

Island of  Guernsey

Ordinance of the States **XLIX**  
**1976**

Made ... .. 27th October, 1976.  
Came into Operation ... 27th October, 1976.

**The Road Traffic (Conveyance of Plant  
Material) Ordinance, 1976**

THE STATES, in pursuance of their Resolution of the twenty-ninth day of November, nineteen hundred and seventy-two, hereby order:—

1. A person shall not use or cause or permit any other person to use on a public highway a vehicle to carry any material of any plant specified in the Schedule to this Ordinance (hereinafter referred to as "plant material") unless such plant material is—

**Conveyance  
of plant  
material on  
public  
highways.**

- (a) effectually enclosed by means of a tarpaulin or other similar covering securely attached to the vehicle; or
- (b) effectually enclosed within a container or other similar receptacle; or
- (c) within such part of the vehicle which is effectually enclosed:

Provided that the provisions of this section shall not apply to—

- (i) any plant material intended for human consumption or for growing, planting or propagation;
- (ii) any plant material being the flower or foliage of the plant to which such plant material forms part where such flower or foliage is intended to be used or is being used for display or decorative purposes.

**Powers of inspection.**

2. (1) An officer of police may stop and inspect any vehicle on a public highway which he has reasonable cause to suspect of carrying any plant material for the purpose of ensuring that the provisions of the last preceding section are being complied with and where, as a result of such inspection, any plant material is found to be carried in contravention of such provisions the officer of police may, without prejudice to any proceedings under this Ordinance consequent upon such contravention, require the person in charge of the vehicle to take such action as shall be specified by the officer of police to effectually enclose the plant material and where applicable to ensure that any covering used to enclose the plant material is securely attached to the vehicle.

(2) The powers contained in the last preceding subsection may be exercised by the Inspector, on production of a certificate of his authority signed by the President of the Committee, if so required.

**Offences.**

3. If any person—

- (a) fails to comply with the provisions of section one of this Ordinance; or
- (b) fails to do any act which he is required to do by any officer of police or the Inspector under the provisions of section two of this Ordinance; or

(c) wilfully obstructs any officer of police or the Inspector in the exercise of any of their powers under the provisions of section two of this Ordinance;

he shall be guilty of an offence and liable, on conviction, to a fine not exceeding one hundred pounds, and the Court may, in addition, order the seizure, destruction or other disposal of the plant material or any of it to which the conviction relates at the expense of the convicted person.

4. (1) If it appears to the Committee that any plant should be added to, or removed from, the Schedule to this Ordinance, the Committee may, from time to time, by order make the requisite modifications in that Schedule. Power to amend Schedule by order.

(2) Every order made by the Committee under the provisions of the last preceding subsection 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 previously done thereunder or to the making by the Committee of a new order.

(3) Any power conferred by subsection (1) of this section to make any order shall be construed as a power exercisable in like manner to vary or repeal the order. Interpretation.

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

“the Committee” means the States Committee for Horticulture;

“the Inspector” means the States Plant Health Inspector for the time being appointed by the States Civil Service Board and includes a person authorised by the Committee to execute and perform the powers and duties of the Inspector under the provisions of this Ordinance;

“material” in relation to any plant specified in the Schedule to this Ordinance means the haulm, tuber, bulb, layer, cutting or any other part of any such plant, whether dead or alive and whether or not such part is attached to or separated from the plant to which it forms part;

“officer of police” means a member of the salaried police force of the Island of Guernsey and, within the limits of his jurisdiction, a member of the special constabulary of the Island of Guernsey;

“public highway” includes any road, street, lane or public place;

“vehicle” means a mechanically propelled vehicle intended or adapted for use on a public highway and includes a trailer drawn thereby and an animal drawn vehicle.

**Extent.** 6. This Ordinance shall have effect in the Islands of Guernsey, Herm and Jethou.

**Citation.** 7. This Ordinance may be cited as the Road Traffic (Conveyance of Plant Material) Ordinance, 1976.

## SCHEDULE

Sections one, four and five

*Plants to which the provisions of this Ordinance  
apply*

<b>Capsicum</b>	Iris
<b>Carnation</b>	Narcissus
<b>Chrysanthemum</b>	Pelargonium
<b>Cucumber</b>	Potato
<b>Fern</b>	Rose
<b>Freesia</b>	Tomato
<b>Gladiolus</b>	

R. H. VIDELO,

Her Majesty's Greffier.