

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

**Ordonnance dite
"The Narcissus Pests Ordinance, 1938" ***

[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.

©States of Guernsey

* Recueil d'Ordonnances Tome VIII, p. 287; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the States Civil Service Board (Implementation) Ordinance, 1964 (Recueil d'Ordonnances Tome XIV, p. 4); 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). This Ordinance is applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Recueil d'Ordonnances Tome IX, p. 247). See also the Reform (Guernsey) Law, 1948 (Ordres en Conseil Vol. XIII, p. 288). This Ordinance has been repealed by the Plant Health (Implementation) (Guernsey) Ordinance, 2020 (No. ** of 2020).

ORDINANCE
OF THE STATES OF DELIBERATION

ENTITLED

**Ordonnance dite
"The Narcissus Pests Ordinance, 1938"**

ARRANGEMENT OF ARTICLES

1. Powers of entry.
2. Power to require treatment of affected plants and bulbs.
3. Disposal of affected bulbs.
4. Service of notices.
5. Penalties.
6. Definition.
7. Commencement.

(Made on 5th March, 1938.)

Ordonnance dite
"The Narcissus Pests Ordinance, 1938"

LA COUR, ouïes les conclusions des Officiers du Roi, par voie des dispositions suivantes rédigés en anglais, a ordonné et ordonne comme suit, savoir: –

Powers of entry.

1. An Inspector appointed by the [States [Policy & Resources Committee]] (and hereinafter styled "**the Inspector**") upon production, if required, of written evidence of his appointment under the hand of [the Chief Executive of the States of Guernsey], may at all reasonable times enter upon any premises in this Island and examine any narcissus plants or bulbs thereon, and the occupier of the premises shall give to him all reasonable facilities for carrying out the examination.

NOTES

In Article 1,

the word in the first pair of square brackets was substituted by the States Civil Service Board (Implementation) Ordinance, 1964, section 1, Schedule, with effect from 29th January, 1964;

the words in square brackets within the first pair of square brackets 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;¹

the words in the second pair of square brackets were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 3, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.

The functions, rights and liabilities of the Policy Council and of its 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.²

The Ordinance is applied to the Island of Herm by the Herm Laws Ordinance, 1948, Article 1, Schedule, Part III, with effect from 13th March, 1948.

In accordance with the provisions of the Reform (Guernsey) Law, 1948,

Article 70(3), with effect from 1st January, 1950, this formerly Provisional Ordinance of the Royal Court became a Permanent Ordinance of the States.

Power to require treatment of affected plants and bulbs.

2. (1) When, on any premises in this Island, any narcissus plants or bulbs are found by the Inspector to be so infested with any of the pests known as Narcissus Flies (*Merodon equestris* Fab. *Eumerus strigatus* Fl. and *Eumerus turberculatus* Rdi.) or eelworm (*Anguillulina dipsaci* Kuhn.) or Bulb Scale Mite (*Tarsonemus approximatus* Banks, var. *Narcissus* Ewing), that any such pest is likely to spread to any other premises in this Island he shall, if so directed by the States [Committee for Economic Development], by Notice served on the occupier of the premises, require such plants or bulbs as he may determine to be treated in such manner as may be prescribed in the Notice, and for the purpose of such treatment he may require the growing plants and bulbs to be lifted.

(2) A Notice under this Article may prescribe the time within which the adoption of any measure thereby prescribed shall be completed.

(3) Nothing in this Ordinance shall prevent an occupier of premises upon whom a Notice has been served under this Article, from completely destroying by fire any plants or bulbs in respect of which a Notice has been served on him, and if he does so destroy them he shall be deemed to have complied with the Notice.

(4) When a Notice has been served under this Article, the Inspector shall ascertain whether the Notice has been complied with.

NOTES

In Article 2, the words in square brackets were substituted 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, 2016.³

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 Ordinance 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.⁴

Disposal of affected bulbs.

3. No person shall remove from any premises in this Island narcissus bulbs infested with any of the pests mentioned in Article 2 of this Ordinance except under, and in accordance with the conditions of, a licence issued by the Inspector, and such licence may prescribe that the bulbs shall be treated in such manner as the Inspector may determine; provided that nothing in this Ordinance shall prevent the owner of bulbs, so infested, from completely destroying them by fire.

Service of notices.

4. For the purpose of this Ordinance, a Notice shall be deemed to be served on any person if it is delivered to him personally or left for him at his last known place of abode or business, or sent through the registered post in a letter addressed to him there and a Notice purporting to be signed by the Inspector shall be prima facie evidence that it was signed by him as such Inspector.

Penalties.

5. Every person shall be liable on conviction to a fine not exceeding [level 1 on the uniform scale], or in respect to a second or subsequent offence to a fine not exceeding [level 2 on the uniform scale], who wilfully obstructs or impedes the Inspector in the exercise of his powers under Article 1 of this Ordinance or any other Article thereof or who does any act in contravention of this Ordinance or of the terms or conditions of any notice or licence served or issued thereunder, or fails to do any act which he is required to do by this Ordinance or any such Notice or licence.

NOTE

In Article 5, the words and figures in the first and second pairs of square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, respectively section 2(2) and section 2(4), with effect from 1st July, 1989.

Definition.

6. "Narcissus plants and bulbs" includes Daffodil plants and bulbs.

Commencement.

7. (a) The provisions of Article 1 of this Ordinance and those of the provisions of Article 5 thereof which end with the word "Ordinance" where that word first appears in the latter Article shall come into operation forthwith.

(b) The remaining provisions of this Ordinance shall come into operation on the first day of January, 1939.

NOTE

The Ordinance was made on 5th March, 1938.

¹ 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.

² 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.

³ 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.

⁴ 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.