

W/H/A (U)

LCC

5/11/54

92-505

DL/20/1  
19th July, 1954

Guernsey

Statutory Instrument

*Revoked by S.I. 1958 No 21*

1954 No. 67

The Milk (Control) (Guernsey) Order, 1954

THE STATES DAIRY COMMITTEE, as Competent Authority in relation to Regulation fifty-five of the Defence (General) (Guernsey) Regulations, 1945, as respects the Island of Guernsey, hereby makes the following order:-

PART I

Interpretation

Interpretation.

1. (1) In this Order, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:-

"buy" includes offer or agree to buy;

"catering business" means the business or undertaking of an inn, public house, hotel, restaurant, buffet, coffee-stall or any place of refreshment open to the public, or of any club, boarding-house, guest house, refreshment contractor or canteen, and the expression "caterer" shall be construed accordingly;

"the Committee" means the States Dairy Committee;

"establishment" means a catering business or an institution;

"household consumption" means consumption by any person as a member of or guest in a household;

"institution" means any hospital, mental home, sanatorium, convalescent home, nursing-home, infirmary, residential nursery and other similar establishment;

"licence" includes a provisional licence;

"manufacturer" means a person who in the course of his trade or business, other than the trade or business of an establishment, uses milk in the composition, manufacture or preparation of any other article;

"milk" means liquid cow's milk whether whole, separated or skimmed and includes any liquid consisting wholly or mainly of liquid

cow's milk as aforesaid but does not include any liquid cow's milk as aforesaid or any liquid as aforesaid contained in any hermetically sealed tin;

"milk depot" has the meaning assigned to it by section two of this Order;

"obtain" includes offer or agree or attempt to obtain;

"owner" when used in relation to a cow includes any person having the right or holding himself out as having the right to milk produced from that cow and the expression "ownership" shall be construed accordingly;

"sale by retail" means any sale to a person buying otherwise than for the purpose of resale, and includes any sale to a person for the purposes of his catering business and any supply of milk to a beneficiary under any scheme for the time being in force provided by the States for the supply of milk whether free of cost or at a reduced price, and includes the sale to a manufacturer for the purposes of his manufacturing business; and the expressions "sell by retail" and "retailer" shall be construed accordingly;

"sell" includes offer or agree to sell or expose for sale;

"the States" means the States of Guernsey;

"the States Dairy" means the dairy operated by the Committee on behalf of the States;

"supply" includes offer or agree or attempt to supply.

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

(3) Except in so far as the context otherwise requires, any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

PART II

Control of production and delivery to  
the Committee

Milk to be  
delivered to  
States Dairy.

2. (1) Subject to the provisions of this Order, it shall be the duty of every owner of any cows to deliver all the milk produced from those cows to the Committee at the States Dairy or, by agreement with the Committee, at any other place established by the Committee for the purpose and any such place is referred to in this Order as a "milk depot".

(2) The Committee shall from time to time fix and forthwith make known by means of a conspicuous and legible notice displayed in a prominent place at the States Dairy and at every milk depot or by notification made directly by the Committee to every owner of any cows, a limit of time by which the milk produced in the morning of each day shall be delivered as aforesaid that day, and a limit of time by which milk produced otherwise than in the morning of each day shall be delivered as aforesaid that day, and every owner of any cows shall deliver the milk produced from those cows accordingly.

(3) The property and risk in any milk delivered to the Committee in accordance with the provisions of subsection (1) of this section shall pass to the Committee at the time when it is accepted at the States Dairy by or on behalf of the Committee.

Exemptions from  
delivery  
provisions.

3. (1) Nothing in section two of this Order shall be deemed to prohibit an owner of cows from retaining out of the milk produced from his cows such quantity thereof as may be required for -

- (a) household consumption in his household;
- (b) supply by him by way of gift;
- (c) supply to any servant employed by him in whole time service in the care and supervision of his cows for household consumption in the servant's household; or
- (d) feeding any calves owned by him.

(2) Where the ownership of any cows is vested in two or more persons or in a limited liability company, each of such persons and each shareholder of the company shall be deemed to be an owner of cows for the purposes of the last preceding subsection in relation to the milk produced from the cows owned by such persons or the company, as the case may be.

(3) Any milk retained under the foregoing provisions of this section for any of the purposes specified in subsection (1) of this section shall be used only for that purpose.

