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**The Safety of Employees (Growing
Properties) Ordinance, 1954**

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The Safety of Employees (Growing Properties) Ordinance, 1954

THE STATES, in exercise of the powers conferred on them by the Health, Safety and Welfare of Employees Law, 1950, and of all other powers thereunto them enabling, and in pursuance of their Resolution of the first day of October, nineteen hundred and fifty-two, hereby order:—

PART I

Interpretation

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

“the Authority” means the Administering Authority constituted by the States under the Health, Safety and Welfare of Employees Law, 1950;

“contravention” includes, in relation to any provision, a failure to comply with that provision and the expression “contravene” shall be construed accordingly;

“driving-belt” includes any driving strap or rope;

“employer” means the employer of a protected worker;

“face-shield” means a shield covering the whole of the forehead and face, so designed as to protect the forehead and face from being splashed by a poisonous substance;

- “growing property” means any place, having one or more greenhouses erected thereon, at which a person or persons is or are employed in manual labour in any process for or incidental to the growing by way of trade in that greenhouse or in any of those greenhouses of fruit, vegetables, flowers, roots, ferns or any vegetable product whatsoever;
- “hood” means a hat or other covering to the head, so designed as to protect the forehead and back and sides of the neck;
- “inspector” means a person appointed by the Authority to execute and perform the powers and duties of an inspector under this Ordinance;
- “machinery” includes any driving-belt;
- “mackintosh” means a waterproof coat covering the whole of the body except the head, the hands and below the knees;
- “maintained” means maintained in an efficient state, in efficient working order and in good repair;
- “overall” means an overall with fastenings at the neck and wrists covering all clothing other than headgear, rubber boots and such parts of rubber gloves as extend below the wrists;
- “poisonous substance” has the meaning assigned to it by section fifteen of this Ordinance;
- “prescribed” means prescribed by the Authority;
- “prime mover” means any engine, motor or other appliance which provides mechanical energy derived from steam, water, wind, electricity, the combustion of fuel or other source;
- “protected worker” means a person employed under a contract of service or apprenticeship at a growing property—

- (a) in connection with the use at the growing property of a poisonous substance; or
- (b) at which a poisonous substance has been or is being used;

“protective clothing” includes protective equipment, respirators, face-shields, hoods, mackintoshes, overalls, rubber aprons, rubber boots, rubber coats, rubber gloves, and sou'westers;

“regulated operation” has the meaning assigned to it by section eighteen of this Ordinance;

“respirator” means a filtering apparatus covering the whole of the face so designed as to ensure the person wearing it of a supply of air adequate for respiration and to eliminate so far as practicable the risk of pollution by a poisonous substance of the air which is breathed;

“rubber” includes synthetic rubber, oilskin and other substances or materials impermeable in the circumstances in which they are used to liquids and gases;

“rubber apron” means a rubber apron covering the front and sides of the body from immediately below the shoulders to at least three inches below the knees;

“rubber boots” means rubber boots extending from the feet upward to at least immediately below the knees;

“rubber coat” means a rubber coat covering the whole of the body except the head, the hands and below the knees;

“rubber gloves” means rubber gloves or gauntlets completely covering the hands, and fitting sufficiently closely around the wrists and fore-

arms to be covered by the sleeves of a mackintosh, an overall or rubber coat, when worn together with any of such articles of protective clothing;

“sou'wester” means a rubber hat or other covering which completely covers the head (other than the face), and is so shaped as to protect the back of the neck from falling spray;

“spraying apparatus” includes any apparatus or device through or by means of which a poisonous substance is discharged or is permitted to escape, after being extracted from the tank or container in which it is for the time being stored;

“transmission machinery” means every shaft, wheel, drum, pulley, system of fast and loose pulleys, coupling, clutch, driving-belt or other device by which the motion of a prime mover is transmitted to or received by any machine or appliance;

“wetter” means a chemical agent which when added to a poisonous substance promotes on the surface of a solid (including rubber) the formation of a continuous liquid film;

“woman” means a woman who has attained the age of eighteen years;

“young person” means a person who has attained the age of fourteen years and has not attained the age of eighteen years.

PART II

Safety (general provisions)

Prime
movers.

2. (1) At every growing property every flywheel directly connected to any prime mover and every moving part of any prime mover, except such prime

movers as are mentioned in subsection (2) of this section, shall be securely fenced, whether the flywheel or prime mover is situated in an engine house or not.

