



Jersey

# **AGRICULTURAL MARKETING (JERSEY) LAW 1953**

## **Official Consolidated Version**

This is an official version of consolidated legislation compiled and issued under the authority of the Legislation (Jersey) Law 2021.

01.160

Showing the law from 28 September 2021 to Current



Jersey

# AGRICULTURAL MARKETING (JERSEY) LAW 1953

## Contents

### Article

1	Interpretation .....	3
2	Submission and approval of agricultural marketing schemes.....	4
3	Board.....	5
4	Registration of producers .....	7
5	Polls and meetings.....	8
6	Amendment of schemes and substitutional schemes .....	9
7	Revocation of schemes .....	10
8	Miscellaneous provisions to be incorporated in schemes .....	11
9	Payment of compensation to registered producers .....	13
10	Provisions as to winding-up of boards .....	13
11	Provisions which may be incorporated in schemes .....	14
12	Effect of schemes on contracts or agreements.....	17
13	Commissions of enquiry .....	19
14	Directions to boards .....	20
15	Temporary directions .....	22
16	Regulation of exportation of home-produced agricultural produce.....	23
17	Regulation of internal marketing of home-produced agricultural produce	24
18	Furnishing of information .....	25
19	.....	25
20	Publication of notices .....	25
21	Payment of expenses.....	25
22	Restrictions on disclosing information .....	25
23	Offences .....	26
24	Treaties etc. to prevail .....	26
25	Saving of powers.....	27
26	Citation.....	27

### ENDNOTES

28

Table of Legislation History .....	28
Table of Renumbered Provisions .....	28
Table of Endnote References .....	29



Jersey

## AGRICULTURAL MARKETING (JERSEY) LAW 1953<sup>1</sup>

**A LAW** to provide for the control of the marketing of agricultural produce by control of production and by other means, to empower the States to approve schemes for this purpose and to provide for other matters incidental thereto<sup>2</sup>

Commencement [[see endnotes](#)]

---

### 1 Interpretation

(1) In this Law, unless the context otherwise requires –

“agricultural marketing scheme” and “scheme” mean a scheme for regulating the marketing or the marketing and production of agricultural produce under this Law;

“agricultural produce” means crops or horticultural produce, livestock, or the produce of any kind of animal husbandry, including the carcasses, hides, wool or fur of animals, bacon, cheese, butter or other dairy produce, and includes any article wholly or partly manufactured or derived from such produce;

“board” means a board administering a scheme under this Law and, in relation to any scheme, the board administering that scheme;

“contravention” includes non-compliance and the expression “contravene” shall be construed accordingly;

“initial poll” has the meaning assigned thereto by Article 5(1);

“livestock” means cattle, horses, pigs, sheep and poultry;

“Minister” means the Minister for Economic Development, Tourism, Sport and Culture;

“prescribed” means, in relation to any scheme, prescribed by the scheme;

“producer” means, in relation to a scheme, any person who produces the regulated produce;

“registered producer” means, in relation to a scheme, a producer registered under the scheme;

“regulated produce” means, in relation to a scheme, any produce the marketing or the marketing and production of which is regulated by the scheme;

“substitutional scheme” means a scheme which revokes one or more existing schemes and is such that at the time when it comes into force –

- (a) every person is entitled to be registered as a producer thereunder who was entitled to be registered as a producer under the existing scheme or one or more of the existing schemes; or
- (b) no person is entitled to be registered as a producer thereunder who was not entitled to be registered as a producer under the existing scheme or any of the existing schemes;

“suspensory period” means, in relation to a scheme, a period beginning on the date when the scheme is approved and ending at the expiration of such period (not being less than one month or more than 2 months) commencing on the date of the declaration of the result of the initial poll, as may be provided by the scheme.<sup>3</sup>

- (2) A declaration contained in an Act of the States approving a scheme that the scheme is a substitutional scheme shall be conclusive evidence of that fact.
- (3) For the purposes of a scheme regulating the marketing of livestock of any kind, every person whose business it is to keep livestock of that kind for the purpose of breeding from it or selling it in an improved condition shall, except in so far as the scheme otherwise provides, be deemed to produce such livestock.

## **2 Submission and approval of agricultural marketing schemes**

- (1) A scheme for regulating the marketing or the marketing and production of any agricultural produce may be submitted to the Minister by any persons (hereafter referred to as the “promoters”) who satisfy the Minister that they are substantially representative of the producers of that produce:

Provided that, in relation to a substitutional scheme, the provisions of Article 6 shall apply.<sup>4</sup>

- (2) The Minister, before taking into consideration any scheme so submitted, shall publish a notice of the submission of the scheme, of the place and the price at which copies thereof may be purchased, of the place at which copies thereof may be inspected, and of the time (not being less than 3 weeks) within which objections and representations in relation to the scheme may be made.
- (3) Every objection or representation in relation to a scheme shall be made to the Minister in writing and shall state the grounds on which it is based and specify any recommended modifications.
- (4) The Minister, for the purpose of deciding upon any scheme so submitted, may obtain the advice and assistance of competent persons, and there shall be paid to any such persons such reasonable remuneration as the Minister may determine.

- (5) The Minister, after consideration of any scheme so submitted and of any objections and representations duly made in relation thereto and after holding such enquiries (if any) as the Minister thinks fit, may make such modifications to the scheme as he or she considers proper:

Provided that, before making any such modifications, the Minister shall give notice thereof to the promoters and, unless within such delay (not being less than 2 weeks) as may be specified in the notice, the promoters signify to the Minister, in writing, their assent to such modifications, the Minister shall take no further action under this Article.

- (6) If the Minister, after making any such modifications as aforesaid, is satisfied that the scheme submitted will conduce to the more efficient production and marketing of the regulated produce, the Minister shall submit the scheme to the States, and the States may, by Act, approve or reject the scheme and, if approved by the States, the scheme shall come into force on the date prescribed by the Act.
- (7) Where the States have approved a scheme as aforesaid, the approval of the States shall be conclusive evidence that the requirements of this Law have been complied with and that the scheme contains all the provisions required by this Law.

