

# ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

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

[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 XX, p. 424; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Road Traffic (Conveyance of Plant Material) (Amendment) Ordinance, 1991 (Recueil d'Ordonnances Tome XXV, p. 308); 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); the Organisation of States' Affairs (Transfer of Functions and Consequential Matters) Ordinance, 2019 (No. XXXVI of 2019). See also the Police Force (Bailiwick of Guernsey) Law, 1986 (Ordres en Conseil Vol. XXIX, p. 207); the Road Traffic (Drink Driving) (Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 512); the Offences (Fixed Penalties) (Guernsey) Law, 2009 (No. XV of 2010). This Ordinance is prospectively repealed by the Plant Health (Enabling Provisions) (Guernsey) Law, 2014 (No. X of 2014).

**ORDINANCE  
OF THE STATES OF DELIBERATION**

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

ARRANGEMENT OF SECTIONS

1. Conveyance of plant material on public highways.
2. Powers of inspection.
3. Offences.
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5. Interpretation.
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SCHEDULE ...

*(Made on 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: –

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

**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 [...] (hereinafter referred to as "**plant material**") unless such plant material is –

- (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.

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**NOTES**

*In section 1, the words omitted in square brackets were repealed by the Road Traffic (Conveyance of Plant Material) (Amendment) Ordinance, 1991, section 1(a), with effect from 1st May, 1991.*

*In accordance with the provisions of the Road Traffic (Drink Driving) (Guernsey) Law, 1989, section 2A(7), Schedule, with effect from 11th February, 2004, offences under this Ordinance constitute "traffic offences" for the purposes of the 1989 Law.*

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**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.

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**NOTE**

*In section 2, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016,*

*section 2, Schedule 1, paragraph 1(a), with effect from 1st May, 2016.*<sup>1</sup>

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**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 [level 2 on the uniform scale], 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.

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**NOTES**

*In section 3, the words and figure 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.*

*In accordance with the provisions of the Offences (Fixed Penalties) (Guernsey) Law, 2009, section 1, section 2 and the Schedule, with effect from 1st July, 2012, any liability to conviction of offences against section 3(a) of this Ordinance may be discharged by payment of a fixed penalty.*

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**Power to amend Schedule by order.**

4. ...

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**NOTE**

*Section 4 was repealed by the Road Traffic (Conveyance of Plant Material) (Amendment) Ordinance, 1991, section 1(b), with effect from 1st May, 1991.*

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**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 the Environment & Infrastructure],

**"the Inspector"** means the States Plant Health Inspector for the time being appointed by the States [Policy & Resources Committee] 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 [...] 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.

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**NOTES**

*In section 5,*

*the words in square brackets in the definition of the expression "the Committee" in subsection (1) were substituted by the Organisation of States' Affairs (Transfer of Functions and Consequential Matters) Ordinance, 2019, section 11(2) and section 11(3)(i), with effect from 27th November, 2019;<sup>2</sup>*

*the words in square brackets in the definition of the expression "the Inspector" were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 10(a), with effect from 1st May, 2016;<sup>3</sup>*

*the words omitted in square brackets in the definition of the expression "material" were repealed by the Road Traffic (Conveyance of Plant Material) (Amendment) Ordinance, 1991, section 1(a), with effect from 1st May, 1991.*

*The functions, rights and liabilities of the States Committee for Economic Development and of its President or Vice-President arising under or by virtue of this Ordinance were transferred to and vested in the States Committee for the Environment & Infrastructure or (as the case may be) its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions and Consequential Matters) Ordinance, 2019, section 11(1) and section 11(3)(i), with effect from 27th November, 2019.<sup>4</sup>*

*The functions, rights and liabilities of the Policy Council and of its Minister or Deputy Minister arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Policy & Resources Committee and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 10(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>5</sup>*

*In accordance with the provisions of the Police Force (Bailiwick of Guernsey) Law, 1986, section 2(2), with effect from 19th August, 1986, the reference herein to a member of the salaried police force of the Island of Guernsey shall include a reference to a member of a force present in the Island by virtue of an agreement made under section 1 of the 1986 Law.*

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**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

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**NOTE**

*The Schedule was repealed by the Road Traffic (Conveyance of Plant Material) (Amendment) Ordinance, 1991, section 1(b), with effect from 1st May, 1991.*

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**1** These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 10, with effect from 6th May, 2004.

**2** These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 10, with effect from 6th May, 2004; the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 2, Schedule 1, paragraph 1(a), with effect from 1st May, 2016.

**3** These words were previously substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 12(a), with effect from 6th May, 2004.

**4** The functions, rights and liabilities of the Committee for Economic Development and its President or Vice-President arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Commerce and Employment Department and its Minister or Deputy Minister by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 1(a), with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance; 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 and vested in them, respectively, from the Committee for Horticulture and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 10, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

**5** The functions, rights and liabilities of the Policy Council and its Minister arising under or by virtue of this Ordinance were previously transferred to and vested in them, respectively, from the Civil Service Board and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 12(a), with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.