

Island of



Guernsey

Ordinance of the States

III
2010

Made27th January, 2010

Coming into Operation1st February, 2010

The Milk (Control) (Guernsey) (Amendment) Ordinance, 2010

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THE STATES, in pursuance of their Resolution of the 27th April, 2007^a, and in exercise of the powers conferred on them by sections 2 and 11 of the Milk and Milk Products (Guernsey) Law, 1955^b, hereby order:-

Amendment of the 1958 Ordinance.

1. (1) The Milk (Control) (Guernsey) Ordinance, 1958, as amended^c is further amended as follows.

(2) In section 1(1) -

(a) the definition of "pot" is repealed,

(b) immediately after subsection (2), insert -

"(3) Unless the context requires otherwise, an expression used in this Ordinance has the same meaning as in the Law."

(3) In section 3(1) -

^a Article IX of Billet d'État No. XIII of 2007.

^b Ordres en Conseil Vol. XVI, p. 193; amended by Vol. XIX, p. 134 and by Vol. XXI, p.19 and No I of 2002.

^c Recueil d'Ordonnances Tome XII, p. 23; amended by Tome XIII, p. 84; Tome XIV, pp. 28 and 277; Tome XVII, p. 1; Tome XXI, p. 427; Tome XXII, pp. 453 and 473; No. XII of 1996; No. XX of 2001; and No. XXXIII of 2003.

- (a) in paragraph (c) the word "or" is repealed,
- (b) in paragraph (d) after the word "him" insert ";or", and
- (c) after paragraph (d) insert the following paragraph –

"(e) the manufacture of a milk product by him subject always to –

- (i) prior written approval, given by the Committee, of –

- (A) the manufacture of that milk product, and

- (B) the quantity of milk that can be retained for such manufacturing purposes (which approval may be limited in time and/or terminated); and

- (ii) such conditions as the Committee from time to time deem appropriate."

(4) In section 4 –

- (a) after subsection (1) insert the following subsection –

"(1A) For the purpose of classifying milk the States Dairy shall test all milk received, in accordance with the tests, standards and/or protocols specified by the Committee from time to time, for –

- (a) the milk's –
 - (i) water content,
 - (ii) microbiological content,
 - (iii) somatic cell count,
 - (iv) contamination levels,
- (b) the existence in the milk of antibiotics or any other veterinary medicinal product that the Committee may specify, and/or
- (c) any other thing that the Committee may specify from time to time.",

(b) for subsection (2) substitute the following subsection–

"(2) The tests carried out under subsection (1A) shall enable all milk received to fall into one of the following grades, that is to say –

Grade 1 Satisfactory for retail milk trade or for manufacturing purposes

Grade 2 Unfit for retail milk trade or for manufacturing purposes.", and

(c) in subsection (2A) for the phrase "Grade 3" substitute "Grade 2".

(5) In section 5(b) –

(a) the words "Grade 2 milk or" are repealed, and

(b) for "Grade 3" substitute "Grade 2".

(6) In section 6 –

(a) for subsection (1) substitute the following subsection –

"(1) Subject to the provisions of this section, the Committee may, from time to time, by order fix the price payable by the Committee in respect of milk delivered to the Committee under the provisions of this Ordinance and classified as Grade 1 milk , and different prices may be so fixed by the Committee for Grade 1 milk which –

(a) is surplus to the Island's milk requirements;

(b) is not surplus to the Island's milk requirements;

(c) is used for the manufacture of milk products for sale on the Island;

- (d) is used for the manufacture of milk products for sale outside of the Island;
 - (e) is delivered to the States Dairy at different times of the year in order to account for the seasonal variation in the supply of milk;
 - (f) exceeds any quality standard that the Committee may specify, such quality being determined by any test specified by the Committee pursuant to section 4(1A);
 - (g) has a fat, protein, mineral, lactose (or any other constituent of milk specified by the Committee) content which is equal to or greater than such level as the Committee may specify, such content being determined by any test specified by the Committee pursuant to section 4(1A); and/or
 - (h) meets such other standards or criteria that the Committee may determine.",
- (b) in subsection (2) –
- (i) for "pot" substitute "litre", and
 - (ii) for "States Committee for Agriculture" substitute "Committee",

- (c) in subsection (2A) for "pot" substitute "litre",
 - (d) in subsection (3) the phrase "after consultation with the States Committee for Agriculture and Fisheries" is repealed,
 - (e) in subsection (4) for each reference to "pots" substitute "litres" , and
 - (f) in subsections (5)(b) and (6)(b) –
 - (i) the phrase "Grade 2 milk or" is repealed, and
 - (ii) for "Grade 3" substitute "Grade 2".
- (7) In section 6A(1) –
- (a) the phrase "Grade 2 milk or" is repealed, and
 - (b) for "Grade 3" substitute "Grade 2".
- (8) Section 7 is repealed.
- (9) In section 8(3) –
- (a) at the beginning of the section insert the phrase "With the exception of delivery charges," , and
 - (b) the word "A" shall not be capitalised.

Interpretation.

2. (1) In this Ordinance –

"**enactment**" means any Law, Ordinance or subordinate legislation,
and

"**subordinate legislation**" means any regulation, rule, order, rule of
court, resolution, scheme, byelaw or other instrument made under any
enactment and having legislative effect.

(2) Any reference in this Ordinance to an enactment is a
reference thereto as from time to time amended, re-enacted (with or without
modification), extended or applied.

Citation.

3. This Ordinance may be cited as the Milk (Control) (Guernsey)
(Amendment) Ordinance, 2010.

Commencement.

4. This Ordinance shall come into force on the 1st February 2010.

K.H. TOUGH,
Her Majesty's Greffier.

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Her Majesty's Greffier, Royal Court House, Guernsey.**

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