

GUERNSEY STATUTORY INSTRUMENT

2019 No. 36

**The European Communities (Food and Feed Controls)
(Brexit) (Guernsey) Regulations, 2019**

<i>Made</i>	<i>26th March, 2019</i>
<i>Coming into operation</i>	<i>29th March, 2019</i>
<i>Laid before the States</i>	<i>, 2019</i>

THE POLICY & RESOURCES COMMITTEE, in exercise of the powers conferred on it by sections 5(1) and 11 of the European Union (Brexit) (Bailiwick of Guernsey) Law, 2018^a, and upon receipt of the certificate required under section 5(3) of that Law, hereby makes the following Regulations:-

Amendments to Ordinance of 2016.

1. The European Communities (Food and Feed Controls) (Guernsey) Ordinance, 2016^b, as amended ("the principal Ordinance"), is amended as follows.

2. In section 5(2) of the principal Ordinance –

- (a) in subparagraph (b), for "food, feed, human health, animal health or the environment", substitute "food or feed", and

^a Order in Council No. I of 2019.

^b Ordinance No. XXI of 2016.

- (b) in subparagraph (h), for "health, animal health or the environment", substitute "life or health".

3. For sections 10 and 11 of the principal Ordinance, substitute the following sections –

"Certain food and feed businesses to be approved.

10. (1) A person must not operate any premises as a food business to which article 4(2) of Regulation 853/2004 applies except –

- (a) under and in accordance with a food business approval, or

- (b) where exempt under section 11(1).

(2) A person must not operate any premises as a relevant feed business except under and in accordance with a feed business approval.

(3) A person who contravenes subsection (1) or (2) is guilty of an offence.

(4) In subsection (2), "**relevant feed business**" means a feed business to which article 10 of Regulation 183/2005 applies, that is engaged in –

- (a) the manufacture of feed additives, products, premixtures or compound feeding stuffs described in article 10(1)(a), (b) or (c) of Regulation 183/2005, or

- (b) the supply of feed for consumption by animals that are not in the Islands.

Exemption for food producers supplying to consumers in the Islands.

11. (1) A producer engaged in the supply of products of animal origin is exempt from section 10(1) where –

- (a) those products are supplied only –
 - (i) to final consumers in the Islands, or
 - (ii) to a food business operator in the Islands that supplies the primary products only to final consumers in the Islands, and
- (b) in the case of a producer described in column 1 of the table in Schedule 2, the rate at which the relevant primary products are supplied by the producer does not typically exceed any rate specified in column 2, 3 or 4 of that table in relation to producers of that description.

(2) Article 1(3)(c), (d) and (e) of Regulation 853/2004 have no effect to exempt a person operating a food business from section 10(1) except as provided by subsection (1)."

4. In section 14(2) of the principal Ordinance –

- (a) in subparagraph (b), for "food, feed, human health,

animal health or the environment", substitute "food or feed ", and

- (b) in subparagraph (i), for "health, animal health or the environment", substitute "life or health".

5. In section 26(7) of the principal Ordinance, for "a compliance notice to the operator under section 52", substitute "to the operator an improvement notice under section 51B or a remedial action notice under section 51E".

6. In section 29(a) of the principal Ordinance, omit "(subject to articles 8, 9 and 10 of Commission Regulation 1162/2009)".

7. In section 31(1) of the principal Ordinance, omit paragraph (k).

8. Repeal section 33 of the principal Ordinance.

9. In section 34 of the principal Ordinance, for "2075/2005" in each place where the expression occurs, substitute "2015/1375".

10. In the cross-heading at the beginning of Part V of the principal Ordinance, omit ", designated laboratories and approved examiners".

11. Repeal section 40 of the principal Ordinance.

12. In section 41(3) of the principal Ordinance –

- (a) in paragraph (b), for "Committee to exercise any of its powers under section 52 or 53", substitute "officer to exercise any of the

officer's powers under sections 51B to 51H",

- (b) in paragraph (g), for "health, animal health or the environment", substitute "life or health".

