

Island of  Guernsey

Ordinance of the States

II
1951

Made 14th February, 1951
Coming into force 15th February, 1951

**The Plants and Potatoes Importation
Ordinance, 1951.**

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

1. Subject to the provisions of section 6 hereof, the landing or transhipment in this Island of—

- (i) plants other than those set out in paragraphs (ii), (iii), (iv) and (v) of this section or potatoes grown in the United States of America, the Dominion of Canada or the Continent of Europe, unless the same are shipped directly to this Island from and have previously been landed in the United Kingdom, the Republic of Ireland, the Isle of Man, the Island of Jersey or another Island of this Bailiwick ;

- (ii) plants of sugar-beet or mangold of the species *Beta Vulgaris*, Linn ;
 - (iii) all species of the genus *Castanea* (Chestnut) or the genus *Populus* (Poplar) ;
 - (iv) all species of the genera *Abies* (Silver Fir), *Larix* (Larch), *Picea* (Spruce), *Pinus* (Pine), *Pseudotsuga* (Douglas Fir), *Sequoia* (Red woods, Wellingtonia), *Thuya* (Western red cedar, *Abor vitae*) or *Tsuga* (Hemlock) of the order *Pinaceae* ;
 - (v) chrysanthemum plants ;
- is hereby prohibited.

2. Notwithstanding any of the provisions of sections 1 and 4 hereof, there shall be no restriction on the landing or transshipment in this Island of plants landed in or grown in and shipped directly to this Island from the United Kingdom, the Republic of Ireland, the Isle of Man, the Island of Jersey or another Island of this Bailiwick, or of potatoes grown in and shipped directly to this Island from one of the other Islands of this Bailiwick :

PROVIDED that the Committee may at any time by order published in *La Gazette Officielle*, prohibit or restrict, on such terms and conditions, if any, as may be specified in the order, such landing or transshipment as aforesaid.

PROVIDED FURTHER that every order coming into effect by virtue of this section shall be laid before the States as soon as may be after the making thereof in such manner as the States may, by general resolution, from time to time direct and if, at the Meeting of the States in the course of which any order made by the Com-

mittee is laid before them or at the next subsequent Meeting, the States resolve that the order be annulled, the order shall cease to have effect but without prejudice to anything previously done thereunder or to the making by the Committee of any new order.

3. Potatoes grown in and shipped directly to this Island from the United Kingdom, the Republic of Ireland, the Isle of Man or the Island of Jersey may be landed or transhipped in this Island without restriction if they are accompanied by such certificate in relation to wart disease (*synchytrium endobioticum*) and potato eelworm (*heterodera rostochiensis*) as the Committee may from time to time prescribe.

4. Subject to the foregoing sections hereof, the landing or transshipment in this Island of plants or potatoes is hereby prohibited unless the same are accompanied by such certificate, signed by a duly authorised official of the Phytopathological Service of the country from which the same are imported into this Island, in such form as the Committee may from time to time prescribe.

5. Where any consignment of plants or potatoes is by this Ordinance required to be accompanied by a certificate, the original of such certificate shall be forwarded by post to the States Supervisor by the exporter of the consignment before the consignment is dispatched, and two copies of the certificate shall accompany the consignment, unless the consignment is sent by post, in which case a copy of the certificate shall be attached to each package of the consignment.

6. Notwithstanding any provision hereinbefore contained, the Committee may at any time in their discretion permit the landing or transshipment, on

such terms and conditions, if any, as they may impose, of any plants or potatoes.

7. Any person who has or has had in his possession or under his control plants or potatoes which have been landed in this Island, or who has sold or offered for sale any such plants or potatoes, shall, if so required in writing by the States Supervisor or the President of the Committee or a person authorised in that behalf by either of them, give to the person so requiring it information, to the best of his knowledge, as to the place of origin of the plants or potatoes in question, as to any dealings or transactions concerning the same and as to any persons concerned in such dealings or transactions:

PROVIDED that such information shall not be available as evidence against the person giving the same in any prosecution under this Ordinance other than a prosecution in respect of an alleged breach of the provisions of this section.

8. (1) A person contravening any of the provisions of this Ordinance shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds, and the Court may, in addition thereto, order the destruction or other disposal of the plants or potatoes to which the conviction relates at the expense of the convicted person.

(2) The States Supervisor, in agreement with the President of the Committee, may order—

(a) in respect of any plants or potatoes landed or transhipped in this Island, the presence of which in his opinion constitutes an immediate danger to the horticulture or agriculture of this Island,

(i) that they be destroyed; or

(ii) that they be treated in such manner as he may direct and thereafter delivered to the importer;

(b) in respect of any plants or potatoes landed or transhipped in this Island for which the documents required by or under this Ordinance have 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 treated in such manner as he may direct, and thereafter that either of the courses indicated in the two last preceding sub-paragraphs be adopted; or

(iv) that they be detained in his custody until the said documents have been provided.

(3) Charges for or in connection with any action taken under this section shall be recoverable as a civil debt from the importer of the articles concerned.

9. The enactments set out in the Schedule hereto are hereby repealed.

10. In this Ordinance, unless the context otherwise requires—

“Committee” means the States Committee for Agriculture and Fisheries ;

“importer” includes any person who, whether as owner, consignor or consignee, agent or broker, is in possession of or in any way

entitled to the custody or control of the article imported ;

“ this Island ” includes the Islands of Herm and Jethou ;

“ plant ” includes trees and shrubs and the fruit, tubers, bulbs, corms, rhizomes, roots, layers, cuttings and other parts of a plant, except the seeds, and all raw vegetables, including tomatoes but not including potatoes ;

“ potato ” includes potato haulms, leaves and stalks.

11. This Ordinance shall come into force on the 15th day of February, 1951.

SCHEDULE

Ordonnance relative à la Maladie Contagieuse dans les Vignes, made permanent on the 30th day of September, 1895.

Ordonnance relative à l'Importation en cette Ile de Groseillers et de Boutures de Groseillers, made permanent on the 5th day of October, 1931.

Ordonnance relative à l'Importation de Plantes, 1936.

Ordonnance supplémentaire à l'Ordonnance relative à l'Importation de Plantes, 1936, of the 23rd day of December, 1936.

Ordonnance supplémentaire à l'Ordonnance relative à l'Importation de Plantes, 1937.

The Importation of Bulbs Ordinance, 1946 to 1949.

The Shallots (Holland) Ordinance, 1948.

The Products of the Soil Importation Ordinances, 1946 and 1949.

The Products of the Soil Importation Amendment Ordinance, 1949.

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