PART III

Control of distribution and licensing  
of retailers

Control of  
purchases and  
sales.

4. Except with the authority of the Committee, no retailer shall buy or obtain milk from any person other than the Committee, and no person except the Committee shall sell or supply milk to any retailer.

Sale by retail  
prohibited  
except under  
licence.

5. (1) Except under and in accordance with the conditions of a licence granted by or on behalf of the Committee for the purposes of this Part of this Order, no person shall sell by retail any milk: PROVIDED that the foregoing restriction shall not apply to any sale by retail -

- (a) by the owner of any cows of milk produced from those cows to any servant employed by him in whole time service in the care and supervision of his cows, for household consumption in the household of such servant;
- (b) by a caterer, for consumption on his business premises, of milk supplied to him by the States Dairy or by a retailer.

(2) Any licence granted or deemed to be granted under the Food (Licensing of Retailers)(Bailiwick of Guernsey) Order, 1952, and authorising the sale by retail of milk within the meaning of that Order and subsisting immediately before the revocation of that Order, shall be deemed to be and have effect as though it were a licence granted by the Committee under subsection (1) of this section in relation to milk within the meaning of this Order and any conditions attached thereto were conditions attached by the Committee under the provisions of this Order.

Transfer of  
retail business.

6. In the event of the transfer of a business in respect of which a licence is held under or by virtue of this Part of this Order or in the event of the death of the holder of such licence, the transferee or other person succeeding to the business shall, on having duly made an application for a licence under this Part of this Order and pending the

decision of the Committee upon such application, be deemed to hold a provisional licence under this Part of this Order whereby he shall be entitled, unless the Committee shall otherwise direct, to sell milk by retail subject to any conditions attached to the first-mentioned licence.

Return of  
retailers'  
licences.

7. (1) A person licensed under or by virtue of this Part of this Order to sell milk by retail shall, before ceasing to carry on business as a retailer at any premises, give to the Committee not less than fourteen days' notice in writing of his intention to cease carrying on business as aforesaid, and shall return to the Committee any licence held by him under or by virtue of this Part of this Order in respect of those premises:

PROVIDED that where in any proceedings a person is charged with a contravention of this section it shall be a defence for him to prove that it was not practicable for him to give such notice or that he gave notice as soon as it was practicable for him so to do.

(2) Where the business of a retailer is no longer carried on owing to the death of the retailer and no notice has been given under subsection (1) of this section, the retailer's personal representative shall forthwith give notice to the Committee that such business is no longer carried on and shall return to the Committee any licence granted under and by virtue of this Part of this Order.

#### PART IV

##### Control of supplies to manufacturers

Control of  
supplies to  
manufacturers.

8. Milk shall not be obtained by or supplied to a manufacturer except under and in accordance with the conditions of an authorisation granted by or on behalf of the Committee either to the manufacturer or his supplier.

#### PART V

##### Public health

Precautions  
against  
contamination.

9. Every person engaged in the reception, storage, distribution, sale or delivery of milk shall -

- (a) cause every vessel, receptacle, utensil and appliance used by him for any purpose for which it is brought into

contact with milk to be thoroughly cleansed before use and to be, immediately before and during use, in a state of thorough cleanliness; and

- (b) use all practicable precautions for preventing the milk from being unnecessarily exposed to heat and from being contaminated by dirt, dust, rain-water or otherwise.

Saving for  
Public Health  
and Clean Milk  
Ordinances.

10. Nothing in this Order shall be deemed to affect the provisions of -

- (a) Part 4 of the Public Health Ordinance, 1936 (which relates to the inspection of food, farms and dairies); and
- (b) the Clean Milk Ordinance, 1945.

PART VI

Miscellaneous and general

Returns.

11. Every person who buys or sells milk in the course of his trade or business shall furnish to the Committee such estimates, returns or information relating to the purchase, sale, acquisition, delivery or disposal by him of milk as the Committee may direct, and shall furnish the same in such manner and at such times and in such form as the Committee may direct.

Return of  
documents.

12. (1) Every document issued by or on behalf of the Committee for the purposes of this Order is, and shall remain, the property of the Committee.

(2) Where any person is in possession of any such document and such possession is not authorised by virtue of this Order, then such person shall forthwith deliver the document to the Committee or otherwise in accordance with the directions contained in such document.

