

ORDINANCE OF THE STATES OF DELIBERATION

ENTITLED

The Ice Cream (Heat Treatment) Ordinance, 1947 *

[CONSOLIDATED TEXT]

NOTE

This consolidated version of the enactment incorporates all amendments listed in the footnote below. It has been prepared for the Guernsey Law website and is believed to be accurate and up to date, but it is not authoritative and has no legal effect. No warranty is given that the text is free of errors and omissions, and no liability is accepted for any loss arising from its use. The authoritative text of the enactment and of the amending instruments may be obtained from Her Majesty's Greffier, Royal Court House, Guernsey, GY1 2PB.

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* Recueil d'Ordonnances Tome IX, p. 198; as amended by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989 (Ordres en Conseil Vol. XXXI, p. 278); the Public Health and Related Offences (Increase of Fines) Ordinance, 1986 (Recueil d'Ordonnances Tome XXIII, p. 427). This Ordinance is applied to the Island of Herm by the Herm Laws Ordinance, 1948 (Recueil d'Ordonnances Tome IX, p. 247). See also the Reform (Guernsey) Law, 1948 (Ordres en Conseil Vol. XIII, p. 288); the Criminal Justice (Bailiwick of Guernsey) Law, 1979 (Ordres en Conseil Vol. XXVII, p. 172). This Ordinance has been repealed by the European Communities (Food and Feed Controls) (Guernsey) Ordinance, 2016 (No. XXI of 2016).

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ARRANGEMENT OF ARTICLES

1. Commencement.
2. Definitions.
3. "Ice-Cream Manufacturers Register".
4. Requirements in manufacture.
5. Conditions of sale.
6. Protection from dirt, etc., and cleansing of utensils.
7. Inspection of premises where ice-cream is manufactured.
8. Penalty for contravention of Ordinance.

(Made on 12th July, 1947.)

The Ice Cream (Heat Treatment) Ordinance, 1947

THE COURT, on the recommendation of the States Board of Health and having heard the Law Officers of the Crown thereon, hereby orders: –

Commencement.

1. This Ordinance shall come into operation on the 1st day of August, 1947, with the exception of sub-paragraph (iv) of paragraph (b) of Article 4 which shall come into operation on a date to be appointed by the Medical Officer of Health (hereinafter referred to as "**the Authority**").

NOTES

This Ordinance is applied to the Island of Herm by the Herm Laws Ordinance, 1948, Article 1, Schedule, Part III, with effect from 13th March, 1948.

In accordance with the provisions of the Reform (Guernsey) Law, 1948, Article 70(3), with effect from 1st January, 1950, this formerly Provisional Ordinance of the Royal Court became a Permanent Ordinance of the States.

Definitions.

2. In this Ordinance –

"ice-cream" includes water ices and any article, under whatever description it is sold, which is so similar to ice-cream as to constitute a substitute therefor,

"ingredients" includes sugar and dried egg, but does not include colouring or flavouring materials or fruit, nuts, chocolate or other similar substances, and

"complete cold mix" means a product capable of being manufactured into ice-cream with the addition of water only, which is sent out by the manufacturer in airtight containers, and has been made by evaporating a liquid mixture which has already been submitted to heat treatment comparable with that prescribed in this Ordinance.

"Ice-Cream Manufacturers Register".

3. There shall be kept at the office of the Authority a register to be called **"the Ice-Cream Manufacturers Register"** and any person or Company intending to manufacture ice-cream intended for sale for human consumption shall before beginning such manufacture supply to the Authority in writing his name or in the case of a Company, the Company's name and the address at which such manufacture is intended to be carried on, and shall further inform the Authority immediately in writing of any change in the particulars so supplied.

Requirements in manufacture.

