

# ORDINANCE

## OF THE STATES OF DELIBERATION

ENTITLED

### **The Wild Plants Protection Ordinance, 1950 \***

*[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.*

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\* Recueil d'Ordonnances Tome X, p. 106; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Island Development (Guernsey) Law, 1966 (Consequential Amendments) Ordinance, 1968 (Recueil d'Ordonnances Tome XV, p. 342); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406).

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OF THE STATES OF DELIBERATION**

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**The Wild Plants Protection Ordinance, 1950**

ARRANGEMENT OF SECTIONS

1. Sale, etc. of wild flower roots, etc. prohibited.
2. Definition.
3. Penalty.
4. Commencement.

(Made on the 20th September, 1950.)

## **The Wild Plants Protection Ordinance, 1950**

**THE STATES**, on the representations of the States Advisory Council, hereby order: –

### **Sale, etc. of wild flower roots, etc. prohibited.**

1. No person shall, without permission in that behalf obtained from the [States Environment Department], sell or purchase or offer to sell or purchase any root, bulb, corm or rhizome of a wild fern or flower otherwise than in the course of and incidentally to the sale or purchase of, or an offer to sell or to purchase, the land on or in which such root, bulb, corm or rhizome is situate.

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### **NOTES**

*In section 1, the words in square brackets were substituted by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 19, with effect from 6th May, 2004.<sup>1</sup>*

*The functions, rights and liabilities of the Island Development Committee and of its President arising under or by virtue of this Ordinance were transferred to and vested in, respectively, the Environment Department and its Minister by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 19, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance.*

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### **Definition.**

2. For the purposes of this Ordinance, the expression "**wild fern or flower**" shall mean any fern or flower other than a fern or flower cultivated on private property, not being a plant scheduled for the time being as a noxious weed under the Loi relative aux Mauvaises Herbes, registered on the Records of this

Island on the 16<sup>th</sup> day of July, 1927, or under any enactment from time to time amending or replacing that Law.

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**NOTE**

*The Loi relative aux Mauvaises Herbes, 1927 has since been repealed by the Noxious Weeds (Guernsey) Law, 1952, section 6, with effect from 16th August, 1952.*

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**Penalty.**

3. A person who infringes any provision of this Ordinance shall be guilty of an offence and liable on conviction to a fine not exceeding [level 1 on the uniform scale], and in addition to such fine, the Court may order the confiscation and subsequent disposal of any root, bulb, corm or rhizome to which the offence relates.

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**NOTE**

*In section 3, the words 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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**Commencement.**

4. This Ordinance shall come into force on the 1<sup>st</sup> day of October, 1950.

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<sup>1</sup> These words were previously substituted by the Island Development (Guernsey) Law, 1966 (Consequential Amendments) Ordinance, 1968, section 1(b), with effect from 24th April, 1968.