

ORDER IN COUNCIL

X
1949

Ratifying a Projet de Loi entitled

"Export of Tomatoes Law, 1949."

(Registered on the Records of the Island of Guernsey on
the 30th day of April, 1949.)



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1949.

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 30th day of April, 1949, before Ambrose James Sherwill, Esquire, C.B.E., M.C., Bailiff ; present : Osmond Priaulx Gallienne, Esquire, Sir John Leale, Knight, James Frederick Carey, Pierre de Putron, Esquires, Richard Henry Johns, Esquire, O.B.E., William Robert Freake Clark, Walter John Gavey and Ernest Francis Lainé, Esquires, Jurats.

THE BAILIFF having this day placed before the Court an Order of His Majesty in Council dated the 29th day of April, 1949, ratifying a *Projet de Loi* entitled "Export of Tomatoes Law, 1949",—

THE COURT, after the reading of the said Order in Council and after having heard His Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of the Island of Guernsey, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace,

The 29th day of April, 1949.

Present,

The King's Most Excellent Majesty

LORD PRESIDENT
LORD CYRINE
MR. BEVAN
MR. SILKIN.

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 8th day of April, 1949, in the words following, viz:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 18th day of December, 1936, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That, at a meeting held on the 4th day of February, 1949, the States of Deliberation approved a Bill or “Projet de Loi” entitled “Export of Tomatoes Law, 1949”: 2. That, at a meeting held on the 15th February, 1949, the States of Deliberation amended the said Bill or “Projet de Loi” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction to the said Bill or “Projet de Loi” as so amended: 3. That the said Bill or “Projet de Loi” as so amended 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 “Export of Tomatoes Law, 1949” and to order and direct 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.”

HIS MAJESTY, having taken the said Report into consideration is pleased, by and with the advice of His 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 HIS 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 His 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.

E. C. E. Leadbitter.

Projet de Loi referred to in the foregoing
Order in Council.

PROJET DE LOI

ENTITLED

“ Export of Tomatoes Law, 1949 ”.

THE STATES have approved the following provisions, which, subject to the Sanction of His Most Excellent Majesty in Council, shall have force of law in this Island.

1. (1) The States Committee for Horticulture (hereafter in this Law referred to as “the Committee”) may by Order regulate the collection for the purposes of export and the export from Guernsey of tomatoes.

(2) Without prejudice to the generality of the provisions of the foregoing subsection the Committee may by Order in particular provide—

(a) that the export of tomatoes shall take place only by or through such organisation or organisations as may be prescribed in the Order and to such places and persons as the Committee shall direct or as such organisation or organisations may, subject to the approval of the Committee, select ;

(b) for giving effect to a scheme for compensating in whole or in part, out of monies realised by the sale of tomatoes exported, any person who—

(i) was conducting on his own account the business of tomato export agent during the month of June, 1940 ;
or

- (ii) by transfer *inter vivos* has become or becomes the owner of such a business conducted during the month of June, 1940; or
- (iii) by transmission on the death of such a person as is mentioned in sub-paragraph (i) or sub-paragraph (ii) of this paragraph has become or becomes the owner of such a business conducted as aforesaid; and
- (iv) satisfies the Committee that, but for the operation of any scheme of control governing the export of tomatoes from Guernsey having had effect before the commencement of this Law or of any Order made by the Committee in pursuance of paragraph (a) of this subsection, that person would in 1949 be conducting on his own account the business of tomato export agent;

for the loss of the business reasonably likely to have been dealt with by that person during 1949, were he conducting such business as aforesaid, on the assumption that his business in 1949 would embrace the same proportion of the total island exports of tomatoes as was embraced by that business in 1939, of which he is deprived as a result of any Order made by the Committee in pursuance of paragraph (a) of this subsection.

- (c) for prohibiting or limiting the export of tomatoes.

(3) No Order shall be made by the Committee for the purposes of this section save for the purpose of ensuring the orderly and expeditious marketing of tomatoes.

(4) No Order shall be made by the Committee of a nature specified in paragraphs (a) or (b) of subsection (2) of this section save with the prior approval of the States.

2. (1) If any person contravenes any Order made under this Law or any direction given or requirements imposed under any such Order, he shall be guilty of an offence under this Law.

(2) Subject to any special provisions in any such Order limiting the penalties which may be imposed under this Law, a person guilty of an offence under this Law, shall be liable on conviction before the Police Court, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding six months, or to both such fine and such imprisonment.

3. This Law and any Order made thereunder shall have effect only until the 31st day of December, 1949 :

PROVIDED that nothing in this section shall prejudice the institution or prosecution of proceedings arising out of an offence under this Law.

JAMES E. LE PAGE,
H.M. Greffier.