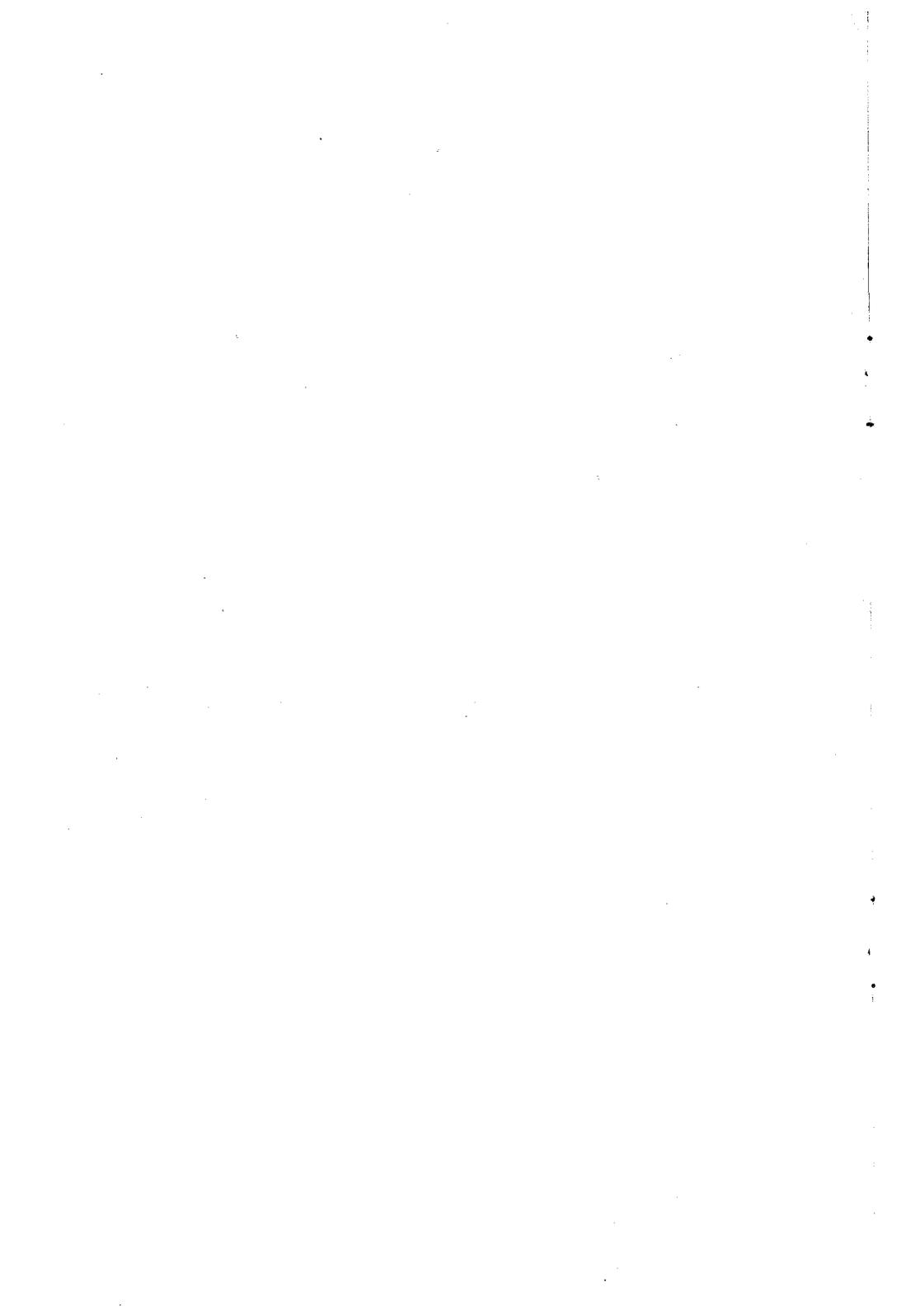
“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi.”

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty’s Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. G. Agnew.



Projet de Loi referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

The Marketing (Produce other than Tomatoes) (Guernsey) Law, 1973

THE STATES, in pursuance of their Resolution of the fourteenth day of December, nineteen hundred and seventy-two, 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.

1. Notwithstanding anything in the Tomato Marketing (Guernsey) Law, 1952, as amended (hereinafter referred to as "the Law of 1952")^(a), the Board may exercise the powers and shall perform the duties conferred or imposed upon it by the succeeding provisions of this Law and the provisions of paragraph 1 of the First Schedule to the Law of 1952 shall apply to the Board for the purposes of this Law as they apply for the purposes of that Law.

Additional powers and duties of Tomato Marketing Board.