(2) At every growing property every part of electric generators, motors and rotary convertors, and every flywheel directly connected thereto, shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working at the growing property as it would be if securely fenced.

3. (1) At every growing property every part of the transmission machinery shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working at the growing property as it would be if securely fenced.

Transmis-
sion
machinery.

(2) Efficient devices or appliances shall be provided and maintained at every growing property in every room or place where work is carried on by which the power can promptly be cut off from the transmission machinery in that room or place.

(3) Any driving-belt when not in use at any growing property shall not be allowed to rest or ride upon a revolving shaft which forms part of the transmission machinery.

(4) At every growing property suitable striking gear or other efficient mechanical appliances shall be provided and maintained and used to move driving-belts to and from fast and loose pulleys which form part of the transmission machinery, and any such gear or appliances shall be so constructed, placed and maintained as to prevent the driving-belt from creeping back on to the fast pulley.

(5) Where the Authority is satisfied that owing to special circumstances the fulfilment of any of the

requirements of the last three foregoing subsections is unnecessary or impracticable, it may by certificate direct that the requirements shall not apply in those circumstances.

Machinery other than prime movers and transmission machinery.

4. At every growing property every dangerous part of any machinery, other than prime movers and transmission machinery, shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working at the growing property as it would be if securely fenced:

PROVIDED that, in so far as the safety of a dangerous part of any machinery cannot by reason of the nature of the operation be secured by means of a fixed guard, the requirements of this section shall be deemed to have been complied with if a device is provided which automatically prevents the operator from coming into contact with that part.

Construction and maintenance of fencing.

5. All fencing or other safeguards provided in pursuance of the provisions of section two, section three and section four of this Ordinance shall be of substantial construction, and constantly maintained and kept in position while the parts required to be fenced or safeguarded are in motion or in use, except when any such parts are necessarily exposed for examination and for any lubrication or adjustment shown by such examination to be immediately necessary.

Air receivers.

6. (1) Every air receiver at any growing property shall—

- (a) have marked upon it so as to be plainly visible the safe working pressure; and
- (b) in the case of a receiver connected with an air compressing plant either be so constructed as to withstand with safety the

maximum pressure which can be obtained in the compressor, or be fitted with a suitable reducing valve or other suitable appliance to prevent the safe working pressure of the receiver being exceeded; and

- (c) be fitted with a suitable safety valve so adjusted as to permit the air to escape as soon as the safe working pressure is exceeded; and
- (d) be fitted with a correct pressure gauge indicating the pressure in the receiver in pounds per square inch; and
- (e) be fitted with a suitable appliance for draining the receiver; and
- (f) be provided with a suitable manhole, hand-hole or other means which will allow the interior to be thoroughly cleaned; and
- (g) in a case where more than one receiver is in use at the growing property, bear a distinguishing mark which shall be easily visible.

(2) For the purpose of the provisions of the foregoing subsection relating to safety valves and pressure gauges, any set of air receivers supplied with air through a single pipe may be treated as one receiver: PROVIDED that, in a case where a suitable reducing valve or other suitable appliance to prevent the safe working pressure being exceeded is required to be fitted, this subsection shall not apply unless the valve or appliance is fitted on the said single pipe.

(3) Every air receiver at any growing property and the fittings of every such air receiver shall be of sound construction and properly maintained.

(4) Every air receiver at any growing property shall be thoroughly cleaned and examined at least once in every period of twenty-six months: PROVIDED that in the case of a receiver of solid drawn construction—

- (a) the person making any such examination may specify in writing a period exceeding twenty-six months but not exceeding four years within which the next examination is to be made; and
- (b) if it is so constructed that the internal surface cannot be thoroughly examined, a suitable hydraulic test of the receiver shall be carried out in lieu of internal examination.

(5) Every examination and test referred to in the last preceding subsection shall be carried out by a competent person and a report in the prescribed form and containing the prescribed particulars (including particulars of the safe working pressure) shall be made by him of the result of every such examination and test.

(6) Every report made in pursuance of the provisions of subsection (5) of this section shall be preserved for at least four years after the date of the making thereof.

