



Jersey

**AGRICULTURE (GUARANTEED PRICES
AND FINANCIAL ASSISTANCE)
(JERSEY) LAW 1965**

Revised Edition

01.320

Showing the law as at 1 January 2006

This is a revised edition of the law



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Arrangement

Article

PART 1	5
INTRODUCTORY	5
1 Interpretation	5
2 Provisions as to schemes	7
PART 2	7
GUARANTEED PRICES	7
3 Power to provide guaranteed prices	7
4 Power to provide for protection of guarantees	9
PART 3	9
AGRICULTURAL GRANTS	9
5 Grants in respect of the use of fertilizers.....	9
6 Grants in respect of controlling infestation of land and crops.....	10
7 Grants in respect of grassland renovation	11
8 Recovery of grants	12
9 Power of recovery in the event of excessive price	12
PART 4	12
GENERAL	12
10 Power of inspection and sampling	12
11 Power to obtain information.....	13
12 Offences	13
13 Variation of Schedule.....	14
14 Citation.....	14

SCHEDULE **15**

PRODUCE IN RESPECT OF WHICH GUARANTEED PRICE SCHEMES MAY BE MADE	15
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Supporting Documents

ENDNOTES **16**

Table of Legislation History	16
Table of Renumbered Provisions	16
Table of Endnote References	17



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AGRICULTURE (GUARANTEED PRICES AND FINANCIAL ASSISTANCE) (JERSEY) LAW 1965¹

A LAW to provide for guaranteed prices for agricultural produce, and for affording financial assistance to the agricultural industry

Commencement [[see endnotes](#)]

PART 1

INTRODUCTORY

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 –

- (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 Minister for the purposes of the scheme;

“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;

“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 1953;²

“Minister” means the Minister for Economic Development;

“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 covert*, 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 sterilizing, freezing or de-hydrating, 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 Jersey, produce for sale;

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

“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 Minister 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.

2 Provisions as to schemes

- (1) Every scheme shall be submitted to the States for approval and shall not come into effect until after it has been so approved.
- (2) Subject to the provisions of paragraph (1), the Minister may vary or revoke a scheme.
- (3) Every scheme shall contain all such provisions as the Minister 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 Minister may think fit to impose;
 - (c) for the modification from time to time, with the approval of the Minister, 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.
- (4) A scheme under this Part 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 2

GUARANTEED PRICES

3 Power to provide guaranteed prices

- (1) The Minister may make schemes for providing for the payment of guaranteed prices to producers for any produce mentioned in the Schedule:

Provided that a scheme under this Part shall not apply to produce grown or produced for export, or exported.
- (2) Without prejudice to the generality of the provision of Article 2, a scheme under this Part may provide –
 - (a) for the payment by the Minister 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 Minister 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 Minister 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 Minister 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 Minister, or by the board administering a marketing scheme in respect of the produce to which the scheme applies, at guaranteed prices determined by the Minister 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 Minister 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 Minister in pursuance of a scheme under this Part shall be determined from time to time in respect of such guarantee periods, being periods of or of approximately 12 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 Jersey, or in such other manner, being a specified manner, as the Minister may think to be just and equitable.
- (4) Subject to the provisions of Article 2(2), a guaranteed price determined by the Minister for a guarantee period in pursuance of a scheme under this Part may be varied by a subsequent determination by the Minister.
- (5) A scheme under this Part 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.
- (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.

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, and, in particular, of securing that payments, whether made by the Minister 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, a scheme under this Part which applies –
 - (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 Minister, or by any board administering a marketing scheme, in pursuance of a scheme made under this Part and sold by the Minister or the board, as the case may be, as stockfeed.

PART 3

AGRICULTURAL GRANTS

5 Grants in respect of the use of fertilizers

- (1) The Minister 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) 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, a scheme made in pursuance of paragraph (1) 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;
 - (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.

6 Grants in respect of controlling infestation of land and crops

- (1) The Minister 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) 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, a scheme made in pursuance of paragraph (1) 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 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),
- (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 therefore within the time, and in the manner specified;
- (d) make different provisions in relation to different approved materials, or to different formulations of any approved material.

