

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Poultry and Hatching Eggs (Importation and Exportation) Ordinance, 1962 *

[CONSOLIDATED TEXT]

NOTE

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* Recueil d'Ordonnances Tome XIII, p. 130; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the States Committee for Agriculture and Fisheries (Transfer of Functions) Ordinance, 1962 (Recueil d'Ordonnances Tome XIII, p. 251); the Poultry and Hatching Eggs (Importation and Exportation) (Amendment) Ordinance, 1981 (Recueil d'Ordonnances Tome XXII, p. 107); 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 Avian Influenza (Precautionary Measures) and Miscellaneous Provisions (Amendment) Ordinance, 2006 (No. XXXIV of 2006); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016). See also the Poultry and Hatching Eggs (Importation and Exportation) (Amendment) Ordinance, 1981 (*supra*).

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ARRANGEMENT OF SECTIONS

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(Made on 30th May, 1962.)

The Poultry and Hatching Eggs (Importation and Exportation) Ordinance, 1962

THE STATES, in pursuance of their Resolution of the ninth day of March, nineteen hundred and sixty, and on the representations of the States Committee for Agriculture and Fisheries, hereby order: –

[Prohibition on importation of hatching eggs without licence.]

1. (1) Subject to the succeeding provisions of this Ordinance, a person shall not import or attempt to import hatching eggs into this Island, otherwise than in accordance with a licence granted by the [Committee] in that behalf.

(2) A person desirous of obtaining a licence for the purposes of the last preceding subsection may make application in that behalf to the [Committee] and upon the receipt of such an application the [Committee] may either –

- (a) grant the licence, or
- (b) refuse to grant the licence, or
- (c) grant the licence subject to such conditions as the [Committee] may think it necessary or expedient to impose.

(3) The [Committee] may, from time to time, revoke or vary any conditions attached to any licence granted in pursuance of the provisions of the last preceding subsection or may revoke any such licence.]

NOTES

Section 1 was substituted by the Poultry and Hatching Eggs (Importation and Exportation) (Amendment) Ordinance, 1981, section 1(a), with effect from 1st October, 1981.

In section 1, the word "Committee" in square brackets, wherever occurring, was 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 Poultry and Hatching Eggs (Importation and Exportation) (Amendment) Ordinance, 1981, section 3, with effect from 1st October, 1981, this Ordinance may, when cited together with the 1981 Ordinance, be cited as the Poultry and Hatching Eggs (Importation and Exportation) Ordinances, 1962 and 1981.

Exceptions.

2. ...

NOTE

Section 2 was repealed by the Avian Influenza (Precautionary Measures) and Miscellaneous Provisions (Amendment) Ordinance, 2006, section 34, Schedule 4, paragraph 2, with effect from 27th September, 2006.

Prohibitions on exportation.

3. (1) A person shall not export or attempt to export from this Island live poultry, poultry carcasses (other than carcasses which are fully cooked) or eggs to the United Kingdom, the Republic of Ireland, the Isle of Man, the Island of Jersey, the Island of Alderney or the Island of Sark otherwise than in accordance with a licence granted by the [Committee] in that behalf.

(2) A person desirous of obtaining a licence for the purposes of the last preceding subsection may make application in that behalf to the [Committee] and upon the receipt of such an application the [Committee] may either –

- (a) grant the licence,
- (b) refuse to grant the licence, or
- (c) grant the licence subject to such conditions as the [Committee] may think it necessary or expedient to impose.

(3) The [Committee] may, from time to time, revoke or vary any conditions attached to any licence granted in pursuance of the provisions of the last preceding subsection or may revoke any such licence.

NOTE

In section 3, the word "Committee" in square brackets, wherever occurring, was 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.

Prohibitions on hatching.

4. ...

NOTE

Section 4 was repealed by the Avian Influenza (Precautionary Measures) and Miscellaneous Provisions (Amendment) Ordinance, 2006, section 34, Schedule 4, paragraph 2, with effect from 27th September, 2006.¹

[Powers of the [Committee].]

5. (1) [The [Committee] may order] –

(a) in respect of any eggs imported into this Island which, in the opinion of the States Veterinary Officer, constitute a danger to the poultry industry of this Island, that they be destroyed,

(b) ...

(2) 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 eggs concerned.

NOTES

In section 5,

the marginal note thereto was substituted by the Poultry and Hatching Eggs (Importation and Exportation) (Amendment) Ordinance, 1981, section 1(c), with effect from 1st October, 1981;

the words in square brackets in subsection (1) were substituted by the Poultry and Hatching Eggs (Importation and Exportation) (Amendment) Ordinance, 1981, section 1(d), with effect from 1st October, 1981;

the word "Committee" in square brackets, wherever occurring, was 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;

paragraph (b) of subsection (1) was repealed by the Avian Influenza (Precautionary Measures) and Miscellaneous Provisions (Amendment) Ordinance, 2006, section 34, Schedule 4, paragraph 2, with effect from 27th September, 2006.

Offences.

6. Any person who contravenes any of the provisions of this Ordinance or fails to comply with any condition attached to the grant of a licence in pursuance of the provisions of [subsection (2) of section one or] subsection (2) of section three of this Ordinance shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the uniform scale] and the court may, in addition, order the seizure, destruction or other disposal of any eggs to which the conviction relates at the expense of the convicted person.

NOTES

In section 6,

the words in the first pair of square brackets were inserted by the Poultry and Hatching Eggs (Importation and Exportation) (Amendment) Ordinance, 1981, section 1(e)(i), with effect from 1st October, 1981;

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(2), with effect from 1st July, 1989.²

Interpretation.

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

"carcase" means the carcase of poultry and any part of any carcase,

"[Committee]" means the States [Committee for the Environment & Infrastructure],

"eggs" means the eggs of poultry,

[...]

"fully cooked" means, in connection with a carcase, cooked throughout the whole of its substance as to render it unnecessary for it to be further cooked before being used for human consumption,

"this Island" means the Islands of Guernsey, Herm and Jethou,

"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 eggs imported,

"poultry" means domestic fowl, turkeys, geese, ducks and guinea fowl,

"States Veterinary Officer" includes any person nominated by the States [Committee for Home Affairs] to carry out any special duties in relation to this Ordinance.

NOTES

In section 7,

the words in the first and second pairs of square brackets in the definition of the expression "Committee" 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;³

the words omitted in the third pair of square brackets were repealed by the Avian Influenza (Precautionary Measures) and Miscellaneous Provisions (Amendment) Ordinance, 2006, section 34, Schedule 4,

paragraph 2, with effect from 27th September, 2006;

the words in square brackets in the definition of the expression "States Veterinary Officer" were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 6(a), with effect from 1st May, 2016.⁴

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.⁵

The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Committee for Home Affairs and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 6(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.⁶

Citation.

8. This Ordinance may be cited as the Poultry and Hatching Eggs (Importation and Exportation) Ordinance, 1962.

Commencement.

9. This Ordinance shall come into force on the first day of June, nineteen hundred and sixty-two.

¹ Prior to its repeal, section 4 was amended by the Poultry and Hatching Eggs (Importation and Exportation) (Amendment) Ordinance, 1981, section 1(b), with effect from 1st October, 1981.

² These words and figure were previously substituted by the Poultry and Hatching Eggs (Importation and Exportation) (Amendment) Ordinance, 1981, section 1(e)(ii), with effect from 1st October, 1981.

³ 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 14, 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.

⁴ These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 3(a), with effect from 6th May, 2004.

⁵ 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 States 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 14, 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.

⁶ The functions, rights and liabilities of the Home Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them from the States Board of Administration and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 3(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.