(7) In this section the expression "air receiver" means—

- (a) any vessel (other than a pipe or coil, or an accessory, fitting or part of a compressor) for containing compressed air and connected with an air compressing plant;
- (b) any fixed vessel for containing compressed air or compressed exhaust gases and used for the purpose of starting an internal combustion engine; or
- (c) any fixed or portable vessel (not being part of a spraying pistol) used for the purposes of spraying any substance by means of compressed air; or
- (d) any vessel in which oil is stored and from which it is forced by compressed air:

PROVIDED that the provisions of paragraph (e) of subsection (1) of this section shall not apply to any such vessel as is mentioned in paragraph (c) or paragraph (d) of this subsection.

(8) The Authority may by certificate except from any of the foregoing provisions of this section any class or type of air receiver to which it is satisfied that such provision cannot reasonably be applied, and any such exception may be unqualified or may be subject to such conditions as may be specified in the certificate.

7. Any machine at any growing property used for the grading of fruit or vegetables shall not be cleaned while in motion or in use. Cleaning of grading machines.

8. A woman or young person employed at any growing property shall not clean any part of a prime mover or of any transmission machinery while the prime mover or transmission machinery is in motion, and shall not clean any part of any machine if the cleaning thereof would expose the woman or young person to risk of injury from any moving part either of that machine or of any adjacent machinery. Cleaning of machinery by women and young persons.

9. (1) A person employed at a growing property shall not open a metal drum containing any substance except by means of a suitable key or lever opener which the occupier shall supply and shall make available when required for the purpose. Opening of metal drums.

(2) In this section the expression "any substance" means any substance to be used in any process for or incidental to the growing by way of trade in any greenhouse of fruit, vegetables, flowers, roots, ferns or any vegetable product whatsoever.

10. Where at any growing property any person employed thereat has to cross over or pass immediately Fencing of boiler pits.

near the edge of a boiler pit when about to enter or upon leaving a greenhouse, adequate fencing shall be provided and maintained as respects the means of crossing or that edge, as the case may be, to prevent his falling into the boiler pit.

Ladders in
boiler pits.

11. Every ladder used in a boiler pit at any growing property shall be of good construction, sound material, adequate strength and free from patent defects, and shall be properly maintained.

Work on
roofs of
greenhouses.

12. (1) Subject to the provisions of subsection (2) of this section, where at any growing property any person employed thereat has to carry out any operation whatsoever on the sloping surface of the roof of any greenhouse suitable glazing boards of adequate dimensions shall be provided and used.

(2) Where any such person has to carry out any operation as aforesaid and such operation cannot with safety be carried out by means of glazing boards suitable duckboards of adequate dimensions shall be provided and used.

(3) Every such glazing board and every such duckboard shall be of good construction, sound material and adequate strength for the purpose for which it is used.

(4) A board or plank which constitutes or forms part of a glazing board shall not project beyond its end support to a distance exceeding four times the thickness of the board or plank unless it is effectively secured to prevent tipping, or to a distance which, having regard to the thickness and strength of the board or plank, renders the projecting part of the board or plank an unsafe support for any weight liable to be upon it.

13. Where on the commencement of this Ordinance any roof of any greenhouse at any growing property is provided with top pegs, those top pegs shall be securely fixed and constantly maintained. Top pegs.

14. (1) The roof of every greenhouse erected at any growing property after the commencement of this Ordinance shall at all times be provided with an adequate system of top pegs, to support glazing boards, fixed in the rafters of the greenhouse in parallel rows and at such regular intervals as may be necessary to ensure the safety of any person employed in carrying out any painting or glazing on any part of the roof of the greenhouse. New greenhouses to be provided with top pegs.

(2) The top pegs provided in pursuance of the provisions of subsection (1) of this section shall be securely fixed and constantly maintained.

(3) In this section the expression "greenhouse" means a greenhouse the framework of which is constructed wholly or mainly of wood.

PART III

Poisonous substances

15. (1) Where as respects any substance the Authority is satisfied that its use at any growing property involves, or that if used at any growing property its use thereat would be likely to involve, substantial risk of poisoning to any person employed— Poisonous substances.

- (a) in connection with the use at a growing property of such substance; or
- (b) at a growing property at which such substance is being or has been used;

the Authority may by order declare that substance to be a poisonous substance for the purposes of this Ordinance.

(2) An order under this section may be varied or revoked by a subsequent order made by the Authority.

(3) Every order made by the Authority under this section shall be laid before a meeting of the States as soon as may be after the making thereof and if, at that meeting 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 done thereunder or to the making by the Authority of a new order.

Posting up
of notices.