7 Grants in respect of grassland renovation

- (1) The Minister 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, a scheme made in pursuance of paragraph (1) –
 - (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 Minister may require,
 - (iv) specify the period, not being a period longer than 3 years from the day of the coming into force of this Law, within which application for a grant may be made;
 - (b) may –
 - (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 Minister 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 paragraph (2)(b)(i), 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.

8 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 Minister, as a civil debt, from the person to whom it was paid or, at the discretion of the Minister, an amount equivalent to such sum may be deducted from any subsequent payment to that person under any scheme.
- (2) The provisions of this Article shall be without prejudice to the provisions of Article 12(5).

9 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 the supplier to the occupier in respect of the purchase of the approved fertilizer or approved material, as the case may be.

PART 4

GENERAL

10 Power of inspection and sampling

Any person authorized in that behalf by the Minister shall be entitled, on production if so required of evidence of his or her 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 2, 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 connection with which, any contribution or grant has been applied for or made by virtue of the provisions of Part 3.

11 Power to obtain information

- (1) The Minister, and any person authorized in that behalf by the Minister, 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 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 or she may, by virtue of the conditions subject to which he or she 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 Minister for the purposes of any scheme, and any such returns may be disclosed to any court before which any proceedings under or in connection with this Law are taken.

12 Offences

- (1) Any person who –
 - (a) for the purpose of obtaining for himself, herself 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;
 - (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;
 - (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 or her 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 £500 or to imprisonment for a term not exceeding 12 months or to both such fine and such imprisonment.

- (2) Except as provided by paragraph (3), any person who acts in contravention of any provision of a scheme, or of any condition imposed by the Minister in respect of a contribution or grant made, or to be made, to the person shall be guilty of an offence and shall be liable to a fine not exceeding £100.
- (3) Any person who –
- (a) obstructs or impedes any person authorized under the provisions of Article 10 to make an inspection or to carry out tests or take samples; or
 - (b) being required, under the provisions of Article 11 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 £50:

Provided that, if the court is satisfied that he or she committed the offence with intent to prevent the discovery of some other offence under this Law, he or she shall be liable to the penalties prescribed by paragraph (1).

- (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 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.
- (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 or her under the scheme and if, before he or she was so convicted, any payment was made to him or her in respect of the matter in connection with which he or she was convicted, the amount of such payment shall be recoverable under the provisions of Article 8 as if it had been improperly paid.

13 Variation of Schedule

The States may make Regulations varying the Schedule to this Law and, where the Schedule 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 was substituted for the Schedule contained in this Law.

14 Citation

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

SCHEDULE

(Article 3)

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

PART 1

CROPS

Potatoes (early and main crop).

Hay and Cereals.

PART 2

LIVESTOCK AND LIVESTOCK PRODUCTS

Fat pigs.

Cow's milk (liquid).

Eggs (hen in shell).

ENDNOTES**Table of Legislation History**

Legislation	Year and No	Commencement
Agriculture (Guaranteed Prices and Financial Assistance) (Jersey) Law 1965	L.15/1965	10 September 1965
Agriculture (Guaranteed Prices and Financial Assistance) (Amendment) (Jersey) Law 1967	L.16/1967	8 September 1967
Agriculture (Guaranteed Prices and Financial Assistance) (Amendment No. 2) (Jersey) Law 1970	L.7/1970	21 August 1970
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
PART I	PART 1
1(3)	spent, omitted from this revised edition
2(1)	repealed by L.16/1967
(2)	2(1)
(3)	(2)
(4)	(3)
(5)	(4)
PART II	PART 2
5	repealed by L.7/1970
PART III	PART 3
6	spent, omitted from this revised edition
7	spent, omitted from this revised edition; formerly amended by L.7/1970
8	spent, omitted from this revised edition; formerly amended by L.7/1970
9	spent, omitted from this revised edition; formerly amended by L.7/1970
10	5
11	6

Original	Current
12	7
13	8
(2)	spent, omitted from this revised edition
(3)	(2)
14	9
PART IV	PART 4
15	10
16	11
17	12
18	13
19	spent, omitted from this revised edition
20	14
FIRST SCHEDULE	SCHEDULE
Part I	Part 1
Part II	Part 2
SECOND SCHEDULE	repealed by L.7/1970

Table of Endnote References

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- ¹ 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
- ² chapter 01.160
- ³ chapter 01.240