13. For the cross-heading "*Powers of the Committee*" and sections 52, 53 and 54 of the principal Ordinance, including their headings, substitute the cross-heading and provisions in Schedule 1 to these Regulations.

14. In section 55 of the principal Ordinance –

- (a) in the heading of this section, delete "or withdrawn food or feed", and

- (b) for subsection (1), substitute the following subsection –

"(1) This section applies to seized property."

15. Repeal section 56 of the principal Ordinance.

16. In section 59 of the principal Ordinance –

- (a) in the heading of this section, for "compliance or emergency", substitute "improvement or remedial action", and

- (b) in subsection (1), for "compliance notice or emergency", substitute "an improvement notice or a remedial action".

17. In section 67(d) of the principal Ordinance, for "of the following provisions -" and subparagraphs (i) to (xvi), substitute "provision of this Ordinance".

18. In section 73 of the principal Ordinance –

(a) in subsection (1)(b), for subparagraph (i), substitute the following subparagraph –

"(i) to require the convicted person to take any measures specified by the court, or"

(b) in subsection (2)(e), for "health, animal health or the environment", substitute "life or health".

19. In section 82(3)(j) of the principal Ordinance, for "Bailiwick", substitute "Islands".

20. In section 84(1)(a) of the principal Ordinance, for "compliance notice, emergency notice", substitute "improvement notice, remedial action notice".

21. In section 85(1)(c) of the principal Ordinance, for "Bailiwick of Guernsey", substitute "Islands".

22. In section 86 of the principal Ordinance –

(a) in subsection (1)(d), for "Bailiwick", substitute "Islands",
and

(b) immediately after subsection (1), insert the following subsection –

"(1A) A document required or authorised under a relevant Ordinance to be given to or served on the operator of a food business or feed business or the owner or occupier of, or any person having an interest in, any premises, is deemed to have been duly served or given if it is –

(a) addressed to that person either by name or by referring to the operator of the business or, as the case may require, the owner, occupier or person having the relevant interest in, the premises concerned, and

(b) either given or served in accordance with subsection (1) or affixed conspicuously to, or to some object on, the premises on or from which the business is carried out, or as the case may require, the premises concerned."

23. In section 88 of the principal Ordinance –

(a) in the heading of that section, for "necessary for the protection of human health, animal health or the environment", substitute "the protection of human life or health",

(b) for subsections (1) and (2), substitute the following –

"In this Ordinance, a reference to the protection of human life or health includes a reference to the prevention, control or eradication of any disease or contamination of feed or food."

24. In section 90(1) of the principal Ordinance –

- (a) for the definitions of "**approved examiner**", "**designated laboratory**" and "**official certificate**" respectively, substitute the following definitions –

""**approved examiner**" means a person qualified to be a food analyst, public analyst or food examiner under the Food Safety (Sampling and Qualifications) (England) Regulations 2013,"

""**designated laboratory**" means an official feed and food control laboratory appointed by the Food Standards Agency of the United Kingdom," and

""**official certificate**" means a certificate completed by an approved examiner,"

- (b) omit the definitions of "**Bailiwick**", "**compliance notice**", "**emergency notice**", "**necessary for the protection of human health, animal health or the environment**" and "**Regulation 2075/2005**", and

- (c) insert in the appropriate alphabetical order the following definitions –

""**the Islands**"" means the territory comprised of –

- (a) Guernsey, and
- (b) if declared by regulations made by the Committee to be part of the Islands for the purposes of this Ordinance, Alderney, Sark or both Alderney and Sark,"

""**the protection of human life or health**"" has the meaning given by section 88," and

""**Regulation 2015/1375**"" means Commission Implementing Regulation (EU) 2015/1375 of 10 August 2015 laying down specific rules on official controls for *Trichinella* in meat (Codification),"

25. In section 90(3), for paragraphs (a), (b), (c) and (d), substitute the following paragraphs –

- "(a) a reference to a Member State of the European Union includes a reference to the Islands and any prescribed country or territory,
- (b) a reference to a competent authority or competent authorities, or a reference to a public authority or public authorities,

includes a reference to the Committee and any competent authority of a prescribed country or territory,

- (c) a reference to placing any thing on the market includes a reference to placing the thing on the market in the Islands or any prescribed country or territory,
- (d) a reference to the Community or the European Union includes a reference to the Islands and any prescribed country or territory, and".

