

ORDINANCE
OF THE STATES OF ALDERNEY

ENTITLED

**The Raw Milk (Prohibition of Supply) (Alderney)
Ordinance, 1996 ***

[CONSOLIDATED TEXT]

NOTE

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* Alderney Ordinance No. VII of 1996; as amended by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997 (Alderney Ordinance No. II of 1997). This Ordinance has been repealed by the European Communities (Food and Feed Controls) (Alderney) Ordinance, 2019 (Alderney Ordinance No. II of 2019).

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ARRANGEMENT OF SECTIONS

1. No sale or supply of raw milk.
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REPEALED

(Made on the 1st May, 1996.)

The Raw Milk (Prohibition of Supply) (Alderney) Ordinance, 1996

THE STATES OF ALDERNEY, in pursuance of their Resolutions of the 6th day of December, 1995 and the 1st day of May, 1996, and in exercise of the powers conferred upon them by sections 2 and 8 of the Milk and Milk Products (Alderney) Law, 1957^a, hereby order: –

No sale or supply of raw milk.

1. (1) No person shall sell or supply any raw milk or any milk-based product derived or manufactured from raw milk.

(2) Subsection (1) does not apply in relation to –

(a) the sale or supply by an owner of cows of milk produced by those cows to an approved dairy,

(b) the supply by an owner of cows of milk produced by those cows to members of, and for consumption in, his own household or to persons employed by him in the care and supervision of those cows for consumption in those persons' households.

Offences.

2. (1) A person who contravenes or attempts to contravene, or who causes or permits any contravention of, any provision of section 1 shall be guilty of an offence and liable, on conviction, to imprisonment for a term not exceeding 3

^a Ordres en Conseil Vol. XVII, p. 151.

months, a fine not exceeding level 5 on the Alderney uniform scale or both.

(2) Where an offence under this Ordinance is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, member of any committee of management or other controlling authority, 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 guilty of the offence and may be proceeded against and punished accordingly.

Interpretation.

3. (1) In this Ordinance, unless the context requires otherwise –

"**approved**" means approved by the Committee in writing for the purposes of this Ordinance,

"**the Committee**" means the [General Services] Committee,

"**contravention**" includes failure to comply and cognate expressions shall be construed accordingly,

"**milk**" means liquid cows' milk,

"**milk-based product**" means –

- (a) a milk product exclusively derived from milk to which other substances necessary for its manufacture may have been added, provided that those substances do not replace in part or in whole any milk constituent, and
- (b) a composite milk product of which no part replaces or

is intended to replace any milk constituent and of which milk or a milk product is an essential part either in terms of quantity or for characterisation of the product,

in either case intended for human consumption; and, without prejudice to the generality of the foregoing, the expression "**milk-based product**" shall include –

- (i) cream (being that part of milk which is rich in fat and which has been separated by skimming or otherwise),
- (ii) separated, dried and condensed milk,
- (iii) ice-cream and any similar commodity, and
- (iv) butter, cheese and yoghurt,

"**raw milk**" means milk which is not pasteurised milk, sterilised milk or UHT milk in each case within the meaning of section 2(1) of the Dairy Products (Hygiene) Regulations 1995^b,

"**sell**" and "**supply**" include, respectively, offer to sell and offer to supply, and cognate expressions shall be construed accordingly.

(2) The provisions of the Interpretation (Guernsey) Law, 1948^c shall apply to the interpretation of this Ordinance as they apply in Guernsey to the interpretation of an enactment.

^b United Kingdom Statutory Instrument 1995 No. 1086.

^c Ordres en Conseil Vol. XIII, p. 355.

(3) Any reference in this Ordinance to an enactment (including one in force in the United Kingdom) is a reference thereto as from time to time amended, re-enacted (with or without modifications), extended or applied.

NOTES

In section 3, the words in square brackets in the definition of the expression "the Committee" in subsection (1) were substituted by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part II, paragraph 30, with effect from 2nd April, 1997.

The functions of the Agriculture and Fisheries Committee under this Ordinance were transferred to the General Services Committee by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part II, paragraph 30, with effect from 2nd April, 1997, subject to the savings and transitional provisions in section 3 of the 1997 Ordinance.

The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.

Repeals.

4. The Imported Milk Ordinance, 1988^d and the Milk (Retail Price) (Alderney) Ordinance, 1995^e are repealed.

Citation.

5. This Ordinance may be cited as the Raw Milk (Prohibition of Supply) (Alderney) Ordinance, 1996.

Commencement.

6. This Ordinance shall come into force on the 1st May, 1996.

^d Ordinance No. 163A.

^e Ordinance No. 248.