

*Consolidated text*

This Law has been repealed (in so far as it relates to Guernsey) by the Plant Health (Enabling Provisions) (Guernsey) Law, 2014 (No. X of 2014).

## PROJET DE LOI

ENTITLED

### **The Colorado Beetle (Bailiwick of Guernsey) Law, 1956 \***

*[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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\* Ordres en Conseil Vol. XVII, p. 84; as amended by the Colorado Beetle (Transfer of Functions) (Bailiwick of Guernsey) Law, 1957 (Ordres en Conseil Vol. XVII, p. 194); the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); 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 Loi relative au doryphore (anglicé Colorado Beetle), 1932 (Ordres en Conseil Vol. IX, p. 309); the Colorado Beetle (Transfer of Functions) (Bailiwick of Guernsey) Law, 1957 (*supra*); the Resolution of the States of Alderney of 15<sup>th</sup> January, 1997 (Billet d'État, 15<sup>th</sup> January, 1997, Article VI). This Law has been repealed (in so far as it relates to Guernsey) by the Plant Health (Enabling Provisions) (Guernsey) Law, 2014 (No. X of 2014).

# PROJET DE LOI

ENTITLED

## **The Colorado Beetle (Bailiwick of Guernsey) Law, 1956**

### ARRANGEMENT OF SECTIONS

1. Ordinances.
2. Compensation.
- 3-4. Infested area and zone of protection.
5. Offences and penalty.
6. Committee's orders.
7. Definitions.
8. Interpretation.
9. Repeals.

### SCHEDULE

# PROJET DE LOI

ENTITLED

## **The Colorado Beetle (Bailiwick of Guernsey) Law, 1956**

**THE STATES**, in pursuance of their Resolution of the 20<sup>th</sup> day of July, 1949, and of the 12<sup>th</sup> day of December, 1951, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

### **Ordinances.**

**1.** (1) The Legislative Assembly of an Island may, from time to time, by Ordinance make such provision as respects that Island as they deem necessary or expedient for preventing the infestation of or the spread of infestation in that Island or of any other place by Beetles.

(2) Without prejudice to the generality of the provisions of the preceding subsection the Legislative Assembly may, from time to time, by Ordinance, in particular, provide for any or all of the following matters –

- (a) for taking possession of land,
- (b) for entry upon land, ships and aircraft,
- (c) for the inspection of persons and property including ships and aircraft,
- (d) for the destruction or confiscation of vegetation whether growing or otherwise,
- (e) for imposing an obligation on persons to report the presence of or suspected presence of Beetles and to take steps for the destruction, capture or handing in of, any Beetles found,

- (f) for requiring persons to supply such information as may be necessary or expedient for preventing infestation or the spread of infestation by Beetles,
- (g) for prohibiting or limiting the movement of ships or aircraft and the movement, export, or import, of any property,
- (h) for requiring the occupier of any land on which there are or have been potato plants to treat with such insecticide as they may provide such potato plants or land, as the case may be, in such manner as they may require,
- (i) for empowering the Committee to cause any potato plants, or any land on which there are or have been potato plants, or both, to be treated with insecticide in such manner as the Committee may require,
- (j) for any matters ancillary to those set out in paragraphs (a) to (i) of this subsection both inclusive.

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**NOTES**

*In accordance with the provisions of the Colorado Beetle (Transfer of Functions) (Bailiwick of Guernsey) Law, 1957, section 3, with effect from 3rd November, 1956, this Law may, when cited together with the 1957 Law, be cited as the Colorado Beetle (Bailiwick of Guernsey) Laws, 1956 and 1957. The Colorado Beetle (Transfer of Functions) (Bailiwick of Guernsey) Law, 1957 has been repealed, in so far as it relates to the Island of Guernsey by the Plant Health (Enabling Provisions) (Guernsey) Law, 2014, section 6, Schedule, with effect from 4th February, 2020*

*The whole Law has been repealed, in so far as it relates to the Island of Guernsey by the Plant Health (Enabling Provisions) (Guernsey) Law, 2014, section 6, Schedule, with effect from 4th February, 2020.*

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**Compensation.**

2. (1) No compensation shall be payable to any person suffering loss

or damage by the exercise of any power given under the provisions of an Ordinance made under the provisions of this Law otherwise than under and in accordance with the provisions of the next succeeding subsection.

(2) Compensation shall, subject to such conditions as an Ordinance made under the provisions of this Law may direct, be payable, according to such scale as may be therein contained, to a person whose vegetation, whether growing or otherwise, has been destroyed or confiscated by the exercise of any power given under the provisions of an Ordinance made under the provisions of this Law.

(3) In a case where the Committee take possession of land by the exercise of any power given under the provisions of an Ordinance made under the provisions of this Law, the Committee shall, for such period and subject to such conditions as an Ordinance made under this Law may provide, pay to the person who, but for such taking of possession as aforesaid, would be entitled to possession of the land such rent therefor at such rate as the said Ordinance may provide.

(4) Payment of compensation as aforesaid shall be in full satisfaction of the value of the vegetation destroyed or confiscated and payment of rent as aforesaid shall be full satisfaction of the value of any loss incurred by the person to whom such rent is paid by reason of such possession as aforesaid during the period such rent is paid.

**Infested area and zone of protection.**

3. (1) The Committee may, in their discretion, from time to time by order declare any locality within such limits as the Committee shall define to be an infested area.