26. In section 91 of the principal Ordinance, in the table –

- (a) omit the rows relating to "Bailiwick", "compliance notice", "designated animal", "emergency notice", "necessary for the protection of human life or health", "Regulation 2075/2005", "relevant person" and "specified",
- (b) for the rows relating to "emergency prohibition notice" and "emergency prohibition order" substitute the following rows respectively –

"Emergency prohibition notice	Section 51D(2)
Emergency prohibition order	Section 51D(3)",

and

- (c) insert, in the appropriate alphabetical order, the following rows –

"Business	Section 51A(1)
Detention notice	Section 51F(1)
Improvement notice	Section 51B(1)
The Islands	Section 90(1)
Operator	Section 51A(1)
Prohibition order	Section 51C(3)
The protection of human life or health	Section 88
Regulation 2015/1375	Section 90(1)
Relevant feed business	Section 10(4)
Relevant premises	Section 51E(6)
Remedial action notice	Section 51E(1)".

27. In Schedule 1 to the principal Ordinance, for "Commission Regulation 2075/2005", substitute "Regulation 2015/1375".

28. For Schedule 2 to the principal Ordinance, substitute the schedule in Schedule 2 to these Regulations.

29. In Schedule 6 to the principal Ordinance –

(a) in paragraph 3 –

(i) at the end of subparagraph (d), insert "or",

(ii) for the comma at the end of subparagraph (e), substitute a full stop, and

(iii) omit subparagraphs (f) and (g), and

(b) in paragraphs 8(2) and 9, for "82", substitute "75".

30. In Schedule 9 to the principal Ordinance, in the right hand column of the first row, for "Section 52(7)", "Section 54(3) or (5)", and "Section 56(10) or (11)", substitute "Section 51B(3), section 51C(3), section 51D(5) or (6), section 51E(5), section 51F(3) or section 51G(3).".

31. Omit Schedule 10 to the principal Ordinance.

32. In Schedule 12 to the principal Ordinance, in the row relating to the Magistrate's Court (Guernsey) Law, 2008, in the third column, for "section 56", substitute "section 51D(3)".

Extent.

33. These Regulations have effect in the islands of Guernsey, Herm and Jethou.

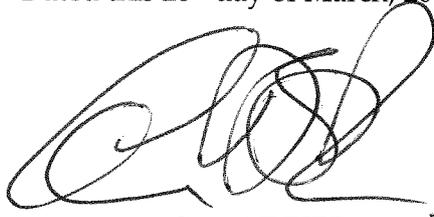
Citation.

34. These Regulations may be cited as the European Communities (Food and Feed Controls) (Brexit) (Guernsey) Regulations, 2019.

Commencement.

35. These Regulations shall come into force on the 29th March, 2019.

Dated this 26th day of March, 2019

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

G. A. ST PIER

President of the Policy & Resources Committee

For and on behalf of the Committee

SCHEDULE 1

Reg. 13

PROVISIONS TO BE SUBSTITUTED FOR SECTIONS 52, 53 AND 54 OF THE
PRINCIPAL ORDINANCE

"Enforcement powers"

Interpretation of sections 51A to 51H.

51A. (1) In this section and sections 51B to 51H –

"business" means food business or feed business, and

"operator" means a food business operator or feed
business operator.

(2) For the purposes of sections 51B to 51H, unless the
context requires otherwise, the health risk condition is fulfilled with respect
to any business if any of the following involves risk of injury to health
(including any impairment, whether permanent or temporary), namely –

- (a) the use for the purposes of the business of any
process or treatment,
- (b) the construction of any premises used for the
purposes of the business, or the use for those
purposes of any equipment, machinery, plant
or other thing, and
- (c) the state or condition of any premises or

equipment, machinery, plant or other thing used for the purposes of the business.