2. (1) The Board may, from time to time, in its absolute discretion, enter into and carry out agreements with any producer of edible horticultural produce for the exporting and marketing of any edible horticultural produce delivered by or on behalf of the producer thereof to the Board for exporting and marketing by it in accordance with any such agreement.

Power of Board to contract and disposal of proceeds of sale.

(a) Ordres en Conseil Vol. XV, p. 341.

(2) For the purposes of, and subject to the provisions of, any agreement as aforesaid, the Board:—

- (a) may receive on behalf of the producer of any edible horticultural produce exported and marketed by the Board in accordance with any such agreement the proceeds of the sale of such produce;
- (b) may deduct from the proceeds of the sale of any edible horticultural produce exported and marketed as aforesaid such sums as the Board may determine as being required for providing facilities for the preparation for export and for exporting and marketing that produce;
- (c) may deduct from the proceeds of any such sale as aforesaid any other sum which under the provisions of any such agreement it may so deduct;
- (d) shall, after any deduction in pursuance of any of the provisions of the last two preceding paragraphs from the proceeds of any such sale, pay the balance of such proceeds as aforesaid to the producer of the edible horticultural produce concerned or, if any such agreement so provides, an amount calculated in accordance with the terms of that agreement.

Arrange-
ments for
exporting
and
marketing
of produce.

3. For the purposes of carrying out any agreement entered into in pursuance of the provisions of subsection (1) of the last preceding section, the Board may negotiate and make such arrangements as it may deem necessary or expedient with carriers and other persons for the export and marketing of edible horticultural produce delivered to it in accordance with any such agreement on such terms, including

freight rates, as the Board may in its absolute discretion arrange.

4. The Board may provide such facilities as it may deem necessary or expedient:—

Provision of facilities by Board.

- (a) for the reception of edible horticultural produce delivered to it in accordance with any agreement entered into under the provisions of subsection (1) of section two of this Law;
- (b) for the preparation, sorting and grading of such produce;
- (c) for the assembly of units comprising more than one consignment of such produce for export to, and marketing at, the same destination;
- (d) for the storage of such produce awaiting export;
- (e) for the dispatch of such produce.

5. The Board may, with the authority of a Resolution of the registered producers in a meeting held in accordance with the provisions of the Law of 1952, borrow from any person and in any manner such sums as the Board may require for all or any of the purposes or circumstances set out in the Schedule to this Law.

Borrowing powers of Board.

6. (1) The Board shall:—

- (a) keep proper accounts and other records in relation to its business of exporting and marketing edible horticultural produce in accordance with the provisions of this Law; and

Accounts and audit thereof.

(b) prepare an annual statement in respect of each financial year in a form which shall conform to normal commercial standards.

(2) The accounts as aforesaid shall be audited by the auditor appointed in respect of any financial year by the registered producers in general meeting under the provisions of section eight of the Law of 1952.

(3) At every annual general meeting held in accordance with the provisions of section nine of the Law of 1952 the Board shall present for the approval of the registered producers the said accounts and report for the financial year last preceding the date of such annual general meeting together with proposals for the disposal of any surplus shown by the said accounts for consideration and determination by the said annual general meeting.

Interpretation.

7. In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“annual general meeting” means an annual general meeting of registered producers held in accordance with the provisions of section nine of the Law of 1952;

“the Board” means the Guernsey Tomato Marketing Board constituted in accordance with the provisions of the Law of 1952;

“consignment” means a consignment of edible horticultural produce all of which is consigned to the same consignee;

“edible horticultural produce” means any product of horticulture, other than tomatoes, which is edible by human beings;

“export” means export by way of trade;

“financial year” means the period beginning with the date of the coming into force of this Law and ending with the thirty-first day of October next following and any subsequent period of twelve months beginning with the end of a previous financial year;

“producer” means a person owning edible horticultural produce at the time of its export from Guernsey and includes a group of producers;

“register of producers” means the register of producers compiled under and in accordance with the provisions of the Second Schedule to the Law of 1952;

“registered producer” means a producer whose name is entered on the current register of producers and the expression “the registered producers” shall be construed accordingly.

8. This Law may be cited as the Marketing Citation.
(Produce other than Tomatoes) (Guernsey) Law,
1973.

9. This Law shall come into force on such date as Commence-
the States may by Ordinance appoint. ment.

SCHEDULE

Section five

*Purposes for and circumstances in which the Board
may borrow money.*

1. To meet the operating and administration costs of discharging its obligations under any agreement entered into under the provisions of section two of this Law.

2. To provide such sums as may, from time to time, be required by the Board for the erection of buildings and the purchase of such capital assets, including equipment, as may be necessary for the discharge of the aforesaid obligations.

R. H. VIDELO,

Her Majesty's Greffier.