

PROJET DE LOI

ENTITLED

The Tomato Marketing (Amendment) (Guernsey) Law, 1968 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. However, while it is believed to be accurate and up to date, it is not authoritative and has no legal effect, having been prepared in-house for the assistance of the Law Officers. 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.

* Ordres en Conseil Vol. XXI, p. 295; as amended by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003).

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ARRANGEMENT OF SECTIONS

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THE STATES, in pursuance of their Resolution of the thirty-first day of July, nineteen hundred and sixty-eight, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Island of Guernsey.

Additional powers of the Board.

1. (1) Notwithstanding the provisions of the Tomato Marketing (Guernsey) Law, 1952^a (hereafter in this Law referred to as "**the principal Law**"), as amended^b –

- (a) the Board may export and market the tomatoes of any producer whether or not such tomatoes are graded in the manner for the time being prescribed by the States [Commerce and Employment Department] (hereafter in this section referred to as "**the Committee**") by order made under subsection (2A) of section two of the principal Law, as amended, if such tomatoes are graded in such manner as the Committee may from

^a Ordres en Conseil Vol. XV, p. 341.

^b Ordres en Conseil Vol. XVI, p. 273; Vol. XVIII, p. 262.

time to time specify in a licence granted by the Committee under this section at the instance of the Board to the producer of such tomatoes or, where such tomatoes have been packed by a store-packer or by the Board, to that store-packer or to the Board, as the case may be,

- (b) the amount attributable to a producer in respect of any of his tomatoes which have been exported by the Board by virtue of this section shall be determined by the Board.

(2) The Committee may at any time vary, suspend or revoke licence granted under this section.

(3) In this section the expression "**store-packer**" means a person, other than the Board, carrying on the trade or business of packing and grading tomatoes.

NOTE

In section 1, the words in square brackets in paragraph (a) of subsection (1) were 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 functions, rights and liabilities of the Committee for Horticulture and of its President arising under or by virtue of this Law were transferred to and vested in, respectively, the Commerce and Employment Department and its Minister 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.

Amendment of principal law, as amended.

2. The principal Law, as amended, is hereby amended as follows, that is to say –

- (a) in subsection (1) of section two thereof there is hereby inserted, immediately after paragraph (a) of that subsection, the following paragraph –

"(b) may engage in the packing of tomatoes by way of trade or business,"

and the existing paragraph (b) and -paragraph (c) of that subsection are hereby re-designated respectively as "(c)" and "(d)",

- (b) section three thereof is hereby repealed and the following section is hereby substituted therefor –

"3. Nothing in this Law contained shall be deemed to authorise the Board to regulate the packing and grading of tomatoes.",

- (c) subsection (1B) of section six thereof is hereby repealed and the following subsection is hereby substituted therefor –

"(1B) Where, after the approval by an annual general meeting of registered producers for any financial year of the amount per package of twelve pounds of tomatoes to be levied by the Board under

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the foregoing provisions of this Law, it appears to the Board that such amount is or may be insufficient to meet any expenses incurred or to be incurred by the Board in or in relation to that financial year, the Board may from time to time increase the levy by such amount and in respect of tomatoes exported during such period as appears to the Board to be necessary to meet those expenses.",

- (d) paragraph nine of the First Schedule thereto is hereby repealed and the following paragraph is hereby substituted therefor –

"9. (1) Subject to the provisions of this paragraph, the members of the Board shall hold office from the first day of March next following their election for a period of four years.

(2) The five members of the Board elected in February, nineteen hundred and sixty-seven, shall retire on the twenty-eighth day of February, nineteen hundred and sixty-nine, and the five members of the Board elected in February, nineteen hundred and sixty-eight, shall retire on the twenty-eighth day of February, nineteen hundred and seventy.

(3) The five members of the Board elected in February, nineteen hundred and sixty-nine, shall hold office from the first day of March of that year for a period of three years.",

(e) in the Second Schedule thereto –

(i) paragraph one thereof is hereby repealed and the following paragraph is hereby substituted therefor –

"1. The members of the Board shall be elected by registered producers in accordance with the provisions of this Schedule.",

(ii) paragraph two thereof is hereby repealed and the following paragraph is hereby substituted therefor –

"2. (1) An election to replace the members of the Board retiring by virtue of the provisions of paragraph nine of the First Schedule to this Law on the last day of February in any year shall be held in accordance with the provisions of this Schedule in the month of February of that year.

(2) The Board shall as soon as may be after the holding of any election give notice in the "Gazette Officielle" of the result thereof.",

(iii) paragraph three thereof is hereby repealed and the following paragraph is hereby substituted

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therefor –

"3. Every nomination of a candidate for election to the Board shall be in writing and signed by at least five registered producers.",

(iv) sub-paragraph (3) and sub-paragraph (4) of paragraph five thereof are hereby repealed,

(v) sub-paragraph (2) of paragraph seven thereof is hereby repealed and the following sub-paragraph is hereby substituted therefor –

(2) Each register of producers as aforesaid shall contain the name and address of every registered producer and the number of votes which he is entitled to cast.",

(vi) paragraph eleven thereof is hereby repealed and the following paragraph is hereby substituted therefor –

"11. Subject to the provisions of this Law, the Board shall be responsible for holding all elections.",

(vii) paragraph thirteen and paragraph fourteen thereof are hereby repealed.

Repeal.

3. The Tomato Marketing (Amendment) (No. 2) (Guernsey) Law, 1960^c, is hereby repealed.

Citation and construction.

4. (1) This Law may be cited as the Tomato Marketing (Amendment) (Guernsey) Law, 1968, and this Law, the Tomato Marketing (Guernsey) Laws, 1952 and 1955, and the Tomato Marketing (Amendment) (Guernsey) Law, 1960, may be cited together as the Tomato Marketing (Guernsey) Laws, 1952 to 1968.

(2) This Law shall be construed as one with the principal Law, as amended.

NOTE

The Law received Royal Sanction on 16th October, 1968 and was registered on the Records of the Island of Guernsey and came into force on 22nd October, 1968.

^c Ordres en Conseil Vol. XVIII, p. 264.