(3) For the purposes of sections 51B to 51H, where the health risk condition is fulfilled with respect to any business, the appropriate prohibition is –

- (a) in a case falling within subsection (2)(a), a prohibition on the use of the process or treatment for the purposes of the business,
- (b) in a case falling within subsection (2)(b), a prohibition on the use of the premises or equipment, machinery, plant or other thing for the purposes of the business or any other business of the same class or description, and
- (c) in a case falling within subsection (2)(c), a prohibition on the use of the premises or equipment, machinery, plant or other thing for the purposes of any business.

Improvement notices.

51B. (1) If an authorised officer has reasonable grounds for believing that an operator is failing to comply with an applicable Community provision or a relevant Ordinance, the officer may by a notice given to that person (in this Ordinance referred to as an "**improvement notice**")—

- (a) state the officer's grounds for believing that the

operator is failing to comply with the applicable Community provision or the relevant Ordinance,

- (b) specify the matters which constitute the operator's failure to comply,
- (c) specify the measures which, in the officer's opinion, the operator must take in order to secure compliance, and
- (d) require the operator to take those measures, or measures which are at least equivalent to them, within such period (not being less than 14 days) as may be specified in the notice.

(2) An improvement notice must specify that an appeal against the notice may be made under section 59.

(3) Any person who fails to comply with an improvement notice commits an offence.

Prohibition orders.

51C. (1) If —

- (a) an operator is convicted of an offence under a relevant Ordinance, and
- (b) the court by or before which the operator is so

convicted is satisfied that the health risk condition is fulfilled with respect to the business concerned,

the court must by an order impose the appropriate prohibition.

(2) If—

- (a) an operator is convicted of an offence under a relevant Ordinance, and
- (b) the court by or before which the operator is so convicted thinks it proper to do so in all the circumstances of the case,

the court may, by an order, impose a prohibition on the operator participating in the management of any business, or any business of a class or description specified in the order.

(3) As soon as practicable after the making of an order under subsection (1) or (2) (in this Ordinance referred to as a "**prohibition order**"), the Committee must—

- (a) give a copy of the order to the relevant operator, and
- (b) in the case of an order made under subsection (1), affix a copy of the order in a conspicuous position on such premises used for the

purposes of the business as the Committee considers appropriate,

and any person who knowingly contravenes such an order commits an offence.

(4) A prohibition order ceases to have effect—

(a) in the case of an order made under subsection (1), on the issue by the Committee of a certificate to the effect that it is satisfied that the operator has taken sufficient measures to secure that the health risk condition is no longer fulfilled with respect to the business, and

(b) in the case of an order made under subsection (2), on the giving by the court of a direction to that effect.

(5) The Committee must issue a certificate under subsection (4)(a) within three days of it being satisfied as mentioned in that subsection; and on an application by the operator for such a certificate, the Committee must—

(a) determine, as soon as is reasonably practicable and in any event within 14 days, whether or not it is so satisfied, and

- (b) if the Committee determines that it is not so satisfied, give notice to the operator of the reasons for that determination.

(6) The court must give a direction under subsection (4)(b) if, on an application by the operator, the court thinks it proper to do so having regard to all the circumstances of the case, including in particular the conduct of the operator since the making of the order; but no such application may be entertained if it is made—

- (a) within six months of the making of the prohibition order, or
- (b) within three months of the making by the operator of a previous application for such a direction.

(7) Where the Magistrates' Court makes an order under section 51D(3) with respect to any business, subsection (1) applies as if the operator had been convicted by the court of an offence under a relevant Ordinance.

Emergency prohibition notices and orders.

51D. (1) For the purposes of this section, the health risk condition is fulfilled with respect to any business only if there is an imminent risk of injury to health.

