

Jersey Law 15/1965

“AGRICULTURE (GUARANTEED PRICES AND FINANCIAL ASSISTANCE) (JERSEY) LAW, 1965”,

CONFIRMÉ PAR

Ordre de Sa Majesté en Conseil

en date du 3 août 1965.

(Enregistré le 10 septembre 1965).

Jersey Law 15/1965 Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law, 1965

ARRANGEMENT OF ARTICLES.

Article

PART I

INTRODUCTORY

1. Interpretation
2. Provisions as to schemes

PART II

GUARANTEED PRICES

3. Power to provide guaranteed prices
4. Power to provide for protection of guarantees

PART III

AGRICULTURAL GRANTS

5. Grants in respect of improvements
6. Grants for promotion of efficient marketing
7. Power to prescribe standard costs
8. Revocation of approval
9. Supplementary provisions as to grants under Articles 5 and 6
10. Grants in respect of the use of fertilizers
11. Grants in respect of controlling infestation of land and crops
12. Grants in respect of grassland renovation
13. Recovery of grants
14. Power of recovery in the event of excessive price

PART IV

GENERAL

15. Power of inspection and sampling
16. Power to obtain information
17. Offences
18. Variation of Schedules
19. Repeals and transitional provision
20. Short title

First Schedule

Second Schedule

Jersey Law 15/1965 Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law, 1965

AGRICULTURE (GUARANTEED PRICES AND FINANCIAL ASSISTANCE) (JERSEY) LAW, 1965.

A LAW to provide for guaranteed prices for agricultural produce, and for affording financial assistance to the agricultural industry, sanctioned by Order of Her Majesty in Council of the

3rd day of AUGUST, 1965.

(Registered on the 10th day of September, 1965).

STATES OF JERSEY.

The 10th day of November, 1964.

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law: -

PART I

INTRODUCTORY

ARTICLE 1

INTERPRETATION

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

“agricultural holding” means land occupied as a unit for the purposes of agriculture, including –

Jersey Law 15/1965 Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law, 1965

- (a) any dwelling-house or other building occupied by the same person for the purpose of farming the land; and
- (b) any other land, in the occupation of the same person, falling within the definition of agricultural land in this Law;

“agricultural land” means land, including land under glass, used, by way of trade or business, for purposes of agriculture;

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming and livestock breeding and keeping, the use of land as grazing land, meadow land, market gardens and nursery grounds, and the use of land as woodlands where that use is ancillary to the farming of the land for other agricultural purposes, and the expression “agricultural” shall be construed accordingly;

“approved” in relation to any scheme, means approved by the Committee for the purposes of the scheme;

“the Committee” means the Committee of Agriculture;

“contravention” includes failure to comply;

“description” includes quality;

“fertilizer” includes any approved material for improving the fertility or condition of the soil;

“functions” includes powers and duties;

“infested” in relation to agricultural land, means infested with a specified pest, and includes infestation of crops;

Jersey Law 15/1965 Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law, 1965

“livestock” includes any creature kept for the production of food, wool, hides or fur, or for the purpose of its use in the farming of land;

“marketing scheme” means a scheme within the meaning of the Agricultural Marketing (Jersey) Law, 1953¹;

“occupier” in relation to a scheme, means an occupier of agricultural land to which the scheme applies;

“owner” in relation to a scheme, includes a usufructuary, the husband of a ‘feme coverte’, the guardian of an infant, the curator of a person under interdiction and any other legal personal representative;

“pest” includes any bacterium, fungus or other animal or vegetable organism, and any virus or other agent, causative of a transmissible crop disease;

“preparation for market” does not include canning, bottling, pulping or cooking, or preserving by sterilising, freezing or dehydrating, or by heat, or by any chemical process;

“prescribe” means prescribe by order;

“produce” means crops or horticultural produce, livestock or the produce of any kind of animal husbandry, including the carcase, hide, wool or fur of animals, bacon, and butter, cheese or other dairy produce;

“producer” means a person who grows, in the Island, produce for sale;

“scheme” means a scheme made under the provisions of this Law;

¹ Tome 1951–1953, page 598.

Jersey Law 15/1965 Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law, 1965

“specified” in relation to a scheme, means specified in the scheme.