16. (1) Where a poisonous substance has been used in a greenhouse at any growing property the occupier shall immediately after the poisonous substance has been so used cause a conspicuous and legible notice to be affixed on the outside of each door of the greenhouse warning persons employed at the growing property that a poisonous substance has been used in the greenhouse and specifying the name of such poisonous substance.

(2) Every notice affixed in pursuance of the provisions of the last preceding subsection shall remain and be maintained in position for a period of not less than twelve hours.

Poisonous
substances
not in sealed
containers.

17. At every growing property any poisonous substance not contained in a properly sealed container shall when not in actual use be kept in a properly constructed locked cupboard or locked chest the key of which shall be kept in the custody of such person as may be appointed in that behalf by the occupier.

Regulated
operations.

18. (1) The Authority may by order—

(a) declare any operation at a growing property involving or incidental to the use of

a poisonous substance to be a regulated operation for the purposes of this Ordinance; and

- (b) prescribe in relation to any regulated operation the protective clothing to be worn by every protected worker when carrying out that regulated operation.

(2) The provisions of subsection (2) and of subsection (3) of section fifteen of this Ordinance shall have effect in relation to any order made under this section as they have effect in relation to any order made under that section.

(3) In subsection (1) of this section the expression "any operation" includes an operation which a protected worker carries out, either—

- (a) alone; or
 (b) as a member of a team of persons engaged in carrying it out, if he is in risk of being poisoned by the poisonous substance that is used.

19. A protected worker shall not and his employer shall not require or permit him to carry out any regulated operation unless he is wearing the protective clothing for the time being prescribed in relation to that regulated operation in pursuance of section eighteen of this Ordinance.

Protected workers carrying out regulated operations to wear protective clothing.

20. (1) A protected worker shall not and his employer shall not require or permit him to repair any spraying apparatus which has been, is being or is about to be used for spraying a poisonous substance, unless such apparatus or so much thereof as requires repair is first thoroughly washed with water or, where appropriate, with water and a suitable wetter.

Repair of spraying apparatus.

(2) Subsection (1) of this section shall not apply to repairs made during the carrying out of a regula-

ted operation if the protected worker is wearing the protective clothing for the time being prescribed in relation to that regulated operation in pursuance of section eighteen of this Ordinance.

Provision and maintenance of protective clothing.

21. (1) The employer of a protected worker who carries out any regulated operation shall—

- (a) provide the protected worker with any protective clothing required in pursuance of section eighteen of this Ordinance and, where such protective clothing includes a respirator, provide an adequate supply of filters for replacement of those used;
- (b) maintain or cause to be maintained in good and serviceable condition all protective clothing; and
- (c) provide accommodation for the keeping of—
 - (i) protective clothing, and
 - (ii) the protected worker's personal clothing not worn during working hours.

(2) The accommodation provided under paragraph (c) of subsection (1) of this section shall be such as to ensure ventilation and that the protected worker's personal clothing does not become contaminated by a poisonous substance whether from protective clothing or otherwise.

Restriction on hours of work.

22. A protected worker shall not work on any regulated operation, and his employer shall not require or permit him to so work for more than—

- (a) ten hours in any period of twenty-four consecutive hours;
- (b) sixty hours in any period of seven consecutive days; or
- (c) one hundred and twenty hours in any period of twenty-one consecutive days.

23. (1) An employer shall not require or permit a protected worker to work on any regulated operation unless the worker has been properly instructed in the precautions to be observed, and is under adequate supervision.

Instruction and supervision of protected workers.

(2) Nothing in the foregoing subsection shall release a protected worker from any obligation or prohibition imposed on him by this Ordinance.

24. A person under the age of eighteen years shall not in any circumstances be employed to work on any regulated operation.

Prohibition of employment of persons under eighteen years.

25. (1) The employer of a protected worker who carries out a regulated operation shall—

Miscellaneous obligations relating to employers.