### **3 Board**

- (1) Every scheme shall provide for the constitution of a board to administer the scheme, the composition of which shall be such as may be prescribed, so, however, that provision shall be made to secure that –
- (a) the total number of members of the board shall be no fewer than 8 and no more than 20;
  - (b) of the members not less than 2 and not more than 5 shall be persons (not being producers of the regulated produce) appointed by the Minister as being persons who are, in the opinion of the Minister, qualified for appointment as having had experience and shown capacity in commerce, finance, administration, public affairs or the organization of workers, or as being specially conversant with the interests of consumers of the regulated produce;
  - (c) subject to the provisions of the scheme as to the filling of casual vacancies on the board, the remaining members shall –
    - (i) during such period, not being longer than 12 months from the day on which the scheme comes into force, as may be specified in the scheme, be persons named in the scheme,
    - (ii) after the expiration of the said period, be persons elected in accordance with the scheme either by registered producers or by a body or bodies elected by such producers in accordance with the scheme;
  - (d) the quorum of the board shall be no less than half of its total membership.<sup>5</sup>

- (2) Notwithstanding anything contained in this Article, provision may be made in a scheme for the board to act notwithstanding any vacancy in the membership thereof.
- (3) In this Article, the expression “consumers of the regulated produce” means persons who purchase the produce, or commodities produced wholly or partly therefrom, for their own consumption or use, and not persons who purchase the produce, or such commodities as aforesaid, for the purpose of any trade or industry carried out by them.
- (4) Every board so constituted shall be a body corporate and shall have the right to use a special seal to authenticate its acts, contracts, agreements or other instruments; to receive, acquire, hold and possess all personal and real property of whatsoever nature or kind; to receive, hold and possess all such gifts, bequests or devises of personal or real property as may to it be made; to let, sell, transfer, hypothecate or otherwise deal with or dispose of any such property; to appear in law before all courts and tribunals and to exercise all such powers as may be conferred upon it by the scheme.
- (5) Every scheme shall require the board to appoint, from among its members, an executive committee consisting of 4 or 5 persons (as the scheme provides), at least one of whom shall be one of the persons appointed by the Minister, shall provide for the delegation to the said executive committee of all the functions of the board under the scheme, except such functions, if any, as may be prescribed, and shall provide that the quorum of the said executive committee shall be 3.<sup>6</sup>
- (6) No member of the board shall be personally responsible for any loss or liability which may be incurred by the board or by any member of the board or other person acting on behalf of the board.
- (7) A board shall have power to accept from any other person any grant to be applied for any of the purposes for which the board is empowered to expend money.
- (8) A board –
  - (a) shall have power to negotiate with any other person in respect of any matter concerning the marketing of the regulated produce, or of any agricultural produce from which the regulated produce is wholly or partly manufactured or derived, or of any commodity wholly or partly manufactured or derived from the regulated produce, and to agree with the other parties to the negotiations to bring into consultation in connection therewith such persons as may be agreed between the parties or, in default of agreement, nominated by the Minister;
  - (b) may pay the whole or any part of the remuneration and expenses of any person whose function it is to advise the board in connection with the exercise of its powers under the scheme, or who is brought into consultation in connection with the negotiations entered into by the board in pursuance of sub-paragraph (a).

#### 4 Registration of producers

- (1) As soon as may be after the approval of a scheme, other than a substitutional scheme, the Minister shall, by Order, make provision for the registration of producers, and such Order shall prescribe the conditions in which producers may be exempted from registration.
- (2) Registration under a scheme of the name or style under which 2 or more persons carry on business in partnership as producers shall operate as the registration of all the partners for the time being, so, however, that for the purposes of those provisions of this Law and of the scheme which relate to elections, polls and voting at meetings, and to the assessment of contributions on registered producers, all the partners shall be regarded as constituting together a single registered producer.
- (3) As soon as may be after an Order under paragraph (1) has been made, the Minister shall publish a form of application for registration as a producer under the scheme, together with a notice stating –
  - (a) the nature of the regulated produce;
  - (b) the classes or descriptions of producers which are exempted from registration and the procedure, if any, to be adopted to secure exemption;
  - (c) that a poll of registered producers, other than producers exempted from registration, is to be taken in pursuance of this Law on the question whether the scheme shall remain in force;
  - (d) that no person shall be entitled to vote on the poll aforesaid unless he or she is registered within the delay specified in the notice, but that no person so registered will, if it is decided as a result of the poll that the scheme shall not remain in force, incur any financial liability by reason of his or her registration;
  - (e) that, if it is decided as a result of the poll taken as aforesaid that the scheme shall remain in force, every producer who is not registered or exempted from registration will be prohibited from selling the regulated produce;
  - (f) the place and the price at which copies of the scheme may be purchased;
  - (g) such other particulars as the Minister may consider necessary.
- (4) As soon as practicable after any scheme, other than a substitutional scheme, comes into force, the Minister shall send by post to every person whom the Minister has reason to believe is a producer, being a person who is not registered as a producer, a notice addressed to the person at his or her last known address, stating the particulars required to be stated in the notice published in pursuance of paragraph (3), together with a form of application for registration.
- (5) Notwithstanding anything contained in the [Agricultural Returns \(Jersey\) Law 1947](#), any returns made under that Law may be used for the purpose of sending to producers the notice and form of application for registration required to be sent in pursuance of paragraph (4) of this Article.

- (6) The Minister shall, as soon as practicable after the registration has been completed, furnish to the board a list of registered producers and shall, from time to time, inform the board of any changes in the registration.
- (7) Every register of producers shall be open for inspection at such times as may be determined by the Minister, and the Minister shall furnish a copy of the register or any part thereof to any person demanding it on payment of such fee as may be so determined.

## **5 Polls and meetings**

- (1) In respect of every scheme, other than a substitutional scheme, the Minister shall, by Order, provide that there shall be taken, within such time as may be specified in the Order, a poll of registered producers (in this Law referred to as the “initial poll”) on the question whether the scheme shall remain in force.
- (2) If the initial poll shows that there have voted in favour of the scheme remaining in force –
  - (a) not less than 2/3 of the total number of registered producers voting on the poll; and
  - (b) registered producers who are capable of producing not less than 2/3 of the quantity of the regulated produce which all the registered producers voting on the poll are capable of producing,the provisions of the scheme, the operation of which is suspended under the provisions of this Law until the expiration of the suspensory period, shall come into force at the expiration of that period.<sup>7</sup>
- (3) Where the requisite number of votes in favour of the scheme remaining in force have not been polled, the scheme shall cease to have effect at the date on which the result of the poll is declared and the provisions of Article 7(7) shall apply as if the scheme had been revoked.
- (4) For the purposes of this Article, a person who is registered as a producer notwithstanding that he or she has been exempted from registration under the provisions of the scheme shall not be deemed to be a registered producer.
- (5) The Minister shall, by Order, provide for the manner in which polls shall be taken by or on behalf of the Minister for the purposes of this Law and in particular, but without prejudice to the generality of the foregoing provisions, such an Order –
  - (a) shall prescribe the proportion of registered producers voting on a question which shall be necessary to determine the question;
  - (b) may prescribe the manner in which the quantity of the regulated produce which any registered producer is capable of producing is to be determined for the purposes of the poll;
  - (c) may prescribe the information relating to the regulated produce which is to be furnished if the vote of the producer is to be accepted;
  - (d) shall prescribe the manner in which the result of the poll is to be declared and announced.



- (6) Every scheme shall provide for the convening by the board of meetings of registered producers for the discussion of questions which the board considers should be discussed and shall also provide for the manner in which such meetings shall be convened and conducted and a vote taken thereat.
- (7) In the case of a scheme regulating the marketing or the marketing and production of 2 or more separate kinds or descriptions of produce, this Article shall apply subject to the following modifications, that is to say –
  - (a) references to a poll on the question whether the scheme shall remain in force shall be construed as references to a poll in respect of each kind or description of produce on the question whether the scheme shall remain in force so far as it applies to produce of that kind or description;
  - (b) the provisions of paragraphs (2) and (3) shall apply, in relation to each poll, as if the provisions of the scheme, so far as they apply to the produce in respect of which the poll is taken, were a separate scheme.<sup>8</sup>
- (8) The question whether any kind or description of produce is to be treated as a separate kind or description of produce for the purposes of paragraph (7) shall be determined by the provisions of the scheme.

