

III.
1933.

ORDRE EN CONSEIL

Ratifiant un Projet de Loi intitulé

Loi relative au Doryphore (anglicé Colorado Beetle).

(Enregistré sur les Records de l'Île de Guernesey le
6 mai 1933.)



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1933.

ORDRE EN CONSEIL.



A LA COUR ROYALE DE L'ILE DE GUERNESEY.

Le 6 mai 1933, par devant Arthur William Bell, écuyer, Baillif; présents: Jean Allès Simon, John Roussel, Richard Francis McCrea, Osmond Priaulx Gallienne, Arthur Dorey, Geoffrey Alfred Carey, Ernest de Garis, Jean Nicolas Robin et Sidney Beckwith Mainguy, écuyers, Jurés.

Monsieur le Baillif ayant ce jour communiqué à la Cour un Ordre de Sa Majesté en Conseil en date du 19 avril 1933, ratifiant un Projet de Loi intitulé "Loi relative au Doryphore (Anglicé Cororado Beetle) 1933,"

La Cour, après avoir eu lecture du dit Ordre, ouïes les conclusions des Officiers du Roi, a ordonné que la dit Ordre sera enregistré sur les Records de cette Ile, duquel Ordre la teneur suit :—

At the Court at Windsor Castle

The 19th day of April, 1933.

Present,

The King's Most Excellent Majesty

LORD PRESIDENT

SECRETARY SIR JOHN SIMON

LORD COLEBROOKE

SIR FREDERICK PONSONBY.

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 16th day of March, 1933, in the words following, viz. :—

LE 6 MAI 1933.

“Your Majesty having been pleased, by Your General Order of Reference of the 10th day of May, 1910, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth :—

“1. That for the reasons set forth in the preamble thereof, the Royal Court on the 14th day of February, 1933, adopted a Bill or Projet de Loi intituled “Loi relative au doryphore (anglicé ‘Colorado Beetle’), 1933,” and requested the Bailiff to submit the same to the States of Deliberation for approval. 2. That on the 8th day of March, 1933, the said Bill or Projet de Loi was duly considered by the States, when a resolution was passed approving the same with certain modifications and authorizing the President to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 3. That the said Bill or Projet de Loi is in the words and figures set forth in the Schedule to the said Petition. And most humbly praying that Your Majesty would be graciously pleased to grant Your Royal Sanction to the Bill or Projet de Loi of the States of Guernsey intituled “Loi relative au doryphore (anglicé ‘Colorado Beetle’), 1933,” and to order and direct that the same shall have the force of Law within 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 or 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.

M. P. A. HANKEY.

**PROJET DE LOI referred to in the foregoing Order
in Council.**

**LOI RELATIVE AU DORYPHORE (ANGLICÉ
COLORADO BEETLE) 1932.**

Attendu qu'il est censé expédient de faire des amendements à la Loi relative au Doryphore (anglicé "Colorado Beetle"), 1932, notamment en disposant que le devoir de la pulvérisation (anglicé "spraying") des plantes de pommes de terre doit être entrepris par le Comité des Etats pour l'Agriculture et la Pêche au lieu d'être imposé sur des particuliers.

Attendu qu'il est censé plus convenable que les dispositions donnant effet aux amendements voulus soient incorporés dans une nouvelle Loi qui remplacera la dite Loi.

Les Etats ont approuvé le Projet de Loi ci-dessous, rédigé en Anglais lequel moyennant la Sanction de Sa Très Excellente Majesté en Conseil aura force de Loi en cette Ile, et dans les Iles d'Herm et de Jethou.

1.—The Law intituled "Loi relative au Doryphore (anglicé 'Colorado Beetle'), 1932," sanctioned by an Order of His Majesty in Council of the 10th day of June, 1932, registered on the records of the Island of Guernsey on the 27th day of June, 1932, is repealed. Provided that this repeal shall not

- (a) affect the previous operation of the said Law hereby repealed, or anything duly done or suffered thereunder, or
- (b) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any of the provisions of the said Law, or
- (c) affect any investigation, legal proceeding, or remedy in respect of any such penalty, forfeiture or punishment as aforesaid ;

and any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture or punishment may be imposed as if the said repeal had not been enacted.

2. In this Law—

The masculine shall include the feminine and the singular the plural unless the context requires otherwise.

"Beetle" means the Colorado Beetle (*Leptinotarsa decemlineata*).