4. The following requirements shall be observed in the manufacture of ice-cream intended for sale for human consumption –

- (a) where a complete cold mix is used which is reconstituted with wholesome drinking water and to which nothing is added other than colouring or flavouring materials, fruit, nuts, chocolate or other similar substances, the reconstituted product shall be converted into ice-cream within one hour of reconstitution,
- (b) in any other case, after the ingredients have been mixed together the following provisions shall apply –

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(i) the mixture shall not be kept for more than one hour at any temperature which exceeds 45° Fahrenheit before being subjected to heat treatment in accordance with the next following sub-paragraph,

(ii) the mixture shall be subjected to heat treatment as follows –

it shall be raised to and kept at a temperature of not less than 150° Fahrenheit for 30 minutes or alternatively of not less than 160° Fahrenheit for 10 minutes,

(iii) after the mixture has been subjected to heat treatment as aforesaid it shall be reduced to a temperature of not more than 45° Fahrenheit within 1½ hours and shall be kept at such temperature until the freezing process is begun,

(iv) the manufacturers shall use such indicating and recording thermometers as the Authority considers requisite for indicating and recording the temperature to or at which the ice-cream is raised, kept or reduced,

(v) the manufacturers shall preserve the records of any thermometers used to record the temperatures to or at which ice-cream is raised, kept or reduced for a period of not less than one month and shall produce the same to the

Authority whenever required in writing so to do,

- (vi) all apparatus used for the purposes of this Article shall be installed, maintained and operated to the satisfaction of the Authority.

Conditions of sale.

5. Ice-cream shall not be sold or offered for sale unless either –

- (a) it has been kept at a temperature not exceeding 28° Fahrenheit since it was frozen, or
- (b) if its temperature has risen above 28° Fahrenheit at any time since it was frozen, it has again been subjected to the treatment prescribed by sub-paragraphs (i), (ii) and (iii) of paragraph (b) of Article 4 and after having again been frozen, has been kept at a temperature not exceeding 28° Fahrenheit.

Protection from dirt, etc., and cleansing of utensils.

6. Ice-cream shall be protected from dirt, dust or other contamination at all times during its manufacture, storage and distribution and all apparatus and utensils brought into contact with ice-cream during its manufacture, storage or distribution shall be thoroughly cleansed immediately after use and shall at all times be kept clean.

Inspection of premises where ice-cream is manufactured.

7. The Authority or any person duly authorised by him in writing may at any time with or without previous notice enter any premises including any van or mobile structure, whereon he has reason to believe that ice-cream is being manufactured, for the purpose of examining the same and ascertaining whether such

manufacture is carried on in accordance with the provisions of this Ordinance and any person refusing or failing to admit the Authority or any person so authorised by him shall be deemed to be guilty of an offence punishable under Article 8 of this Ordinance.

Penalty for contravention of Ordinance.

8. Any person failing to comply with any of the provisions of this Ordinance shall be guilty of an offence and shall be liable on conviction in the case of a first offence, to a fine not exceeding [level 3 on the uniform scale] and in the case of a subsequent offence, to a fine not exceeding [level 5 on the uniform scale] or to imprisonment with or without hard labour for a term not exceeding 3 months or to both such fine and imprisonment:

PROVIDED that it shall be a defence for a person charged with an offence under sub-paragraph (iii) of paragraph (b) of Article 4 which is alleged to have been committed before the 1st day of August, 1948, to prove that before the date of the alleged offence suitable apparatus to enable him to comply with the provisions of that sub-paragraph has been ordered by him or on his behalf, that all reasonable steps had been taken to secure delivery of the same and that the same had not been delivered, and further that he had taken all practicable steps to comply as far as possible with the provisions of the said sub-paragraph.

NOTES

In Article 8, the words and figure in square brackets were substituted by the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989, section 2(2), with effect from 1st July, 1989.¹

In accordance with the provisions of the Criminal Justice (Bailiwick of Guernsey) Law, 1979, section 2(2), with effect from 19th December, 1979, and subject to the provisions of section 2(3) of that Law, no person shall be sentenced by a Court to imprisonment with hard labour and accordingly the power conferred under this Article shall be construed as conferring power to pass a sentence of imprisonment for a term not exceeding the maximum term for which a sentence of imprisonment with hard labour could have been

passed in that case immediately before that date.

¹ These words and figures were previously substituted by the Public Health and Related Offences (Increase of Fines) Ordinance, 1986, section 1, Schedule, with effect from 30th April, 1986.