(2) If an authorised officer is satisfied that the health risk condition is fulfilled with respect to any business, the officer may by a notice

given to the relevant operator (in this Ordinance referred to as an "emergency prohibition notice") impose the appropriate prohibition.

(3) If the Magistrates' Court is satisfied, on the application of an authorised officer, that the health risk condition is fulfilled with respect to any business, the court must, by an order (in this Ordinance referred to as an "emergency prohibition order"), impose the appropriate prohibition.

(4) An authorised officer may not apply for an emergency prohibition order unless, at least one day before the date of the application, the officer has given notice to the relevant operator of the intention to apply for the order.

(5) As soon as practicable after the service of an emergency prohibition notice, an authorised officer must affix a copy of the notice in a conspicuous position on such premises used for the purposes of the business as the officer considers appropriate, and any person who knowingly contravenes such a notice commits an offence.

(6) As soon as practicable after the making of an emergency prohibition order, an authorised officer must—

(a) give a copy of the order to the relevant operator, and

(b) affix a copy of the order in a conspicuous position on such premises used for the purposes of the business as the officer considers appropriate,

and any person who knowingly contravenes such an order commits an offence.

(7) An emergency prohibition notice ceases to have effect—

(a) if no application for an emergency prohibition order is made within the period of three days beginning with the service of the notice, at the end of that period, or

(b) if such an application is so made, on the determination or abandonment of the application.

(8) An emergency prohibition notice or an emergency prohibition order ceases to have effect on the issue by the Committee of a certificate to the effect that it is satisfied that the operator has taken sufficient measures to secure that the health risk condition is no longer fulfilled with respect to the business.

(9) The Committee must issue a certificate under subsection (8) within three days of it being satisfied as mentioned in that subsection; and on an application by the operator for such a certificate, the Committee must—

(a) determine as soon as is reasonably practicable and in any event within 14 days whether or

not the Committee is so satisfied, and

- (b) if the Committee determines that it is not so satisfied, give notice to the operator of the reasons for that determination.

(10) Where an emergency prohibition notice is given to an operator, the Committee must compensate the operator in respect of any loss suffered by reason of complying with the notice unless—

- (a) an application for an emergency prohibition order is made within the period of three days beginning with the service of the notice, and
- (b) the court declares itself satisfied, on the hearing of the application, that the health risk condition was fulfilled with respect to the business at the time when the notice was given.

(11) For the purposes of subsection (10), on application by the operator or the Committee, the Royal Court must determine any dispute arising as to the fact of loss or as to the amount of compensation.

(12) The maximum compensation payable under subsection (10) to any one person, or in respect of any one emergency prohibition notice, is £1,000,000 (one million pounds) in aggregate.

Remedial action notices.

51E. (1) Where it appears to an authorised officer that –

- (a) any requirement of an applicable Community provision or a relevant Ordinance is being breached, or
- (b) an inspection under this Ordinance is being hampered,

on or in relation to any relevant premises, the officer may, by a notice in writing (in this Ordinance referred to as a "**remedial action notice**") given to the relevant operator –

- (c) prohibit the use of any equipment, machinery, plant or other thing or any part of the premises specified in the notice,
- (d) impose conditions upon or prohibit the carrying out of any process or treatment, or
- (e) require the rate of operation to be reduced to such extent as is specified in the notice, or to be stopped completely.

(2) A remedial action notice must be given as soon as practicable and must state –

- (a) why it is being given, and

(b) that an appeal against the notice may be made under section 59.

(3) If it is given under subsection (1)(a), a remedial action notice must specify the breach and the action needed to remedy it.

(4) An authorised officer must, as soon as satisfied that the action needed to remedy the breach has been taken, withdraw the notice by a further notice in writing given to the operator.

(5) Any person who fails to comply with a remedial action notice commits an offence.

(6) In subsection (1) and section 51F(1), "**relevant premises**" means any premises –

(a) operated as a food business and requiring a food business approval under section 10(1), or

(b) operated as a relevant feed business and requiring a feed business approval under section 10(2).