(2) In this Law, the expression “producers’ marketing business” means a business carried on by a co-operative association and consisting of the storage, preparation for market or marketing of produce grown by producers who are members of the association, and the expression “co-operative association” means –

- (a) any body of producers registered by virtue of a marketing scheme; or
- (b) any other body of producers, whether a body corporate or not, which has a written constitution from which the Committee is satisfied, having regard to the provision made as to the manner in which the profits of the body are to be applied for the benefit of its members and all other relevant provisions, that the body is in substance a co-operative association the primary purpose of which, so far as concerns the storage, preparation for market or marketing of produce, is to assist producers.

(3) References in this Law to any other enactment shall be construed as references thereto as amended, and as including references thereto as extended by or under any other enactment.

ARTICLE 2

PROVISIONS AS TO SCHEMES

(1) Every scheme shall include a provision limiting the aggregate amount of all the payments to be made under the scheme in any calendar year.

(2) Every scheme shall be submitted to the States for approval and shall not come into effect until after it has been so approved.

Jersey Law 15/1965 Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law, 1965

(3) Subject to the provisions of paragraph (2) of this Article, the Committee may vary or revoke a scheme.

(4) Every scheme shall contain all such provisions as the Committee may think necessary or expedient for the purposes of the scheme and for the proper administration thereof, and in particular but without prejudice to the generality of the foregoing provisions of this paragraph and to the following provisions of this Law, a scheme may provide –

- (a) for the payment of contributions or grants to be made by instalments over such period as may be specified;
- (b) for the payment of contributions or grants, or of instalments thereof, to be subject to compliance with such conditions as may be specified, or as the Committee may think fit to impose;
- (c) for the modification from time to time, with the approval of the Committee, of a proposed improvement or a proposal in respect of which a contribution or grant may be made under the scheme;
- (d) for promoting economy in the carrying out of any improvement or of any proposal, or in the use of any approved fertilizer or approved material, in respect of which a contribution or grant may be made under the scheme.

(5) A scheme under this Part of this Law shall provide that where, in contravention of the provisions of the scheme, produce in respect of which a payment under the scheme has been made is exported, the person by whom such produce is exported shall, without prejudice to any proceedings in respect of the contravention and to any penalty imposed therefor, refund the amount of such payment in respect of the quantity of such produce so exported.

PART II

GUARANTEED PRICES

ARTICLE 3

POWER TO PROVIDE GUARANTEED PRICES

(1) The Committee may make schemes for providing for the payment of guaranteed prices to producers for any produce mentioned in the First Schedule to this Law:

Provided that a scheme under this Part of this Law shall not apply to produce grown or produced for export, or exported.

(2) Without prejudice to the generality of the provision of Article 2 of this Law, a scheme under this Part of this Law may provide –

- (a) for the payment by the Committee to a board administering a marketing scheme in respect of the produce to which the scheme applies of sums calculated by reference to the difference between the value at guaranteed prices, determined by the Committee in pursuance of the scheme, of the produce sold by the board and the receipts of the board, ascertained for the purposes of the scheme, from the sale of the produce;
- (b) for the payment by the Committee to producers of the produce to which the scheme applies, or to such other persons as may be specified, of sums calculated by reference to the difference between guaranteed prices, determined by the Committee in pursuance of the scheme, and prices, ascertained or estimated for the purposes of the scheme, as the prices received or to be received on the sale of the produce;
- (c) for the purchase by the Committee, or by the board administering a marketing scheme in respect of the

Jersey Law 15/1965 Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law, 1965

produce to which the scheme applies, at guaranteed prices determined by the Committee in pursuance of the scheme, of any of the produce tendered by producers, and, in the case of purchase by any such board, for the payment by the Committee of the whole or part of any trading loss incurred or treated as incurred by the board on the purchase and disposal of the produce.

(3) Subject to the provisions of this Article, any guaranteed price to be determined by the Committee in pursuance of a scheme under this Part of this Law shall be determined from time to time in respect of such guarantee periods, being periods of or of approximately twelve months as may be specified, and any such guaranteed price may be determined by reference to the prices paid to persons producing similar produce imported into the Island, or in such other manner, being a specified manner, as the Committee may think to be just and equitable.

(4) Subject to the provisions of paragraph (3) of Article 2 of this Law, a guaranteed price determined by the Committee for a guarantee period in pursuance of a scheme under this Part of this Law may be varied by a subsequent determination by the Committee.

