

# ORDER IN COUNCIL

ratifying a Projet de Loi

ENTITLED

## **The Food and Drugs (Amendment) (Guernsey) Law, 1975**

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(Registered on the Records of the Island of Guernsey  
on the 19th day of January, 1976.)

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1976.

**XIV**  
**1975**

# ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

*The 19th day of January, 1976, before Sir John Loveridge, Kt., C.B.E., Bailiff; present:—Claude Fortescue Nason, Esquire, Stanley Walter Gavey, Esquire, O.B.E., D'Arcy George Le Tissier, Esquire, Edward James Lainé, Esquire, C.B.E., D.F.C., Walter Francis Robin, Richard Alan Kinnersly, Esquires, Harry Wall Poat, Esquire, D.S.O., M.C., A.D.C., Richard Brook Sutcliffe, Richard Oliver Symons, Albert Richard McCartney Straw, Esquires, Frederick William Winslow Chandler, Esquire, D.S.O., D.F.C. and Lionel Walter Sarre, Esquire, M.B.E., K.P.M., Jurats.*

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 19th day of December, 1975, ratifying a *Projet de Loi* entitled "The Food and Drugs (Amendment) (Guernsey) Law, 1975", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island, of which Order in Council the tenor followeth:—

# At the Court at Buckingham Palace

The 19th day of December 1975

PRESENT,

## The Queen's Most Excellent Majesty in Council

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 15th day of December 1975, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That, in pursuance of their Resolution of the 30th day of July 1975, the States of Deliberation at a meeting held on the 24th day of September 1975, approved a Bill or “Projet de Loi” entitled “The Food and Drugs (Amendment) (Guernsey) Law, 1975” and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the said Bill or “Projet de Loi” is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or “Projet de Loi” of the States of Guernsey entitled “The Food and Drugs (Amendment) (Guernsey) Law, 1975” and to order that the same shall have force of law in the Islands of Guernsey, Herm and Jethou.’

“THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi.”

HER MAJESTY having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Islands of Guernsey, Herm and Jethou.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed), be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty’s Officers for the time being in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

*N. E. Leigh.*



Projet de Loi referred to in the foregoing  
Order in Council.

## PROJET DE LOI

ENTITLED

### **The Food and Drugs (Amendment) (Guernsey) Law, 1975**

THE STATES, in pursuance of their Resolution of the thirtieth day of July, nineteen hundred and seventy-five, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Islands of Guernsey, Herm and Jethou.

1. (1) The Food and Drugs (Guernsey) Law, 1970(a), (hereinafter referred to as "the principal Law") is hereby amended as follows:—

Amend-  
ments to the  
Law of 1970.

(a) in the Arrangement of Sections thereto—

- (i) in the entries relating to sections four, seven and thirteen the words "the States to make Ordinances" are deleted and the words "the Board to make orders" are substituted therefor;
- (ii) the entry relating to section forty-seven is deleted and the word "Orders." is substituted therefor;
- (iii) immediately after the entry relating to section forty-seven there is inserted the following entry—  
"47A. Implementation of Community provisions";

(b) in section four thereof—

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(a) Ordres en Conseil Vol. XXII, p. 412.

- (i) in the marginal note the words "the States to make Ordinances" are repealed and the words "the Board to make orders" are substituted therefor;
- (ii) in subsection (1) all the words preceding paragraph (a) are repealed and the following words are substituted therefor—  
 "The Board may, so far as appears to it to be necessary or expedient in the interests of the public health, or otherwise for the protection of the public, or to be called for by any Community obligation, from time to time by order make provision for any of the following purposes, that is to say:—";
- (iii) in subsection (2) the words "the States" are repealed and the words "the Board" are substituted therefor;
- (c) paragraph (a) of subsection (3) of section five thereof is repealed and the following paragraph is substituted therefor—  
 "(a) in accordance with the directions of the Board, so far as may be necessary for the purposes of section four of this Law;";
- (d) in section seven thereof—
  - (i) in the marginal note the words "the States to make Ordinances" are repealed and the words "the Board to make orders" are substituted therefor;
  - (ii) in subsection (1) the words "the States may from time to time by Ordinance" are repealed and the words "the Board may from time to time by order" are substituted therefor;

(e) in section thirteen thereof—

- (i) in the marginal note the words “the States to make Ordinances” are repealed and the words “the Board to make orders” are substituted therefor;
- (ii) in subsection (1) the words “The States may from time to time by Ordinance make such provision as appears to them” are repealed and the words “The Board may from time to time by order make such provision as appears to it” are substituted therefor;
- (iii) in paragraph (c) of subsection (2) the word “preparaton” is repealed and the word “preparation” is substituted therefor;
- (iv) in subsection (5) the words “the Ordinance” occurring in the third line are repealed and the words “an order” are substituted therefor;

(f) in section fourteen thereof—

- (i) in subsection (1) the words “Ordinance made” are repealed and the words “order made by the Board” are substituted therefor;
- (ii) in subsection (2)—
  - (a) the words “Ordinance made” are repealed and the words “order made by the Board” are substituted therefor;
  - (b) after the words “an order” occurring immediately before the proviso there are inserted the words “of the Royal Court”;



- (c) in the first line of the proviso there are inserted after the words "an order" the words "of the Royal Court";
- (d) in the last line of the proviso the word "such" is inserted before the words "an order";
- (iii) in the first line of subsection (3) there are inserted after the words "an order" the words "of the Royal Court";
- (iv) in the third line of subsection (4) there are inserted after the words "the order" the words "of the Royal Court";
- (g) in section fifteen thereof the last subsection is re-numbered as "(5)";
- (h) in subsection (1) of section sixteen thereof—
  - (i) the words "The States may from time to time by Ordinance" are repealed and the words "The Board may from time to time by order" are substituted therefor;
  - (ii) the word "Ordinance" occurring in the fifth line and the last line is repealed and the word "order" is substituted therefor;
- (i) in subsection (1) of section nineteen thereof—
  - (i) the words "the States may from time to time by Ordinance" are repealed and the words "the Board may from time to time by order" are substituted therefor;
  - (ii) the word "Ordinance" occurring in paragraph (b) is repealed and the word "order" is substituted therefor;

(j) in subsection (2) of section twenty thereof—

(i) the words “The States may from time to time by Ordinance” are repealed and the words “the Board may from time to time by order” are substituted therefor;

(ii) the word “Ordinance” occurring in the fourth line is repealed and the word “order” is substituted therefor;

(k) in subsection (4) of section twenty-seven thereof the words “the States by Ordinance” are repealed and the words “the Board by order” are substituted therefor;

(l) in section thirty-four thereof—

(i) in subsection (1) and subsection (3) the word and comma “Ordinance,” are repealed;

(ii) subsection (4) is repealed and the following subsection is substituted therefor—  
“(4) The last foregoing subsection shall be without prejudice to so much of section forty-seven of this Law as enables an order made under this Law to contain provisions for imposing penalties on persons offending against the order.”;

(m) in section thirty-six thereof the words “Ordinance or” are repealed;

(n) in section forty-seven thereof—

(i) the marginal note is repealed and the word “Orders.” is substituted therefor;

(ii) subsections (2), (3) and (4) are repealed and the following subsections are substituted therefor—

“(2) Any order made under this Law may be revoked or varied by a subsequent order made under the appropriate section.

(3) Any order made by the Board under this Law shall be laid before a meeting of the States as soon as may be after the making thereof and, if at that meeting or at the next subsequent meeting, the States resolve that the order be annulled, the order shall cease to have effect but without prejudice to anything done thereunder or the making by the Board of any new order.”;

- (o) immediately after section forty-seven thereof there