"Committee" means the States Committee for Agriculture and Fisheries.

"Inspector," unless otherwise defined, means every person authorised to perform duties of inspection under this Law.

3.—(1) The Committee shall execute this Law and secure the observance thereof by all persons whom it may concern and shall be vested generally with all necessary powers in that behalf, and in particular with the powers of issuing general and special orders from time to time and of appointing Inspectors, to whom the Committee may assign duties of inspection generally in the said Islands or in such districts as the Committee shall specify. The Committee may also appoint experts and other persons to assist the Committee in the execution of this Law.

(2) The Committee shall provide itself sufficiently with such implements, apparatus and material as may be required from time to time at the discretion of the Committee for the process of spraying potato plants with arsenate of lead or other material designed to effect the destruction of the Beetle. The Committee shall cause potato plants throughout the said Islands to be sprayed as aforesaid whenever it shall deem it expedient, by operators acting under the authority and direction of the Committee and such operators may for this purpose enter upon all lands whether enclosed or unenclosed where potatoes are growing and shall spray all potato plants found therein and thereon, the whole with the object of preventing the Beetle from establishing itself in the said Islands and, in the event of its introduction therein, of destroying it. Every operator shall be furnished by the Committee with a written authority which he shall pro-

duce on demand to an occupant of land upon which he is about to enter or has entered. Resistance offered to an operator who fails to produce his authority when so demanded shall not be deemed to be an infringement of this law.

(3) The Committee may determine the remuneration to be paid to Inspectors, Experts and other persons performing duties under this Law, and may pay such remuneration and incur such expenses in the provision of implements, apparatus and spraying material and otherwise as may be necessary in the execution of this Law, and the moneys required for such remuneration and expenses shall be provided by the States.

4.—No payment whether in respect of cost or by way of fee, remuneration or gratuity shall be demanded from or made by or on behalf of the owner or possessor of potato plants in connection with the spraying of his potato plants effected or to be effected by operators under this Law. Provided that nothing in this section shall affect the rights and powers of the Committee to impose liabilities under sub-sections 5, 6 and 7 of section 9 of this Law.

5.—An operator or Inspector who is resisted or threatened with resistance in the execution of his duties under this Law may call for the protection of a member or members of the States Police, who if so called upon shall have power to enter upon all premises where such resistance is offered or threatened and to use such force as may be necessary to restrain resisting persons until such operator or Inspector shall have performed his duties. The provisions of this section are without prejudice to any prosecution, penalty or forfeiture which may be incurred under any other provision of this Law in respect of such resistance.

6.—The Constables of parishes shall have powers of inspection under the authority of the Committee within their several parishes.

7.—The Committee shall furnish the Constables of each parish with particulars obtained concerning the planting of potatoes in their parish. Where the Constables are or become aware of any case of potato planting which does not appear in the particulars so furnished they shall at once report the same to the Committee.

8.—Where an Inspector has reason to believe that a crop of potato plants growing within the area covered by his authority has not been reported to the Committee or has not been sprayed in due time or that the spraying of a crop of potatoes within such area has been rendered or has become ineffective he shall inspect the same and for this purpose shall have power to enter upon lands whether enclosed or unenclosed and to interrogate the occupants and other persons. He shall also from time to time as may be requisite or as he may be directed make inspection of all growing crops of potatoes within his area with powers of entry and interrogation as aforesaid in order to ascertain whether there is any evidence of the existence of the Beetle, its eggs, larvæ or pupæ. An expert authorised by the Committee to make inspection and any member of the Committee so authorised shall have the same powers as an Inspector.

Where, upon any such inspection as aforesaid, the facts or circumstances ascertained are such as to call for some measure or action under this Law, they shall be immediately reported to the Committee.

9.—(1) Every person who shall discover a beetle suspected to be a Colorado Beetle or the larvæ or pupæ of such beetle at any place in any of the said Islands shall carefully mark the spot of such discovery, and place a specimen of such beetle, larvæ, or pupæ in a closed box, and deliver it immediately, with a description of the place where it was found, to a Constable of his parish, to an Inspector or to any member of the Committee, or to the States Supervisor, and such Constable, Inspector or member of

Committee, or the States Supervisor receiving the same, shall forthwith notify the President of the Committee accordingly.