## **6 Amendment of schemes and substitutional schemes**

- (1) A board may make application to the Minister for the amendment of a scheme administered by the board or may submit for approval a substitutional scheme where –
  - (a) the amendment or the substitutional scheme has previously been published in the prescribed manner to all registered producers; and
  - (b) in the case where a poll is demanded within the prescribed time from the publication as aforesaid of the amendment or the substitutional scheme by the prescribed number or the prescribed proportion, as the case may be, of the registered producers, on the question whether the amendment or the substitutional scheme shall be submitted to the Minister, if the result of the poll on that question shows that the requisite majority of registered producers has voted in favour of the submission of the amendment or of the substitutional scheme.
- (2) Where an application for the amendment of a scheme or the submission of a substitutional scheme is made in pursuance of paragraph (1) of this Article, the provisions of Article 2(2) to (7) inclusive shall apply in relation to the amendment or the substitutional scheme as they apply in relation to a scheme, subject to the following modifications, that is to say –
  - (a) the proviso to Article 2(5) shall have effect as if for the word “promoters”, in both places where that word occurs, there were substituted the word “board”;
  - (b) Article 2(6) shall have effect as if for the words “is satisfied that the scheme submitted will conduce to the more efficient production and marketing of the regulated produce” there were substituted the words “is satisfied that the amendment will conduce to the more

efficient operation of the scheme or that the substitutional scheme will conduce to the more efficient production and marketing of the regulated produce”.

- (3) In the case of the submission of a substitutional scheme, the foregoing provisions of this Article shall apply in relation to each scheme proposed to be revoked by the substitutional scheme and to each board administering each such scheme.
- (4) For the purposes of the foregoing provisions of this Article, “requisite majority” means –
  - (a) not less than 2/3 of the total number of registered producers voting on the poll; and
  - (b) registered producers who are capable of producing not less than 2/3 of the quantity of the regulated produce which all the registered producers voting on the poll are capable of producing.<sup>9</sup>
- (5) Without prejudice to any other powers conferred upon the Minister by this Law, he or she, if of opinion that any provision of a scheme or any act or omission of a board is contrary to the interests of consumers of the regulated produce, or is contrary to the interests of a substantial number of persons affected by the scheme and is not in the public interest, may recommend to the States that the scheme be amended in such manner as may be specified in the recommendation, and the States may, by Act, so amend the scheme and such amendment shall take effect on the date prescribed by the Act:

Provided that the Minister, before making any recommendation to the States as aforesaid, shall give notice in writing to the board of the action which the Minister proposes to take and shall take into consideration any representations which the board may make within such delay (not being less than 2 weeks) as may be specified in the notice.

## **7 Revocation of schemes**

- (1) Where a demand for a poll on the question whether a scheme shall be revoked is made to the Minister in the prescribed manner by the prescribed number or the prescribed proportion, as the case may be, of registered producers, the Minister shall forthwith cause a poll of the registered producers to be taken on the question:

Provided that the Minister may refuse to take a poll under this paragraph –

  - (a) in the case of a scheme, other than a substitutional scheme, within 2 years from the date of the declaration of the result of the initial poll; and
  - (b) in the case of any scheme, within the prescribed period from the date of the declaration of the result of any previous poll taken under this paragraph.
- (2) As soon as practicable after the declaration of a poll taken under paragraph (1), the Minister shall communicate the result thereof to the board, and if such result shows that there have voted in favour of the revocation of the scheme –

- (a) more than half the total number of the registered producers; and
- (b) registered producers who are capable of producing more than half the quantity of the regulated produce which all the registered producers are capable of producing,

the Minister shall, as soon as may be, recommend to the States that the scheme be revoked, and the States may, by Act, revoke the scheme and the revocation shall take effect on the date prescribed by the Act.

- (3) A scheme may be revoked by a subsequent scheme, and, where a scheme is so revoked, the subsequent scheme may provide for the transfer to the new board of the whole or any part of the property, rights and liabilities of the existing board, for the continuation by or against the new board of any legal proceedings pending by or against the existing board, and for the dissolution, without winding-up, of the existing board.
- (4) In paragraph (3), “new board” means the board administering the subsequent scheme, and “existing board” means the board administering the scheme revoked.
- (5) Without prejudice to any other powers conferred upon the Minister by this Law, he or she, if of opinion that any provision of a scheme or any act or omission of a board is contrary to the interests of consumers of the regulated produce, or is contrary to the interest of a substantial number of persons affected by the scheme and is not in the public interest, may recommend to the States that the scheme be revoked, and the States may, by Act, revoke the scheme and such revocation shall take effect on the date prescribed by the Act:

Provided that the Minister, before taking any action under this paragraph, shall give notice in writing to the board of the action which the Minister proposes to take and shall take into consideration any representations which the board may make within such delay (not being less than 2 weeks) as may be specified in the notice.

- (6) Where an Order is made for the winding-up of a board, the Minister shall recommend to the States that the scheme be revoked, and the States may, by Act, revoke the scheme and such revocation shall take effect on the date prescribed by the Act.
- (7) The board administering a scheme shall not be deemed to be dissolved by reason only that the scheme has been revoked and, except in a case where the board is dissolved without winding-up under paragraph (3), so much of the scheme as relates to the winding-up of the board shall continue in force notwithstanding the revocation of the scheme.

## **8 Miscellaneous provisions to be incorporated in schemes**

- (1) Every scheme shall provide for the following matters, that is to say –
  - (a) for requiring that no sale of the regulated produce shall be made by any producer who is not either a registered producer or a producer exempted from registration;

- (b) for exempting from all or any of the provisions of the scheme producers and sales of such classes or descriptions as may be prescribed or as may be determined by the board;
- (c) subject to paragraph (2), for requiring the board to impose on, and recover from, any registered producer who contravenes any provision of the scheme made in pursuance of Article 11, such monetary penalties as may be specified in the scheme;<sup>10</sup>
- (d) for securing that any producer who is aggrieved by any act or omission of the board may refer the matter to one or more arbitrators appointed in such manner as may be prescribed and for the manner in which such reference is to be heard and determined:

Provided that where the act or omission relates to a provision contained in the scheme in pursuance of sub-paragraph (c), the scheme shall provide for the reference to be to the Inferior Number of the Royal Court;