Detention notices.

51F. (1) An authorised officer may, at any relevant premises, by a notice in writing (in this Ordinance referred to as a "**detention notice**") given to the relevant operator require the detention of any animal, food or feed for the purpose of examination (including the taking of samples).

(2) An authorised officer must, as soon as satisfied that the animal, food or feed need no longer be detained, withdraw the notice by a further notice in writing given to the operator.

(3) Any person who fails to comply with a detention notice commits an offence.

Inspection and seizure of suspected food.

51G. (1) An authorised officer may at all reasonable times inspect any food intended for human consumption which—

- (a) has been sold or is offered or exposed for sale,
- (b) is in the possession of, or has been deposited with or consigned to, any person for the purpose of sale or of preparation for sale,
- (c) is otherwise placed on the market within the meaning of Regulation 178/2002,

and subsections (3) to (9) below apply where, on such an inspection, it appears to the authorised officer that any food is unsafe within the meaning of article 14 of Regulation 178/2002.

(2) The following provisions also apply where, otherwise than on such an inspection, it appears to an authorised officer that any food is likely to cause food poisoning or any disease communicable to human beings.

- (3) The authorised officer may either—
- (a) give notice to the person in charge of the food that, until the notice is withdrawn, the food or any specified portion of it—
 - (i) is not to be used for human consumption, and
 - (ii) either is not to be removed or is not to be removed except to some place specified in the notice, or
 - (b) seize the food and remove it in order to have it dealt with by the Magistrate's Court,

and any person who knowingly contravenes the requirements of a notice under paragraph (a) above is guilty of an offence.

(4) Where the authorised officer exercises the powers conferred by subsection (3)(a), the officer must, as soon as is reasonably practicable and in any event within 21 days, determine whether or not the officer is satisfied that the food is safe (within the meaning of article 14 of Regulation 178/2002) and —

- (a) if the officer is so satisfied, must forthwith withdraw the notice,
- (b) if the officer is not so satisfied, must seize the

food and remove it in order to have it dealt with by the Magistrate's Court.

(5) Where an authorised officer exercises the powers conferred by subsection (3)(b) or (4)(b) above, the officer must inform the person in charge of the food of the officer's intention to have it dealt with by the Magistrate's Court and any person, who under a relevant Ordinance might be liable to a prosecution in respect of the food, is, if the person attends before the Magistrate's Court by whom the food falls to be dealt with, entitled to be heard and to call witnesses.

(6) If it appears to the Magistrate's Court, on the basis of such evidence as the court considers appropriate in the circumstances, that any food falling to be dealt with by the court under this section is unsafe within the meaning of article 14 of Regulation 178/2002, the court must condemn the food and order —

- (a) the food to be destroyed or to be so disposed of as to prevent it from being used for human consumption; and
- (b) any expenses reasonably incurred in connection with the destruction or disposal to be defrayed by the owner of the food.

(7) If a notice under subsection (3)(a) above is withdrawn, or the court by whom any food falls to be dealt with under this section refuses to condemn it, the Committee must compensate the owner of the food for any depreciation in its value resulting from the action taken by the

authorised officer.

(8) For the purposes of subsection (7), on application by the owner of the food or the Committee, the Royal Court must determine any dispute arising as to the fact of depreciation in the value of the food or as to the amount of compensation.

(9) The maximum compensation payable under subsection (7) to any one person, or in respect of any one notice, is £1,000,000 (one million pounds) in aggregate.

Food which has not been produced, etc. in accordance with an applicable Community provision or a relevant Ordinance.

51H. (1) On an inspection of any food, an authorised officer may certify that it has not been produced, manufactured, imported, processed, stored, transported, distributed, traded or otherwise dealt with in compliance with an applicable Community provision or a relevant Ordinance.

(2) Where any food is certified as mentioned in subsection (1), it must be treated for the purposes of section 51G as unsafe within the meaning of article 14 of Regulation 178/2002.

