



Jersey

**JERSEY POTATO EXPORT  
MARKETING (POLLS) (JERSEY)  
ORDER 2002**

**Revised Edition**

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This is a revised edition of the law





Jersey

## **JERSEY POTATO EXPORT MARKETING (POLLS) (JERSEY) ORDER 2002<sup>1</sup>**

**THE ECONOMIC DEVELOPMENT COMMITTEE**, in pursuance of Article 5 of the Agricultural Marketing (Jersey) Law 1953,<sup>2</sup> orders as follows –

Commencement [[see endnotes](#)]

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### **1**

In this Order –

“appointed day” means –

- (a) in relation to the initial poll, 28th January 2002; and
- (b) in relation to any other poll, such day as the Minister may determine;

“Law” means the Agricultural Marketing (Jersey) Law 1953;<sup>3</sup>

“potatoes” means harvested potatoes grown in Jersey, not being maincrop potatoes or of a class or description for the time being exempt by virtue of paragraph 29(c) of the Scheme, and includes any product produced or derived from potatoes, whether consumable or not;

“qualifying date” means –

- (a) in relation to the initial poll, 11th January 2002; and
- (b) in relation to any other poll, such date as the Minister may determine;

“register” means the register of producers kept by the Minister in pursuance of Article 4 of the Law; and

“Scheme” means the Jersey Potato Export Marketing Scheme 2001.<sup>4</sup>

**2**

- (1) Where a poll under the Scheme is to be taken the Minister shall, at least 7 days before the appointed day, deliver to every person who was a registered producer on the qualifying date a Notice of Poll which shall specify –
  - (a) the date, time and place at which the poll is to be taken;
  - (b) the evidence of identity of the registered producer that shall be required before a voting paper may be issued to the registered producer at the poll;
  - (c) the information that the registered producer will be required to enter on to the voting paper to enable the result of the poll to be calculated;
  - (d) the date, time and place at which the votes shall be counted; and
  - (e) the evidence required of an agent of a registered producer who is a body corporate or a partnership that the agent is duly authorized to vote on behalf of the registered producer.
- (2) A Notice of Poll under paragraph (1) may specify more than one date, time and place at which the poll may be taken.
- (3) For the purposes of paragraph (1) a Notice of Poll shall be deemed to be duly delivered to a registered producer if sent to the registered producer by post at the registered producer's address as it appears in the register.
- (4) No person shall have the right to vote on a poll unless the person was a registered producer on the qualifying date.

**3**

A registered producer who desires to vote on a poll shall do so by –

- (a) attending in person or, if the registered producer is a body corporate or a partnership, by duly authorized agent, at the place, date or time, or at one of the places, dates or times (if more than one) specified in the Notice of Poll;
- (b) producing to the person presiding over the poll –
  - (i) such evidence of identity, and
  - (ii) where the person is the agent of a registered producer who is a body corporate or a partnership, such evidence of the person's authority to vote on behalf of the registered producer,as may be specified in the Notice of Poll;
- (c) completing in full a voting paper in the form set out in the Schedule to this Order or in a form substantially to the like effect which shall be provided at the poll by the person presiding over the poll; and
- (d) placing the completed voting paper in the ballot box provided before leaving the place of the poll.

**4**

- (1) The Minister shall cause the votes delivered on a poll to be counted by a person appointed by the Minister at the date, time and place specified in the Notice of Poll.
- (2) A vote shall not be counted in any case where –
  - (a) it is not given in the form prescribed by this Order; or
  - (b) the reply to the question proposed is not clear and without ambiguity.

**5**

Except as is otherwise provided in the Law, the proportion of registered producers necessary to determine the question proposed on a poll shall be –

- (a) not less than  $\frac{2}{3}$  of the total number of registered producers voting on the poll; and
- (b) registered producers who, in the calendar year preceding that in which the qualifying date falls, in total grew not less than  $\frac{2}{3}$  of the area of potatoes which all the registered producers voting on the poll grew in that year.

**6**

The quantity of potatoes which a registered producer is capable of producing in any year shall, in the case of the initial poll, be deemed to be the quantity of potatoes declared by the registered producer in the registered producer's application for registration made under Article 2 of the Jersey Potato Export Marketing (Registration of Producers) (Jersey) Order 2001,<sup>5</sup> and in the case of any subsequent poll shall be as determined by the Minister by Order.

**7**

The Minister shall, as soon as may be after the votes given on a poll have been counted, cause the Board administering the Scheme to be informed of the result of the poll and shall cause a notice of the result of the poll to be published in the Jersey Gazette.

**8**

This Order may be cited as the Jersey Potato Export Marketing (Polls) (Jersey) Order 2002.

**SCHEDULE**

(Article 2(1))

**FORM OF VOTING PAPER****JERSEY POTATO EXPORT MARKETING SCHEME 2001**

(1) Voting paper No:

A Poll of Registered Producers is being held under the Jersey Potato Export Marketing Scheme 2001, on the following question, namely: –

(2)

Do you wish this question to be answered “YES” or to be answered “NO”?

Please tick one box

Yes

☐

No

☐

The Minister must fill in at –

- (1) the official number of the voting paper; and
- (2) the question on which the poll is being taken.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Jersey Potato Export Marketing (Polls) (Jersey) Order 2002	R&O.5/2002	18 January 2002
States of Jersey (Amendments and Construction Provisions No. 4) (Jersey) Regulations 2005	R&O.44/2005	9 December 2005

### Table of Renumbered Provisions

Original	Current
1(1)	1
1(2),(3),(4)	spent, omitted from this revised edition

### Table of Endnote References

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- <sup>1</sup> *This Order 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> *chapter 01.160*
- <sup>3</sup> *chapter 01.160*
- <sup>4</sup> *chapter 01.160.42*
- <sup>5</sup> *chapter 01.160.35*