

# PROJET DE LOI

ENTITLED

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

*[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. XXIV, p. 105.

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

### ARRANGEMENT OF SECTIONS

1. Additional powers and duties of Tomato Marketing Board.
2. Power of Board to contract and disposal of proceeds of sale.
3. Arrangements for exporting and marketing of produce.
4. Provision of facilities by Board.
5. Borrowing powers of Board.
6. Accounts and audit thereof.
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SCHEDULE Purposes for and circumstances in which the Board may borrow money.

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## **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.

### **Additional powers and duties of Tomato Marketing Board.**

1. Notwithstanding anything in the Tomato Marketing (Guernsey) Law, 1952, as amended (hereinafter referred to as "**the Law of 1952**")<sup>a</sup>, 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.

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#### **NOTE**

*The Tomato Marketing (Guernsey) Law, 1952 ("the Law of 1952") has since been repealed by the European Communities (Food and Feed Controls) (Guernsey) Ordinance, 2016, section 92, Schedule 11, with effect from 3rd October, 2019.*

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<sup>a</sup> Ordres en Conseil Vol. XV, p. 341.

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

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.

(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.

**Arrangements 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.

**Provision of facilities by Board.**

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

- (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.

**Borrowing powers of Board.**

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.

**Accounts and audit thereof.**

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
- (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.

**Citation.**

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

**Commencement.**

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

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**NOTE**

*The Law was brought into force on 27th March, 1974 by the Marketing (Produce other than Tomatoes) (Guernsey) Law, 1973 (Commencement) Ordinance, 1974, section 1.*

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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.