(a) at a place which is conveniently accessible but outside the area in which the protected worker might be in risk of poisoning by any poisonous substance which has been used provide adequate and suitable washing facilities including soap and clean towels and either a supply of piped running water or clean water in containers for the personal use of the protected worker;

(b) provide—

(i) a supply of wholesome drinking water; and

(ii) clean drinking vessels;

(c) except where a supply of piped running water is available, provide clean water in a container for the washing or cleaning of the protective clothing (other than overalls, hoods, respirators or mackintoshes) which the protected worker has worn;

- (d) at the end of each day's operations cause to be thoroughly washed with water or, where appropriate, with water and a suitable wetter all protective clothing (other than overalls, hoods, respirators or mackintoshes) which the protected worker has worn during the day's operations in carrying out the regulated operation and in the case of respirators cause them to be both cleaned and ventilated;
- (e) keep all spraying apparatus and the exterior of all tanks and containers which contain or have contained a poisonous substance free from contamination by any such substance, so far as it is practicable so to do;
- (f) keep the opening of all tanks and containers in which a poisonous substance is stored, when not in use, securely closed or covered over; and
- (g) cause every overall and hood which has been worn in the carrying out of a regulated operation to be thoroughly washed with soap (or other suitable detergent) and water at least once in every period of six consecutive days in which it has at any time been so worn and also whenever by reason of the presence of stains of a poisonous substance thereon there are reasonable grounds for apprehending that a protected worker may be in risk of poisoning.

(2) For the purpose of paragraph (a) of subsection (1) of this section, in considering whether a place is conveniently accessible account may be taken of any transport provided for protected workers at appropriate times; and in considering whether washing facilities are adequate and suitable at any time

and place regard shall be had to the number of protected workers for whom such facilities are required at that time and place.

26. (1) A protected worker who carries out any regulated operation shall not—
- Miscellaneous prohibitions and obligations relating to protected workers.
- (a) at any time blow, suck or apply his mouth to any jet, sprinkler, nozzle or other spraying apparatus which contains or has contained a poisonous substance, whether for the purpose of removing any obstruction or otherwise;
 - (b) make use of any container, provided in pursuance of paragraph (a) of subsection (1) of section twenty-five of this Ordinance for the personal use of the protected worker, for the washing of protective clothing; or make use of any container, not so provided, for personal washing;
 - (c) make use of any drinking vessel provided by his employer otherwise than to drink from; or
 - (d) eat, drink or smoke unless he has removed all protective clothing (other than rubber boots), has washed his hands and face, and is outside an area in which he might be poisoned by any poisonous substance which has been, is being or is about to be used, or by any protective clothing which has been worn in connection with the use of a poisonous substance.
- (2) A protected worker who works as aforesaid shall—
- (a) deposit his personal clothing not worn during working hours in accommodation provided by his employer in accordance

with the provisions of section twenty-one of this Ordinance; and

- (b) at the end of each day's operations forthwith—
 - (i) remove all protective clothing worn by him and deposit it in such accommodation as aforesaid; and
 - (ii) wash his hands, face and neck.

Matters requiring notification to the Authority.

27. (1) If at any time there are reasonable grounds for an employer to apprehend that a protected worker may be suffering from poisoning from a poisonous substance, the employer shall forthwith notify the Authority thereof.

(2) Without prejudice to the provisions of subsection (1) of this section, if a protected worker absents himself from duty for more than three days, otherwise than for a reason known to his employer not to be caused by poisoning from a poisonous substance, and during the fortnight immediately preceding such absence the protected worker has worked for more than sixty hours on a regulated operation, the employer shall forthwith notify the Authority of such absence.

Keeping of a register.

28. (1) An employer shall keep a register in the prescribed form and containing particulars of—

- (a) the name and address of every protected worker employed by him who carries out any regulated operation;
- (b) the number of hours worked on any such operation by any such protected worker on each day;
- (c) the poisonous substances in connection with which the protected worker has worked as aforesaid; and

(d) any matters which the employer is required to notify to the Authority in accordance with the provisions of section twenty-seven of this Ordinance.

(2) An employer shall preserve the register required to be kept by this section for at least two years after the date of the last entry therein.

(3) An employer shall give to a protected worker who ceases to be employed by him a copy of any particulars contained in the register kept by the employer in accordance with the provisions of this section, so far as such particulars relate to that protected worker during the last six months of his employment, and the protected worker, on entering the employment of any other employer at any time within six months of so ceasing to be employed, shall give to that employer any such copy as aforesaid.

PART IV

Notification and investigation of accidents

29. (1) Where any accident occurs at any growing property which either—

Notification
of accidents.

(a) causes loss of life to a person employed at that growing property; or

(b) disables any such person for more than three days from earning full wages at the work at which he was employed;

written notice of the accident, in the prescribed form and accompanied by the prescribed particulars, shall forthwith be sent to the Authority by the occupier.

