

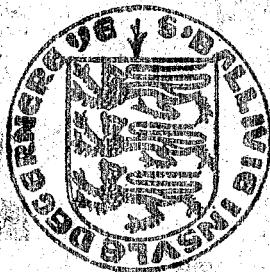
ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

The Poisonous Substances (Guernsey) Law, 1958

(Registered on the Records of the Island of Guernsey
on the 22nd day of March, 1958.)



1958.

III

1958

ORDER IN COUNCIL.



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 22nd day of March, 1958, before Sir Ambrose James Sherwill, C.B.E., M.C., Bailiff; present :— Sir John Leale, Arthur Falla, William Robert Freake Clark, Esquires, Donald Carey Brock, Esquire, C.B.E., Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez, Bertram Guy Blampied, Esquires, Richard Edward Gibson, Esquire, O.B.E., Claude Fortescue Nason, and Henry Robin Bichard, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 19th day of February, 1958, ratifying a *Projet de Loi* entitled “The Poisonous Substances (Guernsey) Law, 1958”,—the Court, after the reading of the said Order in Council and after having heard Her Majesty’s Comptroller 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 19th day of February, 1958.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT

MR. SANDYS

COMMANDER NOBLE

MR. WALKER-SMITH

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 3rd day of February, 1958, 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 Resolution of the 29th day of May, 1957, the States of Deliberation at a meeting held on the 18th day of September, 1957, approved a Bill or “Projet de Loi” entitled “The Poisonous Substances (Guernsey) Law, 1958,” 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 Poisonous Substances (Guernsey) Law, 1958," and to order that the same shall have force of law in the Islands of Guernsey, Herm and Jethou.'

"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 Islands of Guernsey, Herm and Jethou.

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.

W. G. AGNEW.

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

PROJET DE LOI

ENTITLED

The Poisonous Substances (Guernsey) Law, 1958.

THE STATES, in pursuance of their Resolution of the twenty-ninth day of May, nineteen hundred and fifty-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 Islands of Guernsey, Herm and Jethou.

**Interpreta-
tion.**

1. In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“authority” means any person entrusted with powers, or upon whom duties are imposed, by the States;

“the Committee” means the States Labour and Welfare Committee as constituted from time to time by Resolution of the States under and for the purposes of this Law;

“poisonous substance” means a substance used or capable of being used in agriculture or horticulture and from time to time declared by Ordinance of the States to be a substance which is harmful to any human being, any animal or anything grown on land;

“undertaking” means any undertaking by way of any trade or business.

2. (1) The States may from time to time by Ordinance provide— Powers of
the States.

- (a) for regulating or prohibiting the importation, production, treatment, keeping, storage, movement, transport, distribution, disposal, acquisition, use or consumption of any poisonous substance;
- (b) for the entry into and inspection of any premises for any purpose connected with the exercise of powers conferred by or under this Law;
- (c) for taking samples of soil and of any substance which in the opinion of a person authorised by an Ordinance made under this Law to take such samples may be or may contain a poisonous substance; and
- (d) for any incidental and supplementary matters for which the States deem it expedient for the purposes of the Ordinance to provide;

and may from time to time make such provision, including provision for requiring any person to furnish any information and to keep any record, as the States think necessary or expedient for facilitating the introduction or operation of a scheme of control for which provision has been made, or for which, in the opinion of the States, it will or may be found necessary or expedient that provision should be made under this Law.

(2) An Ordinance under this Law may prohibit the doing of anything regulated by the Ordinance except under the authority of a licence granted by such authority or person as may be specified in the Ordinance, and may be made so as to apply either

to persons or undertakings generally or to any particular person or undertaking or class of persons or undertakings, and either to the whole or to any part of any undertaking, and so as to have effect either generally or in any particular area.

Administration.

3. The Committee shall be responsible for carrying out the provisions of any Ordinance made under this Law except for the carrying out of such provisions, if any, as the States may require to be carried out by some other authority.

Forging of documents, etc.

4. (1) A person shall not, with intent to deceive—

- (a) forge or use, or lend to or allow to be used by any other person, any document issued for the purposes of any Ordinance made under this Law; or
- (b) make or have in his possession any document so closely resembling such a document as aforesaid as to be calculated to deceive; or
- (c) produce, furnish, send or otherwise make use of, for the purposes aforesaid, any book, account, estimate, return, declaration or other document which is false in a material particular.

(2) A person shall not, in furnishing any information for the purposes of any Ordinance made under this Law, make any statement which he knows to be false in a material particular or recklessly make any statement which is false in a material particular.

Obstruction.

5. A person shall not wilfully obstruct any person exercising any powers or performing any duties conferred or imposed on him under any Ordinance made under this Law.

6. A person who obtains any information by virtue of any Ordinance made under this Law shall not, otherwise than in connection with the execution of any Ordinance made under this Law, disclose that information: Disclosure of information.

PROVIDED that nothing in this section shall apply to any disclosure of information made for the purposes of any legal proceedings which may be taken under or by virtue of this Law.

7: (1) A person who contravenes or attempts to contravene or fails to comply with any of the provisions of this Law shall be guilty of an offence under this Law. Offences.

(2) Save as otherwise expressly provided by that Ordinance, any person who contravenes or attempts to contravene or fails to comply with any of the provisions of any Ordinance made under this Law or any direction given or requirement imposed under or by virtue of that Ordinance shall be guilty of an offence under that Ordinance.

8. The States may from time to time by Ordinance prescribe the penalties which shall be incurred by any person guilty of any offence under this Law or by any person guilty of any offence under any Ordinance made under this Law and different penalties may be so prescribed for different offences. Penalties.

9. Where a person convicted of an offence under this Law or of an offence under any Ordinance made under this Law is a body corporate, every person who, at the time of the commission of the offence, was a director or officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the Offence by body corporate.

offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

Service of notices.

10. Without prejudice to any special provision contained in any Ordinance made under this Law, a notice to be served for the purposes of any Ordinance made under this Law may be served—

- (a) on any person by delivering it to him, by leaving it, or by sending it by post addressed to him, at his usual or last known place of abode;
- (b) on any firm by delivering it to any partner of the firm or by leaving it at, or sending it by post to, the principal or last known principal place of business of the firm;
- (c) on any body corporate by leaving it at, or by sending it by post to, its registered office if situated in the Island of Guernsey or, if its registered office is not so situated, its principal or last known principal place of business in the Island of Guernsey, the Island of Herm or the Island of Jethou, as the case may be.

Variation and repeal of Ordinances.

11. Any power conferred by this Law to make any Ordinance shall be construed as including a power exercisable in the like manner to vary or repeal the Ordinance.

Citation.

12. This Law may be cited as the Poisonous Substances (Guernsey) Law, 1958.

JAMES E. LE PAGE,

Her Majesty's Greffier.