

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Wild Plants Protection Ordinance, 1950 *

[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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* Recueil d'Ordonnances Tome X, p. 106; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Island Development (Guernsey) Law, 1966 (Consequential Amendments) Ordinance, 1968 (Recueil d'Ordonnances Tome XV, p. 342); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016).

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ARRANGEMENT OF SECTIONS

1. Sale, etc. of wild flower roots, etc. prohibited.
2. Definition.
3. Penalty.
4. Commencement.

(Made on the 20th September, 1950.)

The Wild Plants Protection Ordinance, 1950

THE STATES, on the representations of the States Advisory Council, hereby order: –

Sale, etc. of wild flower roots, etc. prohibited.

1. No person shall, without permission in that behalf obtained from the [Committee for the Environment & Infrastructure], sell or purchase or offer to sell or purchase any root, bulb, corm or rhizome of a wild fern or flower otherwise than in the course of and incidentally to the sale or purchase of, or an offer to sell or to purchase, the land on or in which such root, bulb, corm or rhizome is situate.

NOTES

In section 1, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 4(a), with effect from 1st May, 2016.¹

The functions, rights and liabilities of the Environment 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 4(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.²

Definition.

2. For the purposes of this Ordinance, the expression "**wild fern or flower**" shall mean any fern or flower other than a fern or flower cultivated on private property, not being a plant scheduled for the time being as a noxious weed under the Loi relative aux Mauvaises Herbes, registered on the Records of this Island on the 16th day of July, 1927, or under any enactment from time to time amending or replacing that Law.

NOTE

The Loi relative aux Mauvaises Herbes, 1927 has since been repealed by

the Noxious Weeds (Guernsey) Law, 1952, section 6, with effect from 16th August, 1952.

Penalty.

3. A person who infringes any provision of this Ordinance shall be guilty of an offence and liable on conviction to a fine not exceeding [level 1 on the uniform scale], and in addition to such fine, the Court may order the confiscation and subsequent disposal of any root, bulb, corm or rhizome to which the offence relates.

NOTE

In section 3, the words in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.

Commencement.

4. This Ordinance shall come into force on the 1st day of October, 1950.

¹ These words were previously substituted by the Island Development (Guernsey) Law, 1966 (Consequential Amendments) Ordinance, 1968, section 1(b), with effect from 24th April, 1968; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 19, with effect from 6th May, 2004.

² The functions, rights and liabilities of the Environment Department and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Island Development Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 19, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.