(2) Where any accident causing disablement is notified under this section, and after notification thereof results in the death of the person disabled, notice in writing of the death shall be sent to the Authority by the occupier of the growing property as soon as the death comes to his knowledge.

Investigation
of
accidents.

30. (1) The Authority may, where it considers it expedient so to do, direct an investigation to be held into any accident occurring at any growing property and of its causes and circumstances, and with respect to any such investigation the following provisions shall have effect:—

- (a) the Authority may appoint a competent independent person to hold the investigation, and may appoint any person possessing legal or special knowledge to act as assessor in holding the investigation;
- (b) the person or persons so appointed (hereafter in this section referred to as “the Investigation Committee”) shall hold the investigation in such manner and under such conditions as the Investigation Committee may think most effectual for ascertaining the causes and circumstances of the accident, and for enabling the Investigation Committee to make the report in this subsection mentioned;
- (c) the Investigation Committee shall have for the purposes of the investigation all the powers of an inspector under this Ordinance, and, in addition, power—
 - (i) to enter and inspect any place or building the entry or inspection whereof appears to the Investigation Committee requisite for the said purposes;
 - (ii) to require the production of all books, papers and documents which it considers important for the said purposes;
- (d) the Investigation Committee shall make a report to the Authority stating the causes and circumstances of the accident, and

adding any observations which the Investigation Committee thinks right to make;

- (e) any person who without reasonable excuse (proof whereof shall lie on him) either fails to comply with any requisition of the Investigation Committee, or prevents or impedes the Investigation Committee in the execution of its duty, shall be guilty of an offence, and liable on conviction to a fine not exceeding ten pounds, and, in the case of a failure to comply with a requisition to produce any document, if the failure in respect of which a person was so convicted, is continued after conviction, he shall, subject to the provisions of section thirty-six of this Ordinance, be guilty of a further offence and liable on conviction in respect thereof to a fine not exceeding ten pounds for every day on which the failure was so continued.

(2) The Authority may cause the report of the Investigation Committee to be made public at such time and in such manner as it thinks fit.

PART V

General

31. (1) A person employed at any growing property shall not wilfully interfere with or misuse any means, appliance, convenience or other thing provided in pursuance of this Ordinance for securing the health, safety or welfare of the persons employed at the growing property, and where any means or appliance for securing health or safety is provided for the use of any such person under this Ordinance, he shall use the means or appliance.

Duties of
persons
employed.

(2) A person employed at any growing property shall not wilfully and without reasonable cause do anything likely to—

- (a) endanger; or
- (b) cause risk of poisoning by a poisonous substance to;

himself or others.

Powers of
inspectors.

32. (1) An inspector shall, for the purposes of the execution of this Ordinance, have power to do any or all of the following things, that is to say:—

- (a) to enter, inspect and examine at all reasonable times, by day and night, any growing property and every part thereof and every building thereat, when he has reasonable cause to believe that any person is employed thereat and to enter by day any place which he has reasonable cause to believe to be a growing property;
- (b) to require the production of, and to inspect, examine and copy, the registers, certificates, notices and documents kept in pursuance of this Ordinance;
- (c) to make such examinations and inquiries as may be necessary to ascertain whether the provisions of this Ordinance and the enactments for the time being in force relating to public health are complied with, so far as respects the growing property;
- (d) to require any person whom he finds at any growing property to give such information as it is in his power to give as to who is the occupier or owner of the growing property, or the employer of any person employed thereat or the owner or hirer of any machinery thereat;

- (e) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Ordinance, every person whom he finds at any growing property or whom he has reasonable cause to believe to be or to have been within the preceding two months employed at a growing property, and to require every such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined; so, however, that no one shall be required under this provision to answer any question or to give any evidence tending to criminate himself; and
- (f) to exercise such other powers as may be necessary for carrying this Ordinance into effect and in respect of which an inspector has been authorised by the Authority to act on its behalf.

(2) The occupier of every growing property, his agents and servants, shall furnish the means required by an inspector as necessary for an entry, inspection, examination, inquiry or otherwise for the exercise of his powers under this Ordinance in relation to that growing property.