(2) Upon receipt of such notification the Committee if satisfied that a beetle so delivered is a Colorado Beetle shall order an inspection of the land where the discovery was reported to have been made and if satisfied that the beetle exists there, it shall declare the locality within such limits as the Committee shall define, to be an "infested area."

(3) At any time after the existence of an infested area has been declared by the Committee, the Committee may further declare a "zone of protection" in relation to that area. The Committee shall define the "zone of protection" which may extend to such radius from the infested area as the Committee shall deem necessary to secure the localisation and extermination of the Beetle.

(4) The Committee may take all such steps as it may deem necessary for the localisation, isolation and extermination of the Beetle in respect of any land comprised within an infested area or a zone of protection and in respect of any crops therein or thereon. The powers of the Committee under this sub-section shall include powers to prohibit the movement of crops and produce, boxes, baskets and other material used or capable of use in connection therewith within or from any such area or zone and also powers to order the removal or destruction of such crops, produce, boxes, baskets or other material.

(5) The Committee may employ or appoint any person or persons to ensure and supervise the execution of all orders given by the Committee and the costs incurred in connection with such employment or appointment shall be borne in whole or in part by the Committee or in whole or in part by the occupant of the land concerned, according as the Committee shall decide.

(6) The Committee may require the occupant of

the land to execute all orders given by the Committee at the cost in whole or in part of the Committee or at the cost in whole or in part of the occupant of the land, according as the Committee shall decide.

(7) The Committee may at any time order that the land or any part thereof comprised within an infested area or a zone of protection shall be planted with potatoes in the following season at the cost in whole or in part, of the Committee, or in whole or in part, of the occupant of the land, according as the Committee shall decide.

(8) In every case where it is incumbent on the Committee to render a decision concerning the liability for costs incurred under Sections 5, 6, or 7 of this Article, and the apportionment of such liability, the Committee shall previously consider and record its finding on the question whether and to what extent, if any, the incurring of such costs was attributable to any default, refusal, negligence or lack of care on the part of the occupant of the land or of his servants.

Every decision of the Committee under any of the said Sections 5, 6 and 7 shall be subject to an appeal to the Royal Court in Ordinary Session whose judgment thereon shall be final. The right of appeal shall lapse after the third Saturday after the day on which the decision was communicated to the occupant of the land.

(9) The control under this Article which the Committee is authorised to exercise over any land and crops contained in an infested area or zone of protection shall continue for such length of time as, in the opinion of the Committee, may be necessary to ensure the extermination of the Beetle.

(10) The Committee shall make recommendations to the States in respect of such cases where, in the opinion of the Committee, compensation should be granted to interested parties to cover losses incurred by reason of a declaration of an infested area or zone of infection.

10.—Every occupant of land shall give to the Committee such information concerning such land and the cultivation thereof as the Committee may by Order or otherwise from time to time require.

11.—For the purpose of this Law the Islands of Herm and Jethou shall be deemed to be part of the parish of Saint Peter Port.

12.—The use of any part of a potato plant consisting of stalk or leaf for packing or other purposes is forbidden. As soon as possible after the separation of plants from the soil by digging or otherwise, all residues of stalk, root and foliage shall be collected and completely burnt.

13.—The Committee may present to the Royal Court any person or persons to whom any authority or duty is committed under this Law, to be sworn as special Constables for the purposes of this Law, and such person or persons may be sworn by the Royal Court accordingly.

14.—If any person shall

(a) offer any resistance or opposition to the entry on any premises by any person authorised to enter such premises by virtue of this Law or shall resist, oppose or interfere with such authorised person in the performance of any act or duty which he is authorised to perform therein by virtue of this Law, or

(b) refuse or neglect to obey any order applicable to him issued by the Committee or by a Constable or by any expert or other person authorised by the Committee to issue such order under the provisions of this Law, or

(c) act in any wise in contravention of this Law or so as to defeat its purpose or abstain from any act therein required to be done by him ;

he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred pounds.

15.—Orders issued by the Committee other than

orders addressed to individuals, associations of persons or incorporated bodies, shall be published in such manner as the Royal Court by Ordinance may prescribe and shall be operative on the day following the completion of such publication or on such later date as may be indicated in such Orders. The Royal Court shall also have power to pass such Ordinances from time to time as it may deem necessary to give effect to and to regulate the execution of this Law and shall also have power by Ordinance to suspend the operation of this Law or of any provision thereof and to restore such operation.

QUERTIER LE PELLEY,
Greffier du Roi.