- (e) for the establishment of a fund (hereinafter referred to as the “fund”) to be administered and controlled by the board and into which shall be paid all moneys received by the board, and out of which shall be paid all moneys required by the board, for the purposes of the scheme;
- (f) for the payment by registered producers of contributions to the fund of such amounts as may be necessary for the purposes of the scheme and for the assessment of the contributions of producers in such manner and subject to such limitations as may be prescribed;
- (g) for the distribution to registered producers, in such manner as may be prescribed, of all moneys standing to the credit of the fund which are not required for the purposes of the scheme;
- (h) for empowering the board to borrow money for the purpose of exercising its functions under the scheme;
- (i) for the accounts to be kept by the board and for the audit of such accounts;
- (j) for the furnishing by the board to the Minister and to registered producers, of accounts, returns and other information, including an annual report, an annual balance sheet and either an annual profit and loss account or, in the case of a board which does not trade for profit, an annual income and expenditure account;
- (k) for the furnishing by the board of a copy of the balance sheet to any person demanding it on payment of such fee as may be prescribed;
- (l) for the manner in which the moneys of the board may be invested;
- (m) for a statement of the manner in which any such moneys as aforesaid are invested to be included in the annual report made in pursuance of sub-paragraph (j);
- (n) for the removal from the register of producers of the name of any person who has ceased to be a producer or who is exempted from registration;

- (o) for the removal by the Minister from the register of producers of the name of any registered producer who has been convicted, on 2 or more occasions, of a contravention of the provisions of a scheme;
- (p) for permitting the representation of a registered producer or a deceased registered producer by any person to whom the property in, or control of, the regulated produce produced by him or her, or which would have been produced by him or her had he or she been living, has been transferred by reason of his or her becoming subject to some legal disability or having entered into an arrangement with his or her creditors or by reason of his or her death or otherwise;
- (q) for notification to the Minister of the address of the office of the board at which communications and notices shall at all reasonable times be received, and of any change in that address:

Provided that, except in the case of a substitutional scheme, the operation of the provisions of a scheme made in pursuance of sub-paragraphs (a), (f) and (g) shall be suspended until the expiration of the suspensory period.<sup>11</sup>

- (2) Where a scheme provides for the board to impose a monetary penalty –
  - (a) the penalty shall not be imposed in respect of a contravention of the scheme that constitutes an offence under any enactment other than this Law;
  - (b) the penalty shall not be imposed without the registered producer being given such opportunity to be heard as the scheme shall provide; and
- (c) the penalty specified in the scheme shall not exceed £1,000 for each offence or, where the offence consists of continuing any such contravention, £1,000 together with a further £400 for each day on which it is so continued.<sup>12</sup>

## **9 Payment of compensation to registered producers**

- (1) Provision shall be made by a scheme for compensation to be payable, under and in accordance with the scheme, by the board to registered producers in such class of cases as may be prescribed, and provision may be so made for empowering the board, in such class of cases as may be prescribed, to pay compensation to registered producers in respect of any loss which, in the opinion of the board, has been occasioned to such producers by the operation of any scheme, whether administered by that board or not.
- (2) That operation of the provisions of a scheme made in pursuance of this Article shall, except in the case of a substitutional scheme, be suspended until the expiration of the suspensory period.

## **10 Provisions as to winding-up of boards**

- (1) Every scheme shall provide for the manner in which the board is to be wound up.
- (2) Where, at the winding-up of a board, the assets of the board are more than sufficient to discharge the debts and liabilities of the board, including the

costs of the winding-up, the surplus shall be distributed in such manner as may be prescribed.

- (3) Where, at the winding-up of a board, the assets of the board are insufficient to discharge the debts and liabilities of the board, including the costs of the winding-up, then, every person who, at any time during the relevant period, was a registered producer shall be liable to contribute to the deficit an amount assessed in such manner and subject to such limitations as may be prescribed, but, save as aforesaid, no person shall be liable to contribute to the assets of the board in the winding-up by reason only of his or her being or having been a registered producer or a member of the board.
- (4) In paragraph (3), “relevant period” means –
  - (a) in a case where, before the commencement of the winding-up, the scheme has been revoked, the year immediately preceding the revocation of the scheme;
  - (b) in any other case, the year immediately preceding the commencement of the winding-up.

## **11 Provisions which may be incorporated in schemes**

- (1) A scheme may provide for all or any of the following matters, that is to say –
  - (a) for empowering the board to buy the regulated produce, to produce such commodities from that produce as may be prescribed, and to sell, grade, pack, store, adapt for sale, insure, advertise and transport the regulated produce and any commodity so produced;
  - (b) for requiring registered producers from time to time to limit the area of land which they may use for the production of regulated produce;
  - (c) for requiring registered producers to sell the regulated produce, or any kind or description thereof as may from time to time be determined by the board, only to or through the agency of the board or to or through the agency of such persons as may be authorized by the board for that purpose;
  - (d) for empowering the board to manufacture or acquire, and to sell or let for hire to registered producers and other persons, or to buy anything required for the production, grading, packing, storing, adaptation for sale, transport or sale of the regulated produce;
  - (e) for empowering the board to render to registered producers and other persons, on payment or otherwise, any service which is calculated to promote the more efficient production, grading, packing, storing, adaptation for sale, transport or sale of the regulated produce;
  - (f) for empowering the board to buy from the board administering another scheme under this Law any produce the marketing of which is regulated by that scheme;
  - (g) for empowering the board to manufacture or derive from anything bought under any provision contained in the scheme by virtue of sub-paragraph (f), any commodity which the board is authorized to manufacture or derive from the regulated produce;

- (h) for empowering the board to sell, grade, pack, store, adapt for sale, insure, advertise and transport anything bought, manufactured or derived by virtue of sub-paragraph (f) or (g);
- (i) for empowering the board to exercise as agents for the board administering another scheme under this Law, any power of that board to deal, in any manner specified in sub-paragraph (h), with any produce the marketing of which is regulated by that scheme;
- (j) for empowering the board to co-operate with any other person in doing anything which the board is or may be empowered to do by virtue of sub-paragraph (a), (b), (d), (e), (f), (g), (h) or (i);
- (k) for empowering the board to do anything calculated to procure, promote or facilitate the doing by any other person of anything in the doing of which the board is or might be empowered to co-operate by virtue of sub-paragraph (j);
- (l) for the determination from time to time of –
  - (i) the kinds or descriptions of the regulated produce, and the quantity of the regulated produce or any kind or description thereof, which may be sold by registered producers,
  - (ii) the price at, below or above which, the terms on which, including the terms of any contracts or agreements for the sale of the regulated produce which may be entered into by registered producers, and the persons to or through the agency of whom the regulated produce, or any kind or description or any quantity thereof, may be sold as aforesaid:

Provided that the scheme shall either specify the method of determination or require the board to prescribe it and, without prejudice to the generality of the foregoing, the method of determination may be such as to secure that the quantity, if any, which any particular registered producer may sell is determined wholly or partly by reference to the quantity of that produce or of that kind or description, as the case may be, which was, in some past period, produced, sold or otherwise dealt with on particular land or premises or by particular persons;