(3) If any person wilfully delays an inspector in the exercise of any power under this section or fails to comply with the requisition of an inspector in pursuance of this section or to produce any register, certificate, notice or document which he is required by or in pursuance of this Ordinance to produce, or wilfully withholds any information as to who is the occupier or owner of any growing property, or as to who is the employer of any person, or as to who is the owner or hirer of any machinery, or conceals or prevents or attempts to conceal or prevent, a person

from appearing before or being examined by an inspector, that person shall be deemed to obstruct an inspector in the execution of his duties under this Ordinance.

(4) Where an inspector is obstructed in the execution of his powers or duties under this Ordinance, the person obstructing him shall be guilty of an offence, and liable on conviction to a fine not exceeding five pounds; and where an inspector is so obstructed at any growing property, the occupier of that growing property shall, subject as hereafter in this Ordinance provided, be guilty of an offence.

Certificate of appointment of inspector.

33. Every inspector shall be furnished with the prescribed certificate of his appointment and when visiting a growing property or place to which any of the provisions of this Ordinance applies shall produce the said certificate to anyone reasonably demanding its production.

PART VI

Offences, penalties and legal proceedings

Offences.

34. (1) In the event of any contravention at or in connection with or in relation to a growing property of any of the provisions of this Ordinance or of any order made thereunder, the occupier of the growing property shall, subject as hereafter in this Ordinance provided, be guilty of an offence.

(2) In the event of a contravention by an employed person of the provisions of section thirty-one of this Ordinance (which relates to duties of persons employed) or of a contravention by any person of any order made under this Ordinance which expressly imposes any duty upon him, that person shall be guilty of an offence and the occupier shall not be guilty of an offence by reason only of the contraven-

tion of the provisions of the said section thirty-one or the contravention of the provision imposing the said duty, as the case may be, unless it is proved that he failed to take all reasonable steps to prevent the contravention, but this subsection shall not be taken as affecting any liability of the occupier in respect of the same matters by virtue of some provision other than the provisions or provision aforesaid.

(3) If the occupier of a growing property avails himself of any special exception allowed by or under this Ordinance and fails to comply with any of the conditions attached to the exception, he shall be deemed to have contravened the provisions of this Ordinance.

(4) If any persons are employed at a growing property otherwise than in accordance with the provisions of this Ordinance or of any order made thereunder there shall be deemed to be a separate contravention in respect of each person so employed.

(5) Where an offence under this Ordinance committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of the body corporate he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

35. Subject as hereafter in this Ordinance provided, any person guilty of an offence under this Ordinance for which no express penalty is provided by this Ordinance shall be liable on conviction to a fine not exceeding twenty pounds, and if the contravention in respect of which he was so convicted is continued after the conviction he shall, subject to the provisions of section thirty-six of this Ordinance, be

Fines for offences for which no express penalty provided.

guilty of a further offence and liable on conviction in respect thereof to a fine not exceeding five pounds for each day on which the contravention was so continued.

Power of Court to order cause of contravention to be remedied.

36. Where the occupier of a growing property is convicted of an offence under this Ordinance, the Court may, in addition to or instead of inflicting a fine, order him, within the time specified in the order, to take such steps as may be so specified for remedying the matters in respect of which the contravention occurred, and may, on application, enlarge the time so specified, and where such an order is made, the occupier shall not be liable under this Ordinance in respect of the continuation of the contravention during the time allowed by the Court, but if, after the expiration of that time as originally specified or enlarged by subsequent order, the order is not complied with, the occupier shall be liable on conviction to a fine not exceeding five pounds for each day on which the non-compliance continues.

Forgery of certificates, false entries and false declarations.

37. If any person—

- (a) forges or counterfeits any certificate required by, under or for the purposes of this Ordinance;
- (b) gives or signs any such certificate knowing it to be false in any material particular;
- (c) knowingly utters or makes use of any such certificate so forged, counterfeited or false as aforesaid;
- (d) knowingly utters or makes use of as applying to any person any such certificate which does not so apply;
- (e) personates any person named in any such certificate;
- (f) falsely pretends to be an inspector;

- (g) wilfully connives at any such forging, counterfeiting, giving, signing, uttering, making use, personating or pretending as aforesaid;
- (h) wilfully makes a false entry in any register, certificate, notice or document required by, under or for the purposes of this Ordinance, to be kept or served or sent;
- (i) makes or signs a declaration required by, under or for the purposes of this Ordinance, which he knows to be false;
- (j) knowingly makes use of any such false entry or declaration as aforesaid;

he shall, without prejudice to any other penalty, be guilty of an offence under this Ordinance and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

38. Where an act or default for which an occupier is liable under this Ordinance is in fact the act or default of some agent, servant, worker or other person, that agent, servant, worker or other person shall be guilty of an offence and liable to the like fine as if he were the occupier.