(3) Where any food is certified as mentioned in subsection (1) is part of a batch, lot or consignment of food of the same class or description, all the food in the batch, lot or consignment must, until it is proved to have been produced, manufactured, imported, processed, stored, transported, distributed, traded or otherwise dealt with in compliance with the applicable Community provision or the relevant Ordinance, be treated

for the purposes of subsection (2) as having been so certified."

SCHEDULE 2

Reg. 28

SCHEDULE TO BE SUBSTITUTED FOR SCHEDULE 2 TO THE PRINCIPAL
ORDINANCE

"SCHEDULE 2
CONDITIONS OF EXEMPTIONS

Section 11(1)(b)

	Description of producer (Column 1)	Daily rate of supply (Column 2)	Weekly rate of supply (Column 3)	Yearly rate of supply (Column 4)
1.	A producer engaged in the supply of poultry and lagomorphs slaughtered on a farm.	-	Primary products from an aggregate of 1000 birds and lagomorphs slaughtered on the farm.	Primary products from an aggregate of 10,000 birds and lagomorphs slaughtered on the farm.
2.	A hunter engaged in the supply of wild game or wild game meat.	-	An aggregate of 2 livestock units.	An aggregate of 10 livestock units.
3.	A producer (other than of the kind specified in Row 2 above) engaged in the supply of primary products from the	-	Primary products from an aggregate of 30 livestock units.	Primary products from an aggregate of 300 livestock units.

	Description of producer (Column 1)	Daily rate of supply (Column 2)	Weekly rate of supply (Column 3)	Yearly rate of supply (Column 4)
	slaughter of any goat, ratite or deer.			
4.	A producer (other than of the kind specified in Row 2 above) engaged in the supply of primary products from the slaughter of any bovine, porcine, ovine or equine animal.	0 animals.		
5.	A producer engaged in the supply of eggs, meat preparation, meat, meat products, fish, shellfish or fishery products.	0 eggs.	An aggregate of 1 tonne of any meat preparation, meat and meat products.	An aggregate of 1 tonne of any fish, shellfish and fishery products.

In this Schedule –

- (a) 1 livestock unit is the equivalent of a bovine animal aged 24 months or more, a suckler cow, a dairy cow or an equine animal,
- (b) 0.6 livestock units is the equivalent of a bovine animal aged between 6 and 24 months,

- (c) 0.3 livestock units is the equivalent of a porcine animal aged 12 months or more or a bovine animal aged under 6 months,
- (d) 0.2 livestock units is the equivalent of a porcine animal aged less than 12 months or a red deer aged 12 months or more,
- (e) 0.15 livestock units is the equivalent of an ovine animal or a goat, and
- (f) 0.1 livestock units is the equivalent of a ratite or a deer other than a deer referred to in subparagraph (d).".

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in consequence of the withdrawal of the United Kingdom from the European Union.

These Regulations will amend the European Communities (Food and Feed Controls) (Guernsey) Ordinance, 2016 to align it more closely with European Union (EU) and United Kingdom food and feed safety legislation, and to apply EU food and feed controls in Guernsey taking into account the United Kingdom's planned departure from the EU (Brexit).

The key amendments are: removal of exemptions from the requirement for certain food or feed business operators to obtain an approval; provision for Sark to be designated as part of "the Islands" for the purposes of exempting local producers who sell or supply only to local consumers; revised enforcement powers and procedures to align more closely with powers and procedures in food safety legislation in force in England; updating of references to EU Regulations; alignment of food temperature controls with the controls in force in England; provision for "approved examiners" and "designated laboratories" to be those examiners and laboratories qualified or appointed under food safety legislation in England; and provision for references in EU food and feed controls applied in Guernsey to have effect as if references to a Member State of the European Union, a competent authority, placing things on the market, or the Community or the European Union include a reference to Guernsey, as well as Alderney, Sark and any other country or territory, if prescribed by regulations made by the Committee for Health & Social Care.

These Regulations will come into force on the 29th March, 2019.