- (m) for securing that, for all or any of the purposes of the scheme and of this Law, the sale of any produce wholly or partly manufactured or derived from the regulated produce shall be deemed to be a sale of the regulated produce if the substance of the transaction between the seller and the buyer is that the seller, being in possession of the regulated produce, agrees to subject it or cause it to be subjected to some process and to sell the resulting product to the buyer, and where, in the case of any such scheme as aforesaid, the regulated produce is livestock of any kind, then, without prejudice to the foregoing provisions of this sub-paragraph, the scheme may provide for securing that, for all or any of the purposes aforesaid, a person shall be deemed to sell the regulated produce if he or she sells the carcasses of any livestock produced by him or her;
- (n) for regulating the manner in which the regulated produce, or any kind or description or any quantity thereof, is to be graded by or on

behalf of registered producers, or the manner in which the regulated produce or any kind or description or any quantity thereof, is to be marked, packed, stored, adapted for sale, insured, advertised or transported by or on behalf of the registered producers;

- (o) for empowering the board to receive the whole or any part of any sums payable by purchasers of the regulated produce in respect of the sale of that produce by registered producers;
- (p) for securing that any sums received by virtue of sub-paragraph (o) are distributed by the board to the sellers in such manner as may be prescribed or as may be determined by the board;
- (q) for empowering the board to authorize in writing any person, for the purpose of securing compliance with the scheme, to enter upon and inspect, at all reasonable times and upon production of his or her authority, any part of the land or premises occupied by any registered producer (being a producer specified in the authority) which the person so authorized reasonably believes to be used for producing the regulated produce or for doing any of the following things regulated by the scheme, that is to say, grading, marking, packing or storing the regulated produce or adapting it for sale;
- (r) for requiring registered producers to furnish to the board such estimates, returns, accounts and other information relating to the regulated produce as the board may specify in the requirement;
- (s) for enabling the board to encourage, promote or conduct schemes for agricultural co-operation, education or research;
- (t) for empowering the board to take such measures as it may consider necessary to encourage or promote consumption of the regulated produce;
- (u) for empowering the board to grant licences to any persons to carry out on its behalf any of the duties which may be entrusted to it by virtue of the provisions of sub-paragraphs (a), (b), (d), (f), (g) and (h):

Provided that a provision included in a scheme by virtue of sub-paragraph (d) or (e) shall be so framed as to secure that the things sold or let for hire, and the services rendered, are sold, let for hire or rendered, either exclusively or primarily, in such circumstances as to be likely to be utilised, either wholly or mainly, by, or in connection with, the regulated produce produced by registered producers and sub-paragraphs (j) and (k) shall be construed accordingly.<sup>13</sup>

- (2) Every scheme may further provide for such matters incidental to or consequential on the provisions of this Law relating to a scheme or necessary for giving effect to those provisions.
- (3) Every scheme may provide for empowering the board to lend to any registered producer, upon such security and upon such terms as to interest or otherwise as the board may determine, a portion of the amount which the board estimates that such registered producer will receive from the sale of any quantity of the regulated produce produced or in the course of production by him or her.



- (4) Every scheme may provide for empowering the board, subject to such limitations as may be prescribed –
- (a) to lend or grant money to any other board; and
  - (b) to guarantee payment by any other board of any sums which that board may be liable to pay on account of principal or interest in respect of any loan made to it,
- and, in that event, may further provide for securing that any loan, grant or guarantee not specifically authorized by the scheme shall not be made or given by the board except in pursuance of a resolution of the board specifying all material particulars relating to the proposed transaction, being a resolution which has been previously notified to and approved by the registered producers in accordance with such requirements in that behalf as may be prescribed.
- (5) Every scheme may provide for empowering a board, in any case where a loan or grant is proposed to be made to it, to agree with the person proposing to make the loan or grant, as the case may be, and in the case of a loan, with any person proposing to guarantee the repayment thereof, that if the loan or grant is duly made or the guarantee duly given, the board will apply the money so obtained by it subject to such conditions (including conditions as to the persons on whose advice the board is to act in applying the said money) as may be specified in the agreement.
- (6) Where a scheme provides for empowering a board to make such agreement as is specified in paragraph (5), the scheme –
- (a) shall impose upon the board the duty of carrying into effect any such agreement entered into by the board; and
  - (b) may provide that where such an agreement contains conditions requiring the board to act on the advice of any specified persons, the provisions of the scheme made in pursuance of Article 8(d) shall not apply in relation to anything done, or omitted to be done, by the board in pursuance of the agreement.
- (7) The operation of all the provisions of a scheme made in pursuance of this Article shall, except in the case of a substitutional scheme, be suspended until the expiration of the suspensory period.

## **12 Effect of schemes on contracts or agreements**

- (1) Subject as hereinafter provided, a contract or agreement of which neither the making nor the performance was, at the time when the contract or agreement was made, prohibited by or under any scheme, shall not, unless the terms of the contract or agreement otherwise provide, be void or unenforceable by reason that, at the time for the performance of any provision of the contract or agreement, the performance thereof is so prohibited:

Provided that, where the performance of any such contract or agreement is prohibited by or under any scheme, this paragraph shall cease to apply to that contract or agreement upon the expiration of 3 months after the prohibition first takes effect, unless the contract or agreement is registered under this Article.

- (2) It shall be the duty of the board, on the application of any party to such contract or agreement as aforesaid, to register the contract or agreement within the period of 14 days after the application, unless –
- (a) the application is made after the time at which it is provided by the proviso to paragraph (1) that that paragraph shall cease to apply to the contract or agreement; or
  - (b) the board is of the opinion that the contract or agreement was made with a view to evading the operation of the scheme,
- and if any party to the contract or agreement is aggrieved by the omission of a board to register the contract or agreement within the period aforesaid, he or she may, within 21 days after the expiration of that period, appeal to the Inferior Number of the Royal Court, either in or out of term, and, pending the determination of any such appeal, paragraph (1) shall, notwithstanding anything in the proviso thereto, continue to apply to the contract or agreement.
- (3) On any appeal under this Article, the board concerned and any party to the contract or agreement may appear and be heard, and if, on the hearing of such appeal, the Court finds –
- (a) that the application for registration of the contract or agreement was made before the time at which it is provided by the proviso to paragraph (1), that that paragraph shall cease to apply to the contract or agreement; and
  - (b) that the contract or agreement was not made with a view to evading the operation of the scheme,
- the Court shall by Order direct the registration of the contract or agreement, and thereupon the contract or agreement shall be deemed to have been registered as from the date of the Order, but where the Court does not direct the registration of the contract or agreement, any party thereto certified by the Court to have entered into the contract or agreement in good faith and without a view to the evasion of the operation of the scheme may recover the amount of any damage suffered by him or her by reason of the avoidance of the contract or agreement from any party certified by the Court to have entered into the contract or agreement with a view to such evasion as aforesaid.
- (4) Where, in conformity with a scheme, any contract or agreement for the sale of the regulated produce by a registered producer otherwise than to, or through the agency of, the board purports to confer on the board any right to receive from the purchaser the whole or any part of the purchase price payable under the contract or agreement, or of any damages for which the purchaser may be liable in respect of a wrongful rejection of articles tendered in accordance with the contract or agreement, the board may enforce that right against the purchaser, notwithstanding that the board is not a party to the contract or agreement and notwithstanding that, as between the board and the purchaser, there is no consideration.
- (5) Where any scheme provides –
- (a) for requiring registered producers to sell the regulated produce or any kind or description thereof only to, or through the agency of, the board; or

- (b) for the determination of the quantity of the regulated produce or of any kind or description thereof which may be sold by a registered producer,

then, notwithstanding anything in this Article contained, every contract or agreement, whether made before or after the coming into force of this Law, whereby a registered producer undertakes to sell, otherwise than to, or through the agency of, the board, a quantity of any agricultural produce determined by reference to the total quantity thereof from time to time produced by the registered producer shall, if and in so far as the performance of the contract or agreement is prohibited by or under the scheme, be void and unenforceable:

Provided that nothing in this paragraph shall affect any cause of action which has arisen before the coming into force of this Law.