(5) A scheme under this Part of this Law may be made so as to apply only to specified descriptions or to specified quantities of produce, and may make different provisions, including in particular provisions for the determination of different guaranteed prices, in respect of different descriptions or different quantities of produce, and, without prejudice to the generality of the foregoing provisions of this paragraph, produce may be distinguished for the purposes of this paragraph by reference –

- (a) to the season of the year in which it is produced, sold or despatched or delivered on sale ;
- (b) to the purposes for which it is sold or used ;
- (c) to the methods by which it is marketed, including the place at which it is delivered on sale.

Jersey Law 15/1965 Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law, 1965

(6) Where the dates of specified guarantee periods are subsequently varied, provision may be made for the duration of the first guarantee period under the scheme as varied, or of the last previous guarantee period, to be shortened or extended as may be specified.

ARTICLE 4

POWER TO PROVIDE FOR PROTECTION OF GUARANTEES

(1) For the purpose of supporting any arrangements in force by virtue of a scheme under this Part of this Law, and, in particular, of securing that payments, whether made by the Committee or by a board administering a marketing scheme to which payments are so made under the scheme, are made only in proper cases, provision may be made in the scheme –

- (a) for requiring that produce to which the scheme applies, being produce eligible for such payments as aforesaid, or produce of any class or description which includes produce eligible for such payments, shall be marked in such circumstances, in such manner, and by or under the supervision of such person, as may be specified ;
- (b) for prohibiting the removal from any place where produce is required to be marked in pursuance of the scheme of any produce to which the scheme applies which has not been so marked ;
- (c) for requiring the keeping and production by producers, merchants or other persons of books, accounts or records relating to the sale, purchase or use of produce to which the scheme applies.

(2) Without prejudice to the generality of the provisions of Article 2 of this Law, a scheme under this Part of this Law which applies –

Jersey Law 15/1965 Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law, 1965

- (a) to livestock, may prohibit the use for breeding or for milking of any livestock marked as eligible for payments under the scheme ;
- (b) to potatoes, may prohibit –
 - (i) the sale or use for human consumption, including use in the preparation of food for human consumption ;
 - (ii) the sale or use for planting ;

of potatoes purchased by the Committee, or by any board administering a marketing scheme, in pursuance of a scheme made under this Part of this Law and sold by the Committee or the board, as the case may be, as stockfeed.

PART III

AGRICULTURAL GRANTS

ARTICLE 5

GRANTS IN RESPECT OF IMPROVEMENTS

(1) The Committee may make a scheme to provide for the making of grants towards the cost of carrying out improvements of a kind mentioned in the Second Schedule to this Law, being improvements designed to increase the efficiency of agricultural holdings.

(2) An application for a grant under a scheme made in pursuance of paragraph (1) of this Article may be made by the person carrying on the agricultural holding or by the owner thereof, and every such application shall contain all such particulars as the Committee may require.

(3) Subject to the provisions of paragraph (4) of this Article, the Committee may, as it thinks fit, either approve or refuse an application under paragraph (2) of this Article, or may approve an

Jersey Law 15/1965 Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law, 1965

application in whole or in part and subject to such conditions as the Committee may think fit to impose.

(4) The Committee shall not approve any application as aforesaid in any case where the Committee is not satisfied that –

- (a) the land in respect of which the application is made is agricultural land occupied together with buildings, and is capable of yielding a sufficient livelihood to an occupier skilled in husbandry, or will be capable of so doing as a result of the improvements to which the application relates ;
- (b) the cost of the improvement to which the application relates will not be unreasonably high in relation to the benefit to be derived therefrom ;
- (c) the improvement to which the application relates is of such a nature that a prudent landlord, having regard to the cost and to all other circumstances, would be willing to make it himself, or to pay compensation to a tenant for making it ;
- (d) the improvement will be carried out in a satisfactory manner and within a reasonable time ;
- (e) in a case where application in respect of an improvement is made otherwise than by the owner of the agricultural holding, the applicant has sufficient security of tenure of the holding.

