

GUERNSEY

STATUTORY INSTRUMENT

1953 No. 3

REVOKED by S. I. 68 (1952)

THE FOOD (LICENSING OF RETAILERS) (BAILLIWICK OF GUERNSEY) ORDER, 1952.

As Competent Authorities as regards the Bailiwick of Guernsey excluding the Island of Alderney and as regards the Island of Alderney respectively in relation to Regulation 55 of the Defence (General) (Guernsey) Regulations, 1945, we hereby make the following Order:-

1. (1) In this Order -

"The Committee" means the States of Guernsey Committee for the Control of Essential Commodities.

"Catering establishment" means an establishment licensed or deemed to be licensed as a catering establishment under The Food (Licensing of Establishments) (Bailiwick of Guernsey) Order, 1948.

"Institution" means an establishment licensed or deemed to be licensed as an institution under The Food (Licensing of Establishments) (Bailiwick of Guernsey) Order, 1948.

"Licence" includes a provisional licence.

"Milk" means liquid cows' milk, but does not include skimmed, partly skimmed or separated milk, canned milk or dried milk.

"Rationed food" means any food prescribed as such in any Order of the Committee for the time being in force.

"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 a catering establishment carried on by him but does not include a sale to a manufacturer for the purpose of a manufacturing business carried on by him, and the expressions "sell by retail" and "retailer" shall be construed accordingly.

"Sell" includes offer or agree to sell or expose for sale.

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

2. (1) Except under and in accordance with the terms of a licence granted by or on behalf of the Committee for the purposes of this Order, no person shall sell by retail any milk:

Provided that, an owner of cattle may sell by retail to any farm hand employed by him in whole time tending of cattle such quantity of milk as is prescribed under Article 4 of The Milk (Control and Rationing) (Guernsey) Order, 1947, as amended.

(2) Any licence or authorisation under this Order including any licence or authorisation having effect by virtue of Article 8 of this Order shall, save as the Committee may otherwise authorise or direct, be subject to the conditions set out in the First Schedule to this Order and to such other conditions as may have been or may be attached to the licence or authorisation.

(3) In the event of the transfer of a business in respect of which a licence is held under 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 Order and pending the decision of the Committee upon such application, be

deemed to hold a provisional licence under this Order whereby he shall be entitled, unless the Committee shall otherwise direct, to sell milk by retail subject to any conditions contained in the first mentioned licence.

(4) No person shall, except under the authority of the Committee, alter or deface any licence granted under or having effect by virtue of this Order, or make any entry in such licence.

3. For the avoidance of doubt it is hereby declared that nothing contained in this Order or in any licence or authorisation granted under this Order shall operate to relieve any person from compliance with the provisions of any other Order or of any Law, Regulation or Ordinance for the time being in force.

4. (1) A person licensed under or by virtue of this Order shall, before ceasing to carry on business as a retailer at any premises, give to the Committee not less than 14 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 Order in respect of those premises; provided that where in any proceedings a person is charged with a contravention of this Article 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 to do so.

(2) Where the business of a retailer is no longer carried on at any premises owing to the death of the retailer and no notice has been given under the preceding paragraph, 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 or by virtue of this Order in respect of such premises.

5. The holder of a licence granted under this Order shall not, except under the authority of the Committee, knowingly permit any of the persons set out in the Second Schedule hereto to exercise any control direct or indirect, financial, managerial or otherwise, over the policy, management or conduct of the business in respect of which such licence has been granted.

6. (1) The provisions of this Order are subject to any directions which may at any time be given by or on behalf of the Committee and to any licence or authorisation which may be granted by or on behalf of the Committee under this Order.

(2) Every person holding a licence or authorisation granted under this Order shall comply with every condition imposed by such licence or authorisation.

(3) Every licence or authorisation granted under this Order is and shall remain the property of the Committee and the licensee or any person being in possession of any such licence or authorisation shall, if requested to do so by or on behalf of the Committee, produce or deliver it to such person or to a person of such class or description and within such time as may be specified in the request.

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

8. (1) The Food (Licensing of Retailers) (Bailliwick of Guernsey) Order, 1948, dated 22nd October, 1948, is hereby revoked, but without prejudice to any proceedings in respect of any contravention thereof, provided that any licence or authorisation granted or deemed to be granted under that Order and subsisting immediately before the coming into force of this Order shall continue to have effect as though granted under this Order.

- (2) Any reference in any Order of the Committee to the Food (Licensing of Retailers) (Guernsey) Order, 1945, as amended, to the Food (Licensing of Retailers) (Bailiwick of Guernsey) Order, 1948, or to a person licensed thereunder or any such reference in any document issued by or on behalf of the Committee for the purpose of either of those Orders shall, unless the contrary intention appears, be construed as a reference to this Order or, as the case may be, to a retailer licensed under this Order.
- 9. This Order may be cited as The Food (Licensing of Retailers) (Bailiwick of Guernsey) Order, 1952, and shall come into force on the 16th day of October, 1952.

Dated this 15th day of October, 1952.

R. P. WALKER.  
 Chairman,  
 Alderney Committee for the Control  
 of Essential Commodities.

A. FALLA.  
 President,  
 States' Committee for the Control of  
 Essential Commodities.

THE FIRST SCHEDULE.

Conditions.

A licence granted under this Order shall not, except under the authority of the Committee, extend to the sale by retail of milk -

- (a) by the agent of any person holding such a licence, or
- (b) by any person holding such a licence, as agent for or servant of any other person.

THE SECOND SCHEDULE.

- 1. Any person who was the holder of a licence granted to him by or on behalf of the Committee, or any retailer who was the holder of -
  - (a) a ration document granted to him by or on behalf of the Committee,
  - (b) a points banking account,
 and whose licence or ration document has been revoked, or whose points banking account has been closed, as a result of his being convicted of an offence -
  - (i) against any of the Defence (General) (Guernsey) Regulations, 1945, or any Order made thereunder, in respect of any article of food; or
  - (ii) an offence of larceny in respect of any article of food.
- 2. Any person who was a director or officer of any body corporate whose licence or ration document has been revoked or whose points banking account has been closed for the reason aforesaid, such director or officer having been convicted together with that body corporate in respect of the offence or offences in question.

EXPLANATORY NOTE.

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

This Order re-enacts with modifications The Food (Licensing of Retailers) (Bailiwick of Guernsey) Order, 1948. The principal change is that licences are no longer required for the sale by retail of chocolate, chocolate confectionery and sugar confectionery, rationed meat whether raw or cooked and edible offals.

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