

GUERNSEY

STATUTORY INSTRUMENT

1953 No. 94 *Repealed by S.I. 1958 No 32*

THE FLOUR (BAILLIWICK OF GUERNSEY) ORDER, 1953.

Made 24th August, 1953.

Coming into Operation. ... 30th August, 1953.

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. In this Order:-

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

"Flour" means the product derived from or separated during the milling or grinding of wheat (other than wheat offals and wheat germ separated for disposal as such) but does not include flour derived wholly or partly from wheat that, before being ground or milled, has been malted or subjected to any process other than cleaning, blending or conditioning, and includes meal but does not include semolina;

"National Flour" means flour complying with the following conditions:-

- (i) it shall contain the maximum quantity of wheat germ which, having regard to the type of milling, can be included in such flour;
- (ii) it shall not include any coarse or added bran; and
- (iii) it shall consist of wheat flour and shall either be of 80 per cent extraction or shall be of substantially the same nature and contain substantially the same quantities and proportions of constituents as flour of 80 per cent extraction.

"National Brown Flour" means flours complying with the following conditions:-

- (i) they shall contain the maximum quantity of wheat germ which, having regard to the type of milling, can be included in such flour; and
- (ii) they shall consist of wheat flour and shall either be of an extraction rate higher than 80 per cent or shall be of substantially the same nature and composition as such a flour.

"Creta praeparata" means the substance so described in the British Pharmacopoeia or the British Pharmaceutical Codex and conforming to the standards laid down therein;

"Per cent extraction" means, in relation to flour obtained from wheat, the percentage that the weight of the flour separated in the milling bears to the total weight of all products obtained in the milling and all screenings, seeds and dust extracted from the wheat by the miller before the milling.

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

Compulsory Additions to Flours.

3. (1) Except under and in accordance with the terms of a licence granted by or on behalf of the Committee, no person shall manufacture, import, buy, sell or supply flours which do not contain the required compulsory additions set out in the Schedule to this Order.

- (2) Paragraph (1) of this Article shall not apply to flour containing the whole of the products derived from the milling of wheat which has not been subjected to any process or treatment other than cleaning, blending, dressing and conditioning, and containing no addition whatsoever.

Marking of Containers.

4. No person shall supply otherwise than by retail any container containing National Flour or National Brown Flour unless such container is clearly marked or labelled National Flour or National Brown Flour as the case may be -

Provided that this Article shall not apply to the supply of National Flour or National Brown Flour packed in advance ready for retail sale.

Defence as to Ingredients.

5. Where in any prosecution a person is charged with an infringement of this Order and it is necessary for the prosecution to prove that any flour sold by such person did not comply as respects its ingredients with the provisions of the Schedule to this Order, it shall be a defence for him to prove that when he purchased the flour he did so in the bona fide belief that it complied in every respect with the provisions of this Order and that he had no reason to believe at the time of the commission of the alleged offence that it did not so comply.

Records.

6. (1) Every person who manufactures or imports flour shall:-
- (a) keep or cause to be kept at some convenient place accurate records of the amount of flour manufactured or imported by him together with all books, documents and accounts relating thereto; and
 - (b) furnish to the Committee at such times and in such manner and in such form as may be specified in a notice served upon him by or on behalf of the Committee such estimates, returns or information relating to his dealings in flour as may be so specified.
- (2) Every person who is required by this Article to keep any record shall retain it for one year from the date of the manufacture or the transaction to which it relates.

Evidence of Certificates of Analysis.

7. (1) In any proceedings in respect of an infringement of this Order, the production by one of the parties of (i) a document purporting to be a certificate of the States Analyst or (ii) a document supplied to him by the other party as being a copy of such a certificate, shall be sufficient evidence of the facts stated therein, unless in the case mentioned under (i) above the other party requires that the person making the analysis shall be called as a witness.
- (2) In any such proceedings:-
- (a) if the prosecution intends to produce a certificate of the States Analyst, a copy of such certificate shall be served with the summons; and
 - (b) if a defendant intends to produce a certificate of the States Analyst or to require that the person making the analysis shall be called as a witness, he shall give to the other party at least three clear days' notice of his intention or requirement;

and, if any of these provisions is not complied with, the Court may, if it thinks fit, adjourn the hearing on such terms as it deems proper.

EXPLANATORY NOTE.

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

The effect of this Order provides that:-

- (1) The addition of creta praeparata to all flour is now required unless it is flour which contains the whole product of the milling of wheat and no additions whatsoever;
- (2) The restoration of certain specified nutrients is required to be made to all flours of an extraction rate of less than 80 per cent;
- (3) Containers containing National Flour or National Brown Flour for sale otherwise than by retail must be marked or labelled to show their contents.