Penalties on persons actually committing offence for which occupier is liable.

39. Where the occupier of a growing property who is charged with an offence under this Ordinance proves to the satisfaction of the Court that he has used all due diligence to enforce the execution of this Ordinance and of any relevant order made thereunder and that the offence was due to the act or default of some other person who committed it without his consent, connivance or wilful default, he shall be acquitted of the offence.

Exemption of occupier from liability.

Proceedings
against per-
sons other
than
occupiers.

40. Where, under this Ordinance, any person is substituted for the occupier with respect to any provisions of this Ordinance, any summons, notice or proceedings, which for the purpose of any of those provisions is by or under this Ordinance required or authorised to be served on or taken in relation to the occupier, is hereby required or authorised, as the case may be, to be served on or taken in relation to that person.

Employer
liable in
certain cases
instead of
occupier.

41. (1) Where at any growing property the employer of any person employed thereat in or about or in connection with the opening of metal drums or work on the roofs of greenhouses, as the case may be, is some person other than the occupier of the growing property, the employer shall, so far as respects any obligation imposed under this Ordinance in relation to the opening of metal drums or to work on roofs of greenhouses by that employed person, as the case may be, and so far as respects any offence under this Ordinance committed in relation to that employed person, be deemed to be the occupier of the growing property.

(2) Where at any growing property the employer of any protected person employed thereat is some person other than the occupier of the growing property, the employer shall, so far as respects any offence under this Ordinance committed in relation to the protected worker at the growing property, be deemed to be the occupier of the growing property.

Owner of
machine
liable in
certain cases
instead of
occupier.

42. Where at any growing property the owner or hirer of any prime mover, any transmission machinery, any machinery other than a prime mover or transmission machinery or any air receiver is some person other than the occupier of the growing property, the owner or hirer shall, so far as respects any

obligation imposed under this Ordinance in relation to that prime mover, transmission machinery, machinery as aforesaid or air receiver, as the case may be, and so far as respects any offence under this Ordinance committed in relation to a person who is employed in or about or in connection with that prime mover, transmission machinery, machinery as aforesaid or air receiver, as the case may be, and is in the employment or pay of the owner or hirer, be deemed to be the occupier of the growing property.

43. (1) In any proceedings under this Ordinance it shall be sufficient in the charge or summons to allege that the growing property is a growing property within the meaning of this Ordinance and to state the name of the ostensible occupier of the growing property, or where the occupier is a firm, the title of the firm. Prosecution of offences.

(2) Where any offence is committed under this Ordinance by reason of a failure to make an examination, enter a report, or do any other thing, at or within a time specified by or under this Ordinance, the offence shall be deemed to continue until the examination is made, or the report entered, or the other thing done, as the case may be.

44. If a person is found at any growing property at any time at which work is going on or any machinery is in motion, except during the intervals for meals or rest, he shall, until the contrary is proved, be deemed for the purposes of this Ordinance to have been then employed at the growing property: Special provisions as to evidence.

PROVIDED that this subsection shall not apply to a growing property at which the only persons employed are members of the same family dwelling thereat.

Service and
sending of
documents,
etc.

45. (1) Any document required or authorised to be served by or by virtue of this Ordinance may be served—

- (a) on any person by delivering it to him, by leaving it at, or by sending it by post addressed to him at his usual or last known place of abode;
- (b) on any firm by delivering it to any partner of the firm or by leaving it at, or sending it by post to, the principal or last known principal place of business of the firm;
- (c) on any body corporate by leaving it at, or by sending it by post to, its registered office if situated in the Island of Guernsey or, if its registered office is not so situated, its principal or last known principal place of business in the said Island.

(2) Any notice or report required to be sent to the Authority under this Ordinance may be sent either by post to, or by leaving it at, the office of the Authority.

PART VII

Application and commencement

Applica-
tion.

46. This Ordinance shall have effect in the Island of Guernsey.

Commence-
ment.

47. This Ordinance shall come into force on the first day of January, 1955.

JAMES E. LE PAGE,

Her Majesty's Greffier.

Copies may be purchased from
Her Majesty's Greffier, Royal Court House, Guernsey.

PRICE 3/6D.