(3) Any person to whom any such document has been issued or who is in possession of any such document shall, if requested so to do by or on behalf of the Committee, produce such document or deliver it to such person or to a person of such class or description as may be specified in the request.

Validity of  
documents.

13. Any document issued by or on behalf of the Committee for the purposes of this Order or having effect for such purposes, shall continue

to be valid for such purposes only if and so long as -

- (a) subject as in this Order otherwise provided, when used or retained by or on behalf of the person in respect of whom it is issued and for the purposes of obtaining milk on his behalf and while such person is living in the Island of Guernsey;
- (b) it is used in accordance with any instructions or conditions specified thereon or on any document issued in connection therewith.

Duties and powers of Committee.

14. (1) The Committee shall -

- (a) be responsible for taking all measures necessary to ensure that milk to be delivered under this Order is so delivered by any owner of cows and otherwise for carrying out the provisions of this Order; and
- (b) have power to give any instructions and to do or cause to be done any act which it may deem necessary for the carrying out of the provisions of this Order or with a view to ascertaining if such provisions are being carried out.

(2) Any person who shall refuse or fail to comply either wholly or in part with any direction, demand or instruction given to or made upon him by the Committee with a view to carrying out the provisions of this Order or ascertaining whether or not such provisions have been complied with, shall be guilty of an infringement of this Order.

Entry and inspection of premises.

15. (1) Any member of the Committee or any person thereunto appointed by the Committee in that behalf shall, on production if so required of some duly authenticated document showing his authority, have a right to enter and inspect any premises in which milk is produced, kept otherwise than for household consumption or sold and to demand any information of the occupier relating to the production, keeping, sale or delivery of milk so produced, kept or sold.

(2) The occupier of any premises as aforesaid, his servants and agents, shall furnish the means required by any person, having the right under subsection (1) of this section to enter and inspect those premises,

as necessary for an entry and inspection and the occupier shall give any information demanded as aforesaid as it is in his power to give.

False statements,  
forgery of  
documents and  
fraud.

16. No person shall -

- (a) in furnishing any information for the purposes of this Order, make any statement which he knows to be false in a material particular or recklessly make any statement which is false in a material particular;
- (b) except when required so to do by or under this Order or any other Order or direction of the Committee, alter any document issued or authorised to be issued for the purposes of this Order, or make or alter any entry therein or deface any such document;
- (c) personate or falsely represent himself to be the person to whom any such document has been issued or applies;
- (d) except where he is required or authorised so to do by or under this Order or any other Order or direction of the Committee, obtain, use or retain or attempt to obtain, use or retain any such document other than a document issued to him;
- (e) with intent to deceive, forge or use or lend to or allow to be used by any other person any such document;
- (f) with intent to deceive, make or cause to be made or have in his possession any document so closely resembling any such document as to be likely to deceive;
- (g) use or dispose of any such document otherwise than for the purposes and in accordance with the provisions of this Order or any other Order or direction of the Committee;
- (h) obtain or represent himself as entitled to receive a supply of milk as or on behalf of a beneficiary under any scheme for the time being in force provided by the States for the supply of milk whether free of cost or at a reduced price.

Licences,  
authorisations  
and directions.

17. (1) The provisions of this Order are subject to -
- (a) any direction which may at any time be given by or on behalf of the Committee; and
  - (b) any licence or authorisation which may be granted by or on behalf of the Committee.
- (2) The Committee may attach -
- (a) any conditions to the grant of any licence or authorisation under this Order;
  - (b) any further conditions to any licence deemed to be granted under this Order;

and may vary or revoke any such conditions.

(3) Every person holding an authorisation granted or a licence granted or deemed to be granted under this Order shall comply with every condition imposed by such authorisation or licence.

(4) The Committee may at any time revoke any directions given, any authorisation granted or any licence granted or deemed to be granted under this Order.

Infringements.

18. Infringements of this Order are offences against the Defence (General) (Guernsey) Regulations, 1945.

Commencement  
and citation.

19. This Order shall come into force on the *first* day of *August*, 1954, and may be cited as the Milk (Control) (Guernsey) Order, 1954.

Dated this *twenty eighth* day of *July*, nineteen hundred and fifty four.

(Signed) ERNEST DE GARIS.

President of the States Dairy Committee  
for and on behalf of the Committee.