(2) At any time after a locality has been declared to be an infested area, the Committee may from time to time by order declare a locality, in relation to an infested area, extending to such limits beyond the limits of the infested area as the Committee shall define, to be a zone of protection.

(3) The Legislative Assembly of an Island may from time to time by Ordinance made under the provisions of this Law empower the Committee to

take such steps in relation to an infested area, or a zone of protection, or both, for preventing the spread of infestation in that Island as may be specified in that Ordinance.

4. A person shall not, unless thereunto duly authorised by the Committee, enter or leave an infested area.

**Offences and penalty.**

5. Any person who –

- (a) resists or interferes with any person in the performance of any act or duty which he is authorised to perform by virtue of this Law or of any Ordinance or order made hereunder, or who refuses or neglects to obey any order applicable to him issued by such, person,
- (b) refuses or neglects to supply information which he is required to supply under the provisions of any Ordinance made under subsection (2) of section one of this Law,
- (c) knowingly supplies information which he is required to supply under the provisions of any Ordinance made under subsection (2) of section one of this Law which is false in a material particular,
- (d) contravenes any of the provisions of this Law or of any Ordinance or order made hereunder,

shall be guilty of an offence and liable, on conviction, to a fine not exceeding [level 3 on the uniform scale].

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**NOTE**

*In section 5, 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.*

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**Committee's orders.**

6. Every order made by the Committee under this Law shall be laid before a meeting of the Legislative Assembly as soon as may be after the making thereof and if, at that meeting or at the next subsequent meeting, the Legislative Assembly resolve that the order be annulled, the order shall cease to have effect but without prejudice to anything done thereunder or to the making by the Committee of any new order.

**Definitions.**

7. For the purposes of this Law the following expressions shall have the meanings hereby respectively assigned to them –

**"Legislative Assembly"** means –

- (i) in relation to the Island of Guernsey, the States of Guernsey and [the Legislation Review Panel as appointed by the States Scrutiny Management Committee] when acting within the scope of its authority,
- (ii) in relation to the Island of Alderney, the States of Alderney,
- (iii) in relation to the Island of Sark, the Chief Pleas of Sark,

**"Committee"** means –

- (i) in relation to the Island of Guernsey, the States [Committee for Economic Development] of that Island,
- (ii) in relation to the Island of Alderney, the States

Committee for Agriculture and Fisheries of that Island,

- (iii) in relation to the Island of Sark, the Sark Potato Crop Protection Committee,

**"Beetle"** means the Colorado Beetle (*Leptinotarsa decemlineata*) and includes the eggs, larvae, and pupae thereof,

**"Island of Guernsey"** includes the Islands of Herm and Jethou.

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## NOTES

*In section 7,*

*the words in square brackets in paragraph (i) of the definition of the expression "Legislative Assembly" were substituted by the Organisation of States' Affairs (Transfer of Functions and Consequential Matters) Ordinance, 2019, section 4, with effect from 27th November, 2019;<sup>1</sup>*

*the words in square brackets in paragraph (i) of the definition of the expression "the Committee" 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>2</sup>*

*The functions, rights and liabilities of the Commerce and Employment Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the Committee for Economic Development and its President or Vice-President 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.<sup>3</sup>*

*In accordance with their Resolution of 15th January, 1997 on Article VI of the Billet d'État of that date, the States of Alderney resolved that the mandate of the States of Alderney General Services Committee should include, inter alia, being, for the purposes of all legislation, the States Committee for Agriculture and Fisheries and performing the functions, inter alia, of administering this Law.*

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## Interpretation.

**8.** The Interpretation (Guernsey) Law, 1948, shall apply to this Law in its application to the Islands of Alderney and Sark as it applies to the same in its application to the Island of Guernsey.

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**NOTE**

*The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.*

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**Repeals.**

9. The enactments set out in the Schedule to this Law shall be repealed on such date as the States may by Ordinance appoint.

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**NOTE**

*The Law received Royal Sanction on 9th October, 1956 and was registered on the Records of the Island of Guernsey on 3rd November, 1956.*

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SCHEDULE

Loi relative au Doryphore (anglicé Colorado Beetle), 1933, registered on the Records of the Island of Guernsey on the 6<sup>th</sup> day of May, 1933.

Loi relative au Doryphore (anglicé) Colorado Beetle, 1932, registered on the Records of the Island of Guernsey on the 1<sup>st</sup> day of April, 1933 (which relates to the Island of Alderney).

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<sup>1</sup> These words were previously amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 20, with effect from 6th May, 2004; and the functions, rights and liabilities of the Legislation Select Committee and its Minister arising under or by virtue of this Law were previously transferred to and vested in them, respectively, from the Legislation Committee and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 20, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

<sup>2</sup> These words were previously substituted in accordance with the provisions of the Colorado Beetle (Transfer of Functions) (Bailiwick of Guernsey) Law, 1957, section 1, with effect from 6th April, 1957; and by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 10, with effect from 6th May, 2004.

<sup>3</sup> The functions, rights and liabilities of the Commerce and Employment Department and its Minister arising under or by virtue of this Law 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; the functions, powers, rights and liabilities of the Committee for Horticulture and of its President arising under or by virtue of this Law were previously transferred to them from the States of Guernsey Committee for Agriculture and Fisheries in accordance with the provisions of the Colorado Beetle (Transfer of Functions) (Bailiwick of Guernsey) Law, 1957, section 1, with effect

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from 6th April, 1957, subject to the savings in section 2 of the 1957 Law.