ARTICLE 6

GRANTS FOR PROMOTION OF EFFICIENT MARKETING

(1) The Committee may make schemes to provide for the payment of grants towards the cost –

- (a) of carrying out approved proposals –

Jersey Law 15/1965 Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law, 1965

- (i) for expanding, or increasing the efficiency of, an existing producers' marketing business ;
 - (ii) in connexion with the initial operation of a newly-established producers' marketing business ;
 - (iii) for the provision of specified facilities for the preparation for market or transport of produce in the course of a producers' marketing business ;
- (b) of carrying out research in connexion with promoting the efficient marketing of produce ;
- (c) of making the result of such research available to producers.

(2) The reference in sub-paragraph (a) (ii) of paragraph (1) of this Article to the initial operation of a producers' marketing business shall be construed, in relation to any matter dealt with in proposals submitted for approval, as a reference to the operation of the business during such period ending not later than two years after the establishment of the business as is mentioned in relation to that matter in the proposals.

(3) An application for a grant under a scheme made in pursuance of paragraph (1) of this Article shall contain all such particulars as the Committee may require.

(4) Subject to the provisions of paragraph (5) of this Article, the Committee may, as it thinks fit, either approve or refuse an application under a scheme as aforesaid, or may approve an application in whole or in part and subject to such conditions as the Committee may think fit to impose.

(5) The Committee shall not approve any application under a scheme as aforesaid in any case where it is not satisfied that –

Jersey Law 15/1965 Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law, 1965

- (a) the cost of carrying out the proposals will not be unreasonably high in relation to the benefit to be derived therefrom ;
- (b) the constitution of the co-operative association contains provisions designed to secure that a sufficient proportion of the produce grown by a member of the association is made available by him for marketing by the association.

ARTICLE 7

POWER TO PRESCRIBE STANDARD COSTS

(1) The Committee may prescribe a standard cost for any operation falling within Article 5 or sub-paragraph (a) (iii) of Article 6 of this Law, and, where the cost of carrying out any such operation, calculated by reference to a standard cost so prescribed, is less than the actual or estimated cost of carrying out that operation as stated in the application for payment of a grant in respect thereof, the cost of carrying out the operation shall, for the purposes of any such payment, be deemed to be the cost thereof calculated by reference to such standard cost :

Provided that a standard cost prescribed under the provisions of this Article shall not apply to any operation the carrying out of which was approved before the day on which such standard cost comes into effect.

(2) The provisions of the Subordinate Legislation (Jersey) Law, 1960,² shall apply to orders made under this article.

ARTICLE 8

REVOCATION OF APPROVAL

(1) Where, after the Committee has approved an application for the payment of a grant under a scheme made in pursuance of Article 5 or 6 of this Law, it appears to the Committee that –

² Tome 1957–1960, page 519.

Jersey Law 15/1965 Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law, 1965

- (a) the work required for making the improvement has been badly done, or has been or is being unreasonably delayed, or is unlikely to be completed ; or
- (b) an agricultural holding or, as the case may be, a producers' marketing business has ceased to be carried on as such ; or
- (c) any condition imposed by the Committee in relation to its approval has not been, or will not be, complied with ; or
- (d) the applicant has, in connexion with the application, given any information or made any statement which is false or misleading in a material particular ;

the Committee may revoke its approval of the application in whole or in part and, in such a case, the Committee shall withhold payment, or further payment, of the grant, or of such part thereof as the Committee may think fit.

(2) The Committee, before revoking approval under the provisions of paragraph (1) of this Article shall –

- (a) give to any person to whom any grant would be payable notice in writing of the reasons for the proposed revocation ;
- (b) give to that person an opportunity, either in person or by advocate, solicitor or agent, to appear before, and be heard by, the Committee.

ARTICLE 9

SUPPLEMENTARY PROVISIONS AS TO GRANTS UNDER ARTICLES 5 AND 6

(1) The amount of any grant payable under the provisions of Article 5 or 6 of this Law towards the cost of any improvement, or the carrying out of any proposals, approved thereunder shall be one-third of

Jersey Law 15/1965 Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law, 1965

that cost so far as approved by the Committee as having been reasonably incurred.

(2) The Committee may reduce the amount of the grant which would otherwise be payable under the provisions of paragraph (1) of this Article, or may withhold the grant, in any case where financial assistance in respect of the approved work is given under any other enactment.

(3) No grant shall be payable under any of the said provisions in any case where application therefor was made after the expiration of ten years from the day of the coming into force of this Law.

