

PROJET DE LOI

ENTITLED

Loi relative au doryphore (anglicé Colorado Beetle), 1932 *

[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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* Ordres en Conseil Vol. IX, p. 309; as amended by the Uniform Scale of Fines (Alderney) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 306); the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997 (Alderney Ordinance No. II of 1997). See also the Government of Alderney Law, 1948 (Ordres en Conseil Vol. XIII, p. 416); the Colorado Beetle (Bailiwick of Guernsey) Law, 1956 (Ordres en Conseil Vol. XVII, p. 194).

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VU QUE les mesures doivent être prises pour combattre et éliminer le doryphore anglicé "Colorado Beetle", cas échéant que ce fléau viendrait à envahir cette Île.

VU LA nécessité impérative de se prémunir contre l'introduction d'une aussi grave menace à l'industrie agricole de cette Île.

LES DISPOSITIONS SUIVANTES, rédigées en anglais, auront force de Loi en cette Île, moyennant la Sanction de Sa Très Excellente Majesté en Conseil: –

Definitions.

1. In this Law –

the masculine shall include the feminine, and the singular the plural unless the context requires otherwise,

"beetle" means the Colorado Beetle (*Leptino-tarsa decemlineata*),

"Committee" means the States [General Services Committee],

"Inspector", unless otherwise defined, means every person authorised to perform duties of inspection under this Law.

NOTES

In Article 1, the words in square brackets in the definition of the expression "Committee" were substituted by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part I, paragraph 1, with effect from 2nd April, 1997.

The functions of the States Sanitary Committee under this Law were

transferred to the General Services Committee by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part I, paragraph 1, with effect from 2nd April, 1997, subject to the savings and transitional provisions in section 3 of the 1997 Ordinance.

In accordance with the provisions of the Colorado Beetle (Bailiwick of Guernsey) Law, 1956, section 9, Schedule, with effect from 3rd November, 1956, this Law shall be repealed on such date as the States may by Ordinance appoint.

Powers vested in [General Services] Committee.

2. The Committee shall execute this Law and secure the observance thereof by all persons whom it may concern and shall be vested generally with all the necessary powers in that behalf, and in particular with the powers of issuing general and special orders from time to time and of appointing Inspectors who shall be called general inspectors and the Committee may assign to them duties generally in this Island or in such Districts as the Committee may specify. The Committee may also appoint experts to assist the Committee in the execution of this Law. The Committee may determine the remuneration to be paid to Inspectors and Experts performing duties under this Law and may pay such remuneration and incur such other expenses as may be necessary in the execution of this Law and the monies required for such remuneration and expenses shall be provided by the States.

3. The Constables shall be Inspectors acting under the authority of the Committee.

NOTE

In Article 2, the words in square brackets in the marginal note thereto were substituted by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part I, paragraph 1, with effect from 2nd April, 1997.

Inspection and spraying of Potato Crops.

4. The Committee shall furnish the Constables with particulars concerning the planting of potatoes in this Island and such particulars shall be checked and revised by the Constables.

5. It shall be the duty of every Inspector to inform himself and make

record of the planting of potatoes and of the existence of growing crops of potatoes in every property in his district wherever the same occurs and to inspect the same and for this purpose he shall have power to enter upon premises whether enclosed or unenclosed as often as may be requisite and to interrogate the occupants and other persons. He shall also from time to time as may be requisite or as he may be directed make inspection of all growing crops of potatoes with powers of entry and interrogation as aforesaid in order to ascertain whether they have been effectively sprayed in accordance with the dispositions of this Law, and whether there is any evidence of the existence of the beetle, its eggs, larva or pupa. The Constables in respect of their several districts shall also make or cause to be made such inspections of premises for the said purposes or any of them as may from time to time be required by the Committee. An expert authorised by the Committee to make inspection and any member of the Committee shall have the same powers as an Inspector. The Constables shall send to the Committee reports in writing on all inspections made by them and under their authority as and when the Committee shall require by general or special direction. The Constables shall meet together at least once a month during the season of cultivation and a report in writing of the proceedings of every meeting shall be sent by the Constables to the Committee without delay.

6. (1) Every occupant of land in which potatoes are growing shall allow the person or persons appointed by the Committee to spray every potato plant at such time as the plants have attained in the average a height of not less than six inches nor more than nine inches from the ground surface and at the expiration of four weeks thereafter. He shall also permit the spraying of the said plants at such other time or times as the Committee may order.

(2) The implements or apparatus used for spraying shall be such as shall be approved by the Committee and the liquid to be sprayed shall be of such ingredients in such proportions as the Committee shall prescribe.

