

ORDER IN COUNCIL

VII

1968

ratifying a Projet de Loi

ENTITLED

The Tomato Marketing (Amendment) (Guernsey) Law, 1968.

(Registered on the Records of the Island of Guernsey
on the 22nd day of October, 1968.)



1968.

At the Court at Buckingham Palace

The 16th day of October 1968

PRESENT,

The Queen's Most Excellent Majesty

LORD PRESIDENT

LORD PRIVY SEAL

LORD BESWICK

CHANCELLOR OF THE DUCHY OF LANCASTER

SIR THADDEUS MCCARTHY

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 9th day of October 1968, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That, in pursuance of their Resolution of the 31st day of July 1968, the States of Deliberation at a meeting held on the 25th day of September 1968, approved a Bill or “Projet de Loi” entitled “The Tomato Marketing (Amendment) (Guernsey) Law, 1968” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might

be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The Tomato Marketing (Amendment) (Guernsey) Law, 1968" and to order that the same shall have force of law in the Island of Guernsey.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi and to order, as it is hereby ordered, that the same shall have the force of Law within the Island of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. G. Agnew.

Projet de Loi referred to in the foregoing
Order in Council

PROJET DE LOI

ENTITLED

**The Tomato Marketing (Amendment)
(Guernsey) Law, 1968**

THE STATES, in pursuance of their Resolution of the thirty-first day of July, nineteen hundred and sixty-eight, 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 of
the Board.

1. (1) Notwithstanding the provisions of the Tomato Marketing (Guernsey) Law, 1952(a) (hereafter in this Law referred to as "the principal Law"), as amended(b)—

(a) the Board may export and market the tomatoes of any producer whether or not such tomatoes are graded in the manner for the time being prescribed by the States Committee for Horticulture (hereafter in this section referred to as "the Committee") by order made under subsection (2A) of section two of the principal Law, as amended, if such tomatoes are graded in such manner as the Committee may from time to time specify in a licence granted by the Committee under this section at the instance of the Board to the producer of such tomatoes or, where such tomatoes have been packed

(a) Ordres en Conseil Vol. XV, p. 341.

(b) Ordres en Conseil Vol. XVI, p. 273; Vol. XVIII, p. 262.

by a store-packer or by the Board, to that store-packer or to the Board, as the case may be;

- (b) the amount attributable to a producer in respect of any of his tomatoes which have been exported by the Board by virtue of this section shall be determined by the Board.

(2) The Committee may at any time vary, suspend or revoke any licence granted under this section.

(3) In this section the expression "store-packer" means a person, other than the Board, carrying on the trade or business of packing and grading tomatoes.

2. The principal Law, as amended, is hereby further amended as follows, that is to say:—

Amendment
of principal
law, as
amended.

- (a) in subsection (1) of section two thereof there is hereby inserted, immediately after paragraph (a) of that subsection, the following paragraph—

"(b) may engage in the packing of tomatoes by way of trade or business;"

and the existing paragraph (b) and paragraph (c) of that subsection are hereby redesignated respectively as "(c)" and "(d)";

- (b) section three thereof is hereby repealed and the following section is hereby substituted therefor—

"3. Nothing in this Law contained shall be deemed to authorise the Board to regulate the packing and grading of tomatoes.";

- (c) subsection (1B) of section six thereof is hereby repealed and the following subsection is hereby substituted therefor—

“(1B) Where, after the approval by an annual general meeting of registered producers for any financial year of the amount per package of twelve pounds of tomatoes to be levied by the Board under the foregoing provisions of this Law, it appears to the Board that such amount is or may be insufficient to meet any expenses incurred or to be incurred by the Board in or in relation to that financial year, the Board may from time to time increase the levy by such amount and in respect of tomatoes exported during such period as appears to the Board to be necessary to meet those expenses.”;

- (d) paragraph nine of the First Schedule thereto is hereby repealed and the following paragraph is hereby substituted therefor—

“9. (1) Subject to the provisions of this paragraph, the members of the Board shall hold office from the first day of March next following their election for a period of four years.

(2) The five members of the Board elected in February, nineteen hundred and sixty-seven, shall retire on the twenty-eighth day of February, nineteen hundred and sixty-nine, and the five members of the Board elected in February, nineteen hundred and sixty-eight, shall retire on the twenty-eighth day of February, nineteen hundred and seventy.

(3) The five members of the Board elected in February, nineteen hundred

and sixty-nine, shall hold office from the first day of March of that year for a period of three years.”;

(e) in the Second Schedule thereto—

(i) paragraph one thereof is hereby repealed and the following paragraph is hereby substituted therefor—

“ 1. The members of the Board shall be elected by registered producers in accordance with the provisions of this Schedule.”;

(ii) paragraph two thereof is hereby repealed and the following paragraph is hereby substituted therefor—

“ 2. (1) An election to replace the members of the Board retiring by virtue of the provisions of paragraph nine of the First Schedule to this Law on the last day of February in any year shall be held in accordance with the provisions of this Schedule in the month of February of that year.

(2) The Board shall as soon as may be after the holding of any election give notice in the “Gazette Officielle” of the result thereof.”;

(iii) paragraph three thereof is hereby repealed and the following paragraph is hereby substituted therefor—

“ 3. Every nomination of a candidate for election to the Board shall be in writing and signed by at least five registered producers.”;

(iv) sub-paragraph (3) and sub-paragraph (4) of paragraph five thereof are hereby repealed;

(v) sub-paragraph (2) of paragraph seven thereof is hereby repealed and the following sub-paragraph is hereby substituted therefor—

“(2) Each register of producers as aforesaid shall contain the name and address of every registered producer and the number of votes which he is entitled to cast.”;

(vi) paragraph eleven thereof is hereby repealed and the following paragraph is hereby substituted therefor—

“11. Subject to the provisions of this Law, the Board shall be responsible for holding all elections.”;

(vii) paragraph thirteen and paragraph fourteen thereof are hereby repealed.

Repeal.

3. The Tomato Marketing (Amendment) (No.2) (Guernsey) Law, 1960(c), is hereby repealed.

Citation and construction.

4. (1) This Law may be cited as the Tomato Marketing (Amendment) (Guernsey) Law, 1968, and this Law, the Tomato Marketing (Guernsey) Laws, 1952 and 1955, and the Tomato Marketing (Amendment) (Guernsey) Law, 1960, may be cited together as the Tomato Marketing (Guernsey) Laws, 1952 to 1968.

(2) This Law shall be construed as one with the principal Law, as amended.

R. H. VIDELO,

Her Majesty's Greffier.