ARTICLE 10

GRANTS IN RESPECT OF THE USE OF FERTILIZERS

(1) The Committee may make schemes to provide for the making of contributions for relieving occupiers of part, or of the whole, of the expenditure which they would otherwise incur in respect of approved fertilizers acquired by them to improve the fertility or condition of the soil.

(2) No contribution under a scheme made in pursuance of paragraph (1) of this Article shall exceed the whole of the cost, calculated in accordance with the provisions of the scheme, to any such occupier of acquiring a specified quantity of an approved fertilizer.

(3) Without prejudice to the generality of the provisions of Article 2 of this Law, a scheme made in pursuance of paragraph (1) of this Article may –

- (a) specify the conditions subject to which persons may become, or may cease to be, approved suppliers, including conditions as to the prices to be charged for approved fertilizers purchased from them and conditions as to the keeping and production of accounts, books and other records of their dealings in approved fertilizers ;

Jersey Law 15/1965 Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law, 1965

- (b) prohibit the making of contributions in respect of approved fertilizers acquired otherwise than from an approved supplier ;
- (c) make different provisions in relation to the contributions to be made in respect of different approved fertilizers, and of different kinds, descriptions and quantities of any approved fertilizer ;
- (d) prohibit the making of contributions below such minimum amount as may be specified ;
- (e) provide that no contribution shall be made unless application therefor is made within the time, and in the manner, specified.

ARTICLE 11

GRANTS IN RESPECT OF CONTROLLING INFESTATION OF LAND AND CROPS

(1) The Committee may make schemes to provide for the making of contributions for relieving occupiers of part, or of the whole, of the expenditure which they would otherwise incur in respect of approved materials acquired by them for the purpose of controlling an infestation of agricultural land or of crops growing or grown in such land.

(2) No contribution under a scheme made in pursuance of paragraph (1) of this Article shall exceed the whole of the cost, calculated in accordance with the provisions of the scheme, to any such occupier of acquiring a specified quantity of an approved material.

(3) Without prejudice to the generality of the provisions of Article 2 of this Law, a scheme made in pursuance of paragraph (1) of this Article may –

- (a) specify the conditions subject to which persons may become, or may cease to be, approved suppliers, including

Jersey Law 15/1965 Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law, 1965

conditions as to the prices to be charged for approved materials purchased from them and conditions as to the keeping and production of accounts, books and other records of their dealings in approved materials ;

(b) provide that a contribution shall be made only where the approved material has been used –

(i) in such manner ;

(ii) during such period ;

(iii) either generally or in particular cases, under the supervision, and in accordance with the directions, of such person ;

as may be specified ;

(c) prohibit the making of contributions in respect of approved materials –

(i) acquired otherwise than from an approved supplier ;

(ii) used otherwise than in accordance with provisions included in a scheme by virtue of sub-paragraph (b) of this paragraph ;

(iii) where the amount of a contribution is less than a specified sum ;

(iv) until after an approved material has been used in accordance with the provisions of the scheme ;

(v) unless application is made therefor within the time, and in the manner specified ;

Jersey Law 15/1965 Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law, 1965

- (d) make different provisions in relation to different approved materials, or to different formulations of any approved material.

ARTICLE 12

GRANTS IN RESPECT OF GRASSLAND RENOVATION

(1) The Committee may make a scheme to provide for the payment of grants towards the cost of renovation of agricultural land under grass by means of specified operations.

(2) Without prejudice to the generality of the provisions of Article 2 of this Law, a scheme made in pursuance of paragraph (1) of this Article –

(a) shall –

- (i) specify the rates of grants payable, and such rates may be specified by reference to the area of the agricultural land in respect of which a grant is payable ;
- (ii) require the agricultural land to have been under grass for a specified minimum period before the carrying out of any specified operation ;
- (iii) restrict the payment of grants to cases where, before a specified operation has been carried out, the operation has been approved in pursuance of an application made in such manner as the Committee may require ;
- (iv) specify the period, not being a period longer than three years from the day of the coming into force of this Law, within which application for a grant may be made ;

(b) may –

Jersey Law 15/1965 Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law, 1965

- (i) provide for defining or limiting the kinds of agricultural land under grass in respect of which grants may be made ;
- (ii) specify a minimum area of land in respect of which grants may be made;
- (iii) make provision as to the persons to whom grants may be made ;
- (iv) provide for securing that a grant shall not be made, or shall be restricted in amount, in any case where the Committee is of the opinion that any operation relevant to the payment of a grant has been inefficiently carried out ;
- (v) make different provisions in relation to different operations.