- (6) No person shall be liable to any penalty in respect of a contravention of any scheme, if he or she proves that the contravention was necessary for the performance of a contract or agreement which, by reason of the foregoing provisions of this Article, was not, at the time of the contravention, void or unenforceable.

### **13 Commissions of enquiry**

- (1) The Minister may, and when so required by the States, shall appoint a commission of enquiry to report on the operation of a scheme in relation to –
  - (a) the effect of the scheme for the time being in force on consumers of the regulated produce;
  - (b) any complaints made to the Minister as to the effect of the scheme on consumers of the regulated produce; or
  - (c) any complaints made to the Minister as to the effect of the scheme on the persons affected thereby.
- (2) The Minister shall determine the terms of reference of any commission of enquiry appointed under this Article and may prescribe rules governing the procedure of the commission.
- (3) The Chairman of a commission of enquiry shall have power to administer oaths to parties and witnesses appearing before the commission.<sup>14</sup>
- (4) Subject to the approval of the Minister, a commission of enquiry under this Article may appoint a secretary and such other officers as it may consider necessary to enable it to carry out the duties entrusted to it by the Minister and there shall be paid to the persons so appointed such remuneration as the Minister may determine.
- (5) A commission of enquiry may, in the performance of its duties under this Article, obtain the advice and assistance of competent persons and there shall be paid to such persons such remuneration as the Minister may determine.
- (6) For the purposes of enabling any commission of enquiry appointed under this Article to consider any matter which it is required by its terms of reference to consider, the board shall furnish the commission with such

accounts and other information relating to the affairs of the board as the commission may require.

- (7) The board may make representations to a commission of enquiry in relation to the matters under consideration, in such manner as the Minister may determine.
- (8) The report of a commission of enquiry shall be submitted to the Minister in writing and, where the commission has been appointed on the requirement of the States, the Minister shall, as soon as may be, lay the report before the States.
- (9) Where, in the opinion of the Minister, the report of a commission of enquiry shows that a rectification of the scheme is necessary for any of the reasons mentioned in Article 7(5) and where it is within the power of the board to effect such rectification, the Minister may direct the board to take such steps to rectify the matter as may be specified in the direction and, thereupon, it shall be the duty of the board forthwith to comply with the direction:

Provided that the Minister, before taking any action under this paragraph, shall give notice to the board of the action which it is proposed to take and shall take into consideration any representations which the board may make within such delay (not being less than 2 weeks) as may be specified in the notice.

- (10) In considering, for the purposes of this Article, whether any person is a consumer of the regulated produce, or whether the provisions of a scheme or any act or omission of the board is contrary to the interests of consumers of the regulated produce, regard shall be had to the interests of persons who purchase the produce, or commodities wholly or partly manufactured or derived therefrom, for their own consumption or use, and not to the interests of persons who purchase the produce, or such commodities as aforesaid, for the purpose of any trade or industry carried on by them.

## **14 Directions to boards**

- (1) This Article shall have effect in relation to any powers exercisable by the board administering a scheme by virtue of any provisions of the scheme providing for any of the following matters, that is to say –
  - (a) for empowering the board to buy the regulated produce, to produce commodities from that produce and to sell the regulated produce and any commodity so produced by the board;
  - (b) for the determination from time to time –
    - (i) of the quantity of the regulated produce, or of any description thereof, which may be sold by any registered producer,
    - (ii) of the descriptions of the regulated produce which may be sold by any registered producer,
    - (iii) of the price at, below or above which, the terms on which, and the persons to whom, the regulated produce, or any description or quantity thereof, may be sold by any registered producer,

- (iv) of the quantity of the regulated produce produced by any registered producer,

and references in the following provisions of this Article to acts or omissions of the board shall be construed as references to acts or omissions of the board in the exercise of any of the said powers.<sup>15</sup>

- (2) Subject to the provisions of this Article, if it appears to the Minister that the result, or one of the results, of any act or omission of the board, or intended act or omission of the board, is or will be any one of the following –

- (a) to restrict the purposes for which the regulated produce, or any description thereof, is used, or to limit the quantity of the regulated produce, or of any description thereof, which is used for any particular purpose;
- (b) to limit the quantity of the regulated produce, or of any description thereof, or of any commodity produced therefrom, which is produced or sold, whether by registered producers or by other persons;
- (c) to regulate the price at which the regulated produce, or any description or quantity thereof, or any commodity produced therefrom, is sold, whether by registered producers or by other persons;
- (d) to limit the classes of persons to whom, or through the agency of whom, the regulated produce, or any description or quantity thereof, or any commodity produced therefrom is sold, whether by registered producers or by other persons;
- (e) to limit the area of land used for the production of the regulated produce,

and that that result is or will be contrary to the public interest, the Minister may give to the board such directions as to its acts or omissions as the Minister considers necessary or expedient for the purpose of preventing that result, or preventing or mitigating the damage to the public interest entailed thereby, as the case may be, and it shall be the duty of the board to comply with the directions:

Provided that nothing in this paragraph shall be construed as authorizing or requiring the board to do anything which it has no power to do under the scheme.<sup>16</sup>

- (3) Before giving any directions under paragraph (2), the Minister shall give to the board notice in writing stating the general nature of the action which the Minister proposes to take and of his or her reasons for taking it, and the Minister shall not give any directions under that paragraph for at least 28 days from the date of the notice and if, within the said period of 28 days, or such longer period as the Minister may allow, the board requests that the question whether or not any such act or omission or intended act or omission of the board as is referred to in the notice has or will have any of the results specified in paragraph (2)(a) to (e) and, if so, whether or not that result is or will be contrary to the public interest, should be referred to a commission of enquiry, the Minister shall refer that question to a commission of enquiry accordingly and shall not give any directions under

that paragraph until the Minister has considered the report of the commission.<sup>17</sup>