(3) The Committee shall provide a sprayer and the services of an operator and the liquid for spraying at such charge as the Committee may at its discretion determine.

Procedure on discovery of a beetle suspected to be a Colorado Beetle.

7. (1) Every person who shall discover a beetle suspected to be a Colorado Beetle or the larva or pupa of such beetle at any place in this Island shall carefully mark the spot of such discovery and place a specimen of such beetle, larva or pupa in a closed box, and deliver it immediately with a description of the place where it was found to a Constable, or to any Member of the Committee, and such Constable or Member of the Committee receiving the same shall forthwith notify the President of the Committee accordingly.

Infested areas.

(2) Upon receipt of such notification the Committee shall cause an inspection by an expert of the land where the discovery was reported to have been made and if satisfied that the beetle exists there, it shall declare the locality within such limits as the Committee shall define, to be an "**infested area**".

(3) At any time after the existence of an infested area has been declared by the Committee, the Committee may further declare a "**zone of protection**" in relation to that area. The Committee shall define the relation to that area. The Committee shall define the "**zone of protection**" which may extend to such radius from the infested area as the Committee shall deem necessary to secure the localisation and extermination of the beetle.

(4) The Committee may take all such steps as it may deem necessary for the extermination of the beetle in respect of any land comprised within an infested area or of a zone of protection and in respect of any crops therein or thereon.

(5) The Committee may employ or appoint any person or persons to ensure and supervise the execution of all orders given by the Committee at the cost in whole or in part of the Committee, or in whole or in part by the occupant of the land concerned, according as the Committee shall decide.

(6) The Committee may at any time order that the land or any part thereof comprised within an infested area or a zone of protection shall be planted with potatoes in the following season at the cost in whole or in part, of the Committee, or in whole or in part of the occupant of the land, according as the Committee shall decide.

(7) In every case where it is incumbent on the Committee to render a decision concerning the liability for costs incurred under Sections 5 or 6 of this Article, and the apportionment of such liability, the Committee shall previously consider and record its finding on the question whether and to what extent, if any, the incurring of such costs was attributable to any default, refusal, negligence or lack of care on the part of the occupant of the land or of his servants.

Every decision of the Committee under any of the said Sections 5 or 6 shall be subject to an appeal to the Court in Ordinary Session whose judgment thereon shall be final. The right of appeal shall lapse after the fifth Saturday after the day on which the decision was communicated to the occupant of the land.

(8) The control under this Article which the Committee is authorised to exercise over any land and crops contained in an infested area or zone of protection shall continue for such length of time as, in the opinion of the Committee, may be necessary to ensure the extermination of the beetle.

(9) The Committee may make recommendations to the States in respect of such cases where, in the opinion of the Committee, compensation should be granted to interested parties to cover losses incurred by reason of a declaration of an infested area or zone of infection.

Information concerning cultivation of land, etc.

8. Every occupant of land shall give to the Committee such information concerning such land and the cultivation thereof as the Committee may from time to time require.

Destruction of foliage, residue, etc., of potato plants.

9. The use of any part of a potato plant for packing or other purposes is forbidden. As soon as possible after the digging of potatoes, all residues of stalk, root and foliage shall be collected and completely burnt.

Penalties for failing to obey this Law.

10. If any person shall –

- (a) offer any resistance or opposition to the entry on any premises by any person authorised to enter such premises by virtue of this Law or shall resist, oppose or interfere with such authorised person in the performance of any act or duty which he is authorised to perform therein by virtue of this Law, or
- (b) refuse or neglect to obey any order applicable to him issued by the Committee or by a Constable or by an expert or other person authorised by the Committee to issue such order under the provisions of this Law, or
- (c) act in any wise in contravention of this Law or abstain from any act therein required to be done by him,

he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding [level 1 on the Alderney uniform scale].

NOTE

In Article 10, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Alderney) Law, 1989, section 2(2), with effect from 1st October, 1989.

Power of Court to pass Ordinances, etc.

11. The Court shall have power to pass such Ordinances from time to time as it may deem necessary to give effect to and to regulate the execution of this Law and shall also have power by Ordinance to suspend the operation of this Law or of any provision thereof and to restore such operation.

NOTES

The Law received Royal Sanction on 16th March, 1933 and was registered on the Records of the Island of Guernsey and came into force on 1st April, 1933.

In accordance with the provisions of the Government of Alderney Law, 1948, section 9(1), with effect from 14th January, 1949, the legislative functions previously residing in the Court of Alderney shall reside in the

States of Alderney.
