

ORDER IN COUNCIL

IX
1978

ratifying a Projet de Loi

ENTITLED

The Tomato Marketing (Amendment) (Guernsey) Law, 1978

(Registered on the Records of the Island of Guernsey
on the 25th July, 1978.)



1978

ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 25th day of July, 1978, before Sir John Loveridge, Kt., C.B.E., Bailiff; present:—Stanley Walter Gavey, Esquire, O.B.E., D'Arcy George Le Tissier, Walter Francis Robin, Richard Alan Kinnersly, Esquires, Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Richard Brook Sutcliffe, Richard Oliver Symons, Albert Richard McCartney Straw, Esquires and Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 31st day of May, 1978, ratifying a *Projet de Loi* entitled "The Tomato Marketing (Amendment) (Guernsey) Law, 1978", the Court, after the reading of the said Order in Council, and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 31st day of May 1978

PRESENT,

The Queen's Most Excellent Majesty in Council

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 5th day of May 1978 in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That, in pursuance of their Resolutions of the 31st day of March 1976 and the 30th day of March 1977, the States of Deliberation at a meeting held on the 25th day of May 1977 approved a Bill or “Projet de Loi” entitled “The Tomato Marketing (Amendment) (Guernsey) Law, 1978”, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” 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 “The Tomato Marketing (Amendment) (Guernsey) Law, 1978”, and to order 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.”

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

N. E. Leigh

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

PROJET DE LOI

ENTITLED

The Tomato Marketing (Amendment) (Guernsey) Law, 1978

THE STATES, in pursuance of their Resolutions of the thirty-first day of March, nineteen hundred and seventy-six, and the thirtieth day of March, nineteen hundred and seventy-seven, 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.

Amend-
ments
to Law of
1952.

1. The Tomato Marketing (Guernsey) Law, 1952 as amended (a), is hereby further amended as follows:—

- (a) section five thereof is re-numbered as subsection (1) of section five, the full stop at the end of that subsection is deleted and a colon is substituted therefor and immediately thereafter there is inserted the following Proviso to that subsection and the following additional subsection numbered “(2)”—

“Provided that nothing in the preceding provisions of this subsection shall be taken to require the Board, out of the proceeds of a levy raised as aforesaid, to compensate any producer whose tomatoes are damaged or lost or which deteriorate as a result of a strike or industrial action short of

(a) Ordres en Conseil Vol. XV, p. 341; Vol. XVI, p. 273; Vol. XVIII, p. 262; Vol. XXI, p. 295.

a strike during the period between their acceptance by the Board and their delivery to the consignee, whether such strike or such industrial action takes place in this Island or elsewhere.

(2) In this section the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“contract of employment” means a contract of service or of apprenticeship, whether it is express or implied, and (if it is express) whether it is oral or in writing;

“employee” means an individual who has entered into or works under (or, where the employment has ceased, worked under) a contract of employment;

“employer” means the person by whom an employee is (or, in a case where the employment has ceased, was) employed;

“industrial dispute” means a dispute between one or more employers or organizations of employers and one or more workers or organizations of workers, where the dispute relates wholly or mainly to any one or more of the following, that is to say—

(a) terms and conditions of employment, or the physical conditions in which any workers are required to work;

(b) engagement or non-engagement, or termination or suspension of

employment, of one or more workers;

- (c) allocation of work as between workers or groups of workers;

“industrial action short of a strike” means any concerted course of conduct (other than a strike) which, in contemplation or furtherance of an industrial dispute—

- (a) is carried on by a group of workers with the intention of preventing, reducing or otherwise interfering with the production of goods or the provision of services, and
- (b) in the case of some or all of them, is carried on in breach of their contracts of employment or (where they are not employees) in breach of their terms and conditions of service;

“strike” means a concerted stoppage of work by a group of workers in contemplation or furtherance of an industrial dispute, whether they are parties to the dispute or not, whether (in the case of all or any of those workers) a stoppage is or is not in breach of their terms and conditions of employment, and whether it is carried out during, or on the termination of, their employment;

“terms and conditions of employment” means the terms and conditions on which one or more workers are, or

are to be, required to work for their employers;

“worker” means an individual regarded in whichever (if any) of the following capacities is applicable to him, that is to say, as a person who works or normally works or seeks to work—

(a) under a contract of employment, or

(b) under any other contract (whether express or implied, and, if express, whether oral or in writing) whereby he undertakes to perform personally any work or services for another party to the contract who is not a professional client of his.”;

(b) in section six thereof the words “per package of twelve pounds” are hereby repealed wherever they occur in that section and the words “per six kilograms or part of six kilograms” are substituted therefor;

(c) in subparagraph (1) of paragraph five of the Second Schedule thereto the words “six thousand or more pounds” are repealed and the words “two thousand seven hundred or more kilograms” are substituted therefor;

(d) in subparagraph (2) of paragraph five of the Second Schedule thereto the words “six thousand pounds” are repealed and the words “two thousand seven hundred kilograms” are substituted therefor.

Citation and
collective
title

2. (1) This Law may be cited as the Tomato Marketing (Amendment) (Guernsey) Law, 1978.

(2) This Law and the Tomato Marketing (Guernsey) Laws, 1952 to 1968, may be cited together as the Tomato Marketing (Guernsey) Laws, 1952 to 1978.

R. H. VIDELO,

Her Majesty's Greffier.