(3) Without prejudice to any definition or limitation contained in a scheme by virtue of the provisions of sub-paragraph (b) (i) of paragraph (2) of this Article, references in this Article to agricultural land under grass shall include references to any grazing land and, in particular, to land under clover, lucerne or sainfoin, or mixtures of clover, lucerne or sainfoin with grass.

ARTICLE 13

RECOVERY OF GRANTS

(1) Every payment made under a scheme under this part of this Law shall be made subject to audit, and any sum which is found on audit to have been improperly paid may be recovered by the Committee, as a civil debt, from the person to whom it was paid or, at the discretion of the Committee, an amount equivalent to such sum may be deducted from any subsequent payment to that person under any scheme.

Jersey Law 15/1965 Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law, 1965

(2) Without prejudice to the provisions of paragraph (1) of this Article, where, under the provisions of Article 8 of this Law, approval of an application or of any part of an application is revoked and, before such revocation, any payment was made by way of grant towards the cost of the improvement or, as the case may be, towards the cost of carrying out any proposals, or, if approval is revoked in part only, towards so much of the improvement or of the proposals as is no longer approved, the Committee may recover, as a civil debt, the amount so paid from the person to whom the payment was made.

(3) The provisions of this Article shall be without prejudice to the provisions of paragraph (5) of Article 17 of this Law.

ARTICLE 14

POWER OF RECOVERY IN THE EVENT OF EXCESSIVE PRICE

If a price charged to, and received from, an occupier by an approved supplier for an approved fertilizer or, as the case may be, an approved material in respect of which a contribution is payable under a scheme exceeds the price (if any) specified in respect of that fertilizer or that material, the amount of the excess shall be recoverable by the occupier, as a civil debt, from the approved supplier :

Provided that the provisions of this Article shall not apply to so much of any such excess as represents a charge made by an approved supplier for credit facilities afforded by him to the occupier in respect of the purchase of the approved fertilizer or approved material, as the case may be.

Jersey Law 15/1965 Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law, 1965

PART IV

GENERAL

ARTICLE 15

POWER OF INSPECTION AND SAMPLING

Any person authorized in that behalf by the Committee shall be entitled, on production if so required of evidence of his authority, to enter and inspect, and to carry out tests and take samples, on any land –

- (a) on which there is any produce in respect of which, by virtue of the provisions of Part II of this Law, a guaranteed price has been paid, or for which application for the payment of a guaranteed price has been made by any person ;
- (b) being agricultural land, in respect of, or in connexion with which, any contribution or grant has been applied for or made by virtue of the provisions of Part III of this Law.

ARTICLE 16

POWER TO OBTAIN INFORMATION

(1) The Committee, and any person authorized in that behalf by the Committee, may require –

- (a) any person by, or on behalf of, whom an application for a payment under any scheme has been made to furnish to such authority or to such person, within such time, and in such manner, as may be specified in the requirement, all such information relating to the application as may be so required ;
- (b) an approved supplier, or any person who has ceased to be an approved supplier, to furnish to such authority or to

Jersey Law 15/1965 Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law, 1965

such person, within such time, and in such manner, as may be specified in the requirement all such information, and to produce all such accounts, books or other documents as he may, by virtue of the conditions subject to which he became, or ceased to be, an approved supplier, be required to furnish or produce.

(2) Notwithstanding anything contained in the Agricultural Returns (Jersey) Law, 1947,³ any returns made under the provisions of that Law may be used by the Committee for the purposes of any scheme, and any such returns may be disclosed to any court before which any proceedings under or in connexion with this Law are taken.

ARTICLE 17

OFFENCES

- (1) Any person who –
- (a) for the purpose of obtaining for himself or for any other person any payment under a scheme, knowingly or recklessly makes any statement which is false in a material particular or which is calculated to mislead ; or
 - (b) having obtained any payment under a scheme in respect of the acquiring of any approved fertilizer or any approved material –
 - (i) disposes of such fertilizer or such material or any part thereof to any other person ; or
 - (ii) uses such fertilizer or such material or any part thereof, or allows it to be used, for any purpose other than a purpose for which the payment was made ; or

³ Tome 1946–1948, page 155.