- (4) Where a question has been referred to a commission of enquiry under paragraph (3), it shall be the duty of the commission to consider that question and to report to the Minister thereon, and the Minister, on receiving the report, shall forthwith publish the conclusions of the commission in such manner as the Minister thinks fit, shall consider the report and may then give such directions, if any, under paragraph (2) as the Minister thinks fit:

Provided that the Minister shall not give any such directions except after consulting the board and shall not in any event give such directions unless either –

- (a) the commission reports that the relevant act or omission, or intended act or omission, of the board has or will have any such result as is specified in paragraph (2)(a) to (e) and that that result is or will be contrary to the public interest; or
  - (b) the relevant act or omission, or intended act or omission, of the board relates to agricultural produce or to a commodity produced therefrom.<sup>18</sup>
- (5) The Minister may, at any time, after consultation with the board concerned –
- (a) revoke the whole or part of any directions in force under paragraph (2); or
  - (b) vary or add to those directions in any manner which the Minister thinks necessary or expedient in order better to attain the purposes for which those directions were given:

Provided that, except with the consent of the board, the Minister shall not vary or add to any directions under sub-paragraph (b) where, in the Minister's opinion, the need for the variation or addition arose from circumstances not obtaining at the date when the directions were given.

- (6) Any directions given under any of the provisions of this Article shall state the general nature of the reasons for which they are given.
- (7) The provisions of Article 13 shall apply, with the necessary modifications, to commissions of enquiry appointed by the Minister under this Article.

## 15 Temporary directions

- (1) Where the Minister –
- (a) serves any such notice as is referred to in Article 14(3); or
  - (b) directs, under Article 13, a commission of enquiry to consider any complaint made to the Minister as to the operation of any scheme,
- the Minister, if the Minister considers it necessary to take immediate action for the purpose of preventing injury to the public interest from any change made, or intended to be made, by the board in its course of action in any matter which is relevant to the subject of the notice or, as the case may be, of the complaint, may, at or after the time of the giving of the notice or

direction, give to the board such temporary directions as to its course of action in that matter as the Minister may think necessary for that purpose, and it shall be the duty of the board to comply with the directions:

Provided that nothing in this paragraph shall be construed as authorizing or requiring the board to do anything which it has no power to do under the scheme.

- (2) Temporary directions under this Article given by the Minister in connection with the serving of such a notice as is referred to in Article 14(3) shall be limited so as to expire on such date as may be specified in the directions, being a date not later than 4 months from the date of the giving thereof:

Provided that if there is any such reference to a commission of enquiry as is provided for by Article 14 and, on the date so specified in the directions, not more than 3 months have elapsed since the publication by the Minister of the conclusions of that commission of enquiry, then, subject to the following provisions of this Article, the temporary directions shall not expire until the termination of the said period of 3 months.

- (3) Temporary directions given under this Article in connection with a direction given by the Minister to a commission of enquiry under Article 13 shall be limited so as to expire not later than 28 days after the date on which the Minister gives to the board such notice of the action which the Minister intends to take as is required by the proviso to Article 13(9); and where temporary directions are given under this Article, in connection with such a direction as aforesaid, to a commission of enquiry, it shall be the duty of the Minister, not later than 2 months after the publication by the Minister of the conclusions of the commission, either to give such a notice or to revoke the temporary directions.
- (4) The Minister may revoke or vary any temporary directions given under this Article but not so as to extend the operation thereof beyond the periods prescribed by paragraphs (2) and (3).
- (5) Temporary directions under this Article shall state the general nature of the reasons for which they are given.

## **16 Regulation of exportation of home-produced agricultural produce**

- (1) Subject as hereinafter provided, where the Minister is satisfied that it is necessary or expedient so to do for the protection, encouragement or better regulation of the export trade, the Minister may, by Order, provide for the control of the exportation of any agricultural produce, so, however, that nothing in an Order under this Article shall apply to any produce in so far as it is produced outside Jersey.
- (2) Without prejudice to the generality of the foregoing provisions of this Article, any Order thereunder may include provisions –
  - (a) for ensuring that the agricultural produce to which it relates is free of disease, of good quality, properly graded and suitable for export;
  - (b) for the inspection of such agricultural produce;

- (c) prescribing the prices at, below or above which such agricultural produce, or any kind or description thereof, may be sold;
  - (d) determining the kinds or descriptions of such agricultural produce which may be exported;
  - (e) for diminishing the disadvantages which might result from a superfluity upon the market of such agricultural produce; and
  - (f) for ensuring the proper administration and enforcement of the Order.
- (3) The Minister shall not make an Order under this Article in relation to any agricultural produce in respect of which there is in force a scheme under this Law until after consultation with the board administering that scheme.

## **17 Regulation of internal marketing of home-produced agricultural produce**

- (1) Subject as hereinafter provided, where the Minister is satisfied that it is necessary or expedient so to do for the efficient organization or development of any branch of the agricultural industry of Jersey, or for securing the economic stability of any branch of that industry, the Minister may, by Order, provide for the control of the marketing of the agricultural produce, or of any commodity wholly or partly manufactured or derived therefrom, specified in the Order, so, however, that nothing in an Order under this Article shall apply to any produce in so far as it is produced outside Jersey.
- (2) Without prejudice to the generality of paragraph (1), any Order under paragraph (1) may include provisions –
- (a) for ensuring that the agricultural produce or the commodity to which it relates is free of disease, of good quality, properly graded and fit for human consumption;
  - (b) for the inspection of such agricultural produce or commodity;
  - (c) prescribing the prices at, below or above, which such agricultural produce or commodity, or any kind or description thereof, may be sold;
  - (d) determining the quantity of such agricultural produce or commodity, or of any kind or description thereof, which may be bought or sold;
  - (e) determining the kinds or descriptions of such agricultural produce or commodity which may be bought or sold;
  - (f) for ensuring the proper administration and enforcement of the Order.
- (3) In deciding whether an Order shall be made under this Article, and in determining the provisions of an Order so to be made, the Minister shall have regard to the interests of consumers of the agricultural produce, or of any commodity as aforesaid, to which the Order is to relate and, for the purposes of this paragraph, consumers shall be deemed to include persons who purchase such agricultural produce for the purpose of subjecting it to any treatment or process of manufacture.



- (4) The Minister shall not make an Order under this Article in relation to any agricultural produce in respect of which there is in force a scheme under this Law until after consultation with the board administering that scheme.

## **18 Furnishing of information**

- (1) The Minister may, for the purpose of deciding whether any Order should be made under Article 16 or 17, or whether any such Order should be amended or revoked, by Order, require the occupier of any premises used by way of trade for the storage of that produce, or of any specified commodity wholly or partly manufactured or derived therefrom, or of any specified kind or description of that produce or of such commodity as aforesaid, to make to the Minister, so often, and in such form and manner, as may be prescribed by the Order, a return showing the quantity of that produce or commodity or of that kind or description thereof, as the case may be, which was stored in the premises on any specified day or during any specified period.
- (2) An Order under this Article may be made so as to apply either to all such premises as aforesaid or to any specified class of such premises.

