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GUERNSEY STATUTORY INSTRUMENT

1976 No. 33

THE FOOD AND DRUGS (EUROPEAN COMMUNITIES) (WINE) ORDER 1976

Made 27th May, 1976.

Laid before the States ...

Coming into force ... 27th May, 1976.

THE STATES BOARD OF HEALTH, in exercise of the powers conferred on it by sections four, seven, forty-seven and forty-seven A of the Food and Drugs (Guernsey) Law, 1970(a), as amended (b), and of all other powers enabling it in that behalf hereby orders:-

Interpretation

1.(1) In this Order, unless the context otherwise requires -

"the Chief Revenue Officer" means the Chief Revenue Officer for the time being appointed by the States Civil Service Board and includes any States Revenue Officer acting by or under the authority of the Chief Revenue Officer;

"Community provision" means any provision of the regulations of the European Committee referred to in the Schedule to this Order and includes any provision of any Community instrument whereby any of those regulations are replaced or amended.

Communities
Reg. and sub. 1971.0

"the Law" means the Food and Drugs (Guernsey) Law, 1970, as amended;

"States Revenue Officer" means a person appointed to act as such by the States Board of Administration

(a) Ordres en Conseil Vol. XXII, p.412

(b) Ordre en Conseil No. XIV of 1975

(2) The Interpretation (Guernsey) Law, 1948(c) shall apply to the interpretation of this Order as it applies to the interpretation of a Guernsey enactment.

(3) Except in so far as the context otherwise requires, a reference in this Order to any enactment shall be construed as a reference to that enactment as amended, repealed and replaced, extended or applied by or under any other enactment.

Enforcement

2. It shall be the duty of the Chief Revenue Officer to secure the enforcement and execution of the Community provisions.

Offences

3. If any person contravenes or fails to comply with any Community provision he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred pounds and, in the case of a continuing offence, to a further fine not exceeding five pounds for each day during which the offence occurs after conviction.

Application of various sections of the Law

4. Section forty (which relates to a contravention due to some person other than the person charged) and section forty-one (which relates to the conditions under which a warranty may be pleaded as a defence) of the Law shall apply for the purposes of this Order as if references therein to proceedings taken or brought under the Law included references to proceedings taken or brought under this Order.

Extent

5. This Order shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

Citation and commencement

6.(1) This Order may be cited as the Food and Drugs (European

Communities) (Wine) Order, 1976.

(2) This Order shall come into force on the Twenty one
day of May , nineteen hundred and seventy-six.

Signed J.R.R. HENRY

President of the States Board of Health
for and on behalf of the Board.

Community Provisions	References
1. Council Regulation No. 24 of 4 April 1962 on the progressive establishment of a common organisation of the market in wine.	OJ No. 30, 4.4.1962 p. 98 (1959/62 p.123).
2. Commission Regulation No. 134 of 25 October 1962 on the declaration of wine yields and stocks.	OJ No. 111, 25.10. 1962 p.2 (OJ/SE 1959/62 p.276).
3. Council Regulation No. 816/70 laying down additional provisions for the common organisation of the market in wine.	OJ No. L99 of 5.5.1970 p.1 (OJ/SE 1970 (I) p.234).
4. Council Regulation No. 817/70 laying down special provisions relating to quality wines produced in specified regions.	OJ No. L 99 of 5.5.1970 p.20 (OJ/SE 1970 (I) p.252).
5. Commission Regulation No. 1594/70 on the notification, carrying out and control of the processes of enriching, acidifying and deacidifying wine.	OJ No. L 173 of 6.8.1970 p.23 (OJ/SE 1970 (II) p.23).
6. Commission Regulation No. 1618/70 on measures for controlling the sweetening of table wines and of quality wines produced in specified regions.	OJ No. L 175 of 8.8.1970 p.17 (OJ/SE 1970 (II) p.562).
7. Council Regulation No. 1599/71 laying down additional conditions with which imported wines for direct human consumption have to comply.	OJ No. L 168, 27.7.1971, p.3 (OJ/SE 1971 (II) p.582).
8. Commission Regulation No.1770/72 on detailed rules of application relating to the additional conditions with which imported wines for direct human consumption have to comply.	OJ No. L 191, 21.8.1972 p.31 (OJ/SE 1972 (III) p.937).

Community Provisions	References
9. Commission Regulation No. 2247/73 on the control of quality wines produced in specified regions.	OJ No. L 230, 18.8.1973 p. (1973 Vol. 16).
10. Commission Regulation No. 2805/73, determining a list of white quality wines, produced in specified regions and of imported white quality wines containing a certain percentage of sulphur dioxide and laying down certain transitional provisions relating to the percentage of sulphur dioxide in wines produced before 1st October, 1973.	OJ No. L 289, 16.10.1973, p.21 (1973 Vol. 16).
11. Commission Regulation No. 3282/73, defining the terms "coupage" and "the turning into wine".	OJ No. L 337, 6.12.1973 p. 20 (1973 Vol. 16).
12. Council Regulation No. 1876/74 concerning the addition of alcohol to products in the wine sector.	OJ No. L 198, 15.7.1974 p.1.
13. Council Regulation No. 2133/74 laying down general rules for the description and presentation of wines and grape musts.	OJ No. L 227, 17.8.1974 p.1 (1974 Vol. 17).
14. Council Regulation No. 2893/74 on sparkling wines produced in the Community and specified in item 12 of Annex II to Council Regulation No. 816/70.	OJ No. L 310, 21.11.1974 p.1 (1974 Vol. 17).
15. Council Regulation No. 2894/74 supplementing Council Regulation No. 817/70 as regards in particular quality sparkling wines produced in specified regions.	OJ No. L 310, 18.11.74 p.7.
16. Commission Regulation No. 1153/75 prescribing the form and accompanying document for wine products and specifying the obligations of wine producers and traders other than retailers.	OJ No. L 113, 1.5.1975 p.1 (1975 Vol. 18).

EXPLANATORY NOTE

(This Note is not part of the Order but is intended to indicate its general purport)

1. This Order, which has effect throughout the Islands of Guernsey, Alderney, Herm and Jethou implements the "Community provisions" concerned with the production and marketing of wine.
2. The Community provisions are the provisions of the regulations of the European Economic Community set out in the Schedule to the Order and of any Community instrument whereby any of the scheduled regulations is replaced or amended. Copies of the Community provisions may be obtained from the Chief Revenue Officer.
3. The Chief Revenue Officer is responsible for the enforcement and execution of the Community provisions, (Section 2).
4. It is an offence for any person to contravene or to fail to comply with any Community provision. (Section 3).
5. Specified defences under the Food and Drugs (Guernsey) Law, 1970, as amended, are available to a person charged with an offence under the Order. (Section 4).
6. The Order is of particular concern to sellers and bottlers of wine and other persons in the wine trade.
7. Wine imported in bulk into the Bailiwick must be accompanied by a document (VA form, etc.) giving details of the wine and of its quality. Such a document is also required in the case of wine imported in bottles not having approved closures (corks, stoppers, capsules, etc.) Persons bottling wine imported in bulk are

required to use approved closures bearing the name and address or the registered code number of the bottler. Labels must comply with the Community provisions. Misleading descriptions of wine are not permitted.