Jersey Law 15/1965 Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law, 1965

- (c) with intent to deceive, uses, or lends to or allows to be used by any other person any certificate, receipt or other document issued for the purposes of a scheme, or, with the like intent, makes or has in his possession any document so closely resembling such a certificate, receipt or other document as to be calculated to deceive ; or
- (d) being required under the provisions of this Law to furnish any information or to produce any accounts, books or other documents, knowingly furnishes any false information or produces any false accounts, books or other documents ;

shall be guilty of an offence and shall be liable to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding twelve months or to both such fine and such imprisonment.

(2) Except as provided by paragraph (3) of this Article, any person who acts in contravention of any provision of a scheme, or of any condition imposed by the Committee in respect of a contribution or grant made, or to be made, to him shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds.

- (3) Any person who –
 - (a) obstructs or impedes any person authorized under the provisions of Article 15 of this Law to make an inspection or to carry out tests or take samples ; or
 - (b) being required, under the provisions of Article 16 of this Law or of a scheme, to furnish any information, or to produce any accounts, books or other documents refuses or without reasonable excuse fails to do so ;

shall be guilty of an offence and shall be liable to a fine not exceeding fifty pounds :

Provided that, if the court is satisfied that he committed the offence with intent to prevent the discovery of some other offence under

Jersey Law 15/1965 Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law, 1965

this Law, he shall be liable to the penalties prescribed by paragraph (1) of this Article.

(4) Where an offence under this Law committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any negligence on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, 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.

(5) Where under the provisions of a scheme a person would be entitled to a payment and that person is convicted of an offence under the provisions of this Article, no payment shall be made to him under the scheme and if, before he was so convicted, any payment was made to him in respect of the matter in connexion with which he was convicted, the amount of such payment shall be recoverable under the provisions of Article 13 of this Law as if it had been improperly paid.

ARTICLE 18

VARIATION OF SCHEDULES

The States may make regulations varying the Schedules to this Law and, where either of the Schedules to this Law is varied by regulations under this Article, this Law shall have effect, so long as the regulations remain in force, as if the Schedule as so varied were substituted for the Schedule contained in this Law.

ARTICLE 19

REPEALS AND TRANSITIONAL PROVISION

(1) The Agricultural Lime (Subsidy) (Jersey) Law, 1961,⁴ and the Control of Infestation (Subsidy) (Jersey) Law, 1961,⁵ are hereby repealed.

⁴ Tome 1961–1962, page 147.

⁵ Tome 1961–1962, page 341.

Jersey Law 15/1965 Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law, 1965

(2) Any scheme made under either of the enactments now repealed and subsisting immediately before the coming into force of this Law shall, unless previously revoked, continue in force until the thirty-first day of December next following the coming into force of this Law.

ARTICLE 20

SHORT TITLE

This Law may be cited as the Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law, 1965.

Jersey Law 15/1965 Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law, 1965

SCHEDULES

FIRST SCHEDULE

(Article 3)

**PRODUCE IN RESPECT OF WHICH GUARANTEED PRICE SCHEMES
MAY BE MADE**

PART I

CROPS

Potatoes (early and main crop).

Hay and Cereals.

PART II

LIVESTOCK AND LIVESTOCK PRODUCTS

Fat pigs.

Cow's milk (liquid).

Eggs (hen in shell).

Jersey Law 15/1965 Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law, 1965

SECOND SCHEDULE

(Article 5)

IMPROVEMENTS IN RESPECT OF WHICH GRANT SCHEMES MAY BE MADE

1. Improvements to permanent farm buildings, including glass houses, but excluding dwelling-houses.
2. Land drainage, including defence against water, irrigation and the supply of water.
3. Provision of means of sewage disposal, other than from dwelling-houses.
4. Provision or laying-on of electric light or power to agricultural holdings for agricultural purposes.
5. Making and improvement of permanent fences, including hedges, walls and gates.
6. Reclamation of waste land.
7. Provision of shelter belts.
8. Removal of hedges and banks, filling in of ditches, removal of boulders, tree roots and other like obstructions to cultivation.
9. Any operation incidental to any of the operations mentioned in this Schedule, or necessary or proper in carrying it out or in securing the full benefit thereof.

E.J.M. POTTER,

Deputy Greffier of the States.