## **19** <sup>19</sup>

## **20 Publication of notices<sup>20</sup>**

A notice required to be published under this Law shall be published in the Jersey Gazette.

## **21 Payment of expenses<sup>21</sup>**

## **22 Restrictions on disclosing information**

- (1) No person shall disclose any information obtained by him or her in virtue of powers conferred upon him or her under this Law or under any scheme or Order made under the Law to any person other than the authority by whom he or she was empowered to obtain that information.
- (2) No information in relation to any undertaking, other than the undertaking of a board, shall, without the consent in writing of the owner of the undertaking, be included in any report laid before the States upon the operation of any scheme.
- (3) Nothing in this Article shall be deemed to prohibit the disclosure of any information in so far as it is required to be disclosed for the purposes of legal proceedings (including arbitrations) under this Law or any other scheme made under the Law, or for the purpose of any report of such proceedings, or in so far as the disclosure is required or authorized by this Law or any scheme made under the Law.

## 23 Offences

- (1) If any person –
- (a) sells or offers to sell or invites an offer to buy any regulated produce in contravention of the provisions of any scheme or of any Order made under this Law;
  - (b) acts in contravention of the terms and conditions of a licence granted to him or her under the provisions of any scheme or of any Order made under this Law;
  - (c) for any of the purposes of this Law or of any scheme or Order made under the Law makes any statement which he or she knows to be false in a material particular or recklessly makes any statement which is false in a material particular;
  - (d) refuses or neglects to furnish any return or information which under this Law or under any scheme or Order made under the Law, is required to be furnished, within such time and in such manner as may be so required, or knowingly furnishes any return or information so required which is false in a material particular;
  - (e) fraudulently alters or uses or permits to be fraudulently used any licence granted under the provisions of any scheme or of any Order made under this Law;
  - (f) hinders or obstructs any person in the exercise of his or her powers or duties under this Law or under any scheme or Order made under the Law; or
  - (g) acts in contravention of any of the provisions of this Law or an Order made under this Law,

the person shall for each offence be liable to imprisonment for a term not exceeding 6 months, or to a fine, or to both such imprisonment and such fine.<sup>22</sup>

- (2) Where any offence under this Law committed by a body corporate is proved to have been committed with the consent or approval of any director, manager, secretary or other officer of that body corporate, he or she, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

## 24 Treaties etc. to prevail

Where there is any conflict or inconsistency between the provisions of this Law and the provisions of any treaty, convention or agreement applicable to Jersey and for the time being in force between Her Majesty and any foreign power or between Her Majesty's Government in the United Kingdom and the Government of any other country, or with any agreement for the time being in force between the States and the Government of any other country, the provisions of such treaty, convention or agreement shall prevail.

**25 Saving of powers**

Nothing in this Law shall be construed as derogating in any way from the powers conferred by or under any other enactment.

**26 Citation**

This Law may be cited as the Agricultural Marketing (Jersey) Law 1953.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Agricultural Marketing (Jersey) Law 1953	<a href="#">L.9/1953</a>	23 May 1953
Agricultural Marketing (Amendment) (Jersey) Law 1956	<a href="#">L.13/1956</a>	23 June 1956
Agricultural Marketing (Amendment No. 2) (Jersey) Law 1961	<a href="#">L.38/1961</a>	21 October 1961
Solemn Affirmations (Jersey) Law 1963	<a href="#">L.15/1963</a>	23 August 1963
Agricultural Marketing (Amendment No. 3) (Jersey) Law 1983	<a href="#">L.10/1983</a>	12 August 1983
Agricultural Marketing (Amendment No. 4) (Jersey) Law 1991	<a href="#">L.9/1991</a>	31 May 1991
Agricultural Marketing (Amendment No. 5) (Jersey) Law 1991	<a href="#">L.10/1991</a>	31 May 1991
Agricultural Marketing (Amendment No. 6) (Jersey) Law 1999	<a href="#">L.18/1999</a>	23 July 1999
Subordinate Legislation (Amendment No. 2) (Jersey) Law 2001	<a href="#">L.2/2001</a>	23 February 2001
Agricultural Marketing (Amendment No. 7) (Jersey) Law 1999	<a href="#">L.4/2004</a>	16 January 2004
States of Jersey (Amendments and Construction Provisions No. 4) (Jersey) Regulations 2005	<a href="#">R&amp;O.44/2005</a>	9 December 2005
Public Finances (Consequential Amendments) (Jersey) Regulations 2005	<a href="#">R&amp;O.126/2005</a>	9 December 2005
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	<a href="#">R&amp;O.158/2015</a>	1 January 2016
Legislation (Jersey) Law 2021	<a href="#">L.8/2021</a>	28 September 2021 ( <a href="#">R&amp;O.112/2021</a> )

### Table of Renumbered Provisions

Original	Current
8(ba)	8(c)
(c)	(d)
(d)	(e)
(e)	(f)
(f)	(g)
(g)	(h)
(h)	(i)
11(aa)	11(b)
(b)	(c)
(c)	(d)
(d)	(e)
(e)	(f)
(f)	(g)
(g)	(h)
(h)	(i)
23(2)	repealed by <a href="#">L.4/2004</a>
(3)	23(2)

### Table of Endnote References

- <sup>1</sup> *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 4) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*
- <sup>2</sup> *Long Title*  
*amended by L.9/1991*
- <sup>3</sup> *Article 1(1)*  
*amended by L.9/1991, R&O.158/2015*
- <sup>4</sup> *Article 2(1)*  
*amended by L.9/1991, L.4/2004*
- <sup>5</sup> *Article 3(1)*  
*amended by L.38/1961, L.18/1999*
- <sup>6</sup> *Article 3(5)*  
*amended by L.18/1999*
- <sup>7</sup> *Article 5(2)*  
*amended by L.38/1961*
- <sup>8</sup> *Article 5(7)*  
*amended by L.9/1991*
- <sup>9</sup> *Article 6(4)*  
*amended by L.38/1961*
- <sup>10</sup> *Article 8(1)(c)*  
*substituted by L.4/2004*
- <sup>11</sup> *Article 8*  
*amended by L.13/1956, L.10/1983, L.10/1991*
- <sup>12</sup> *Article 8(2)*  
*inserted by L.4/2004*
- <sup>13</sup> *Article 11(1)*  
*amended by L.9/1991*
- <sup>14</sup> *Article 13(3)*  
*amended by L.15/1963*
- <sup>15</sup> *Article 14(1)*  
*amended by L.9/1991*
- <sup>16</sup> *Article 14(2)*  
*amended by L.9/1991*
- <sup>17</sup> *Article 14(3)*  
*amended by L.4/2004*
- <sup>18</sup> *Article 14(4)*  
*amended by L.4/2004*
- <sup>19</sup> *Article 19*  
*deleted by L.8/2021*
- <sup>20</sup> *Article 20*  
*substituted by L.18/1999*
- <sup>21</sup> *Article 21*  
*repealed by R&O.126/2005*
- <sup>22</sup> *Article 23(1)*  
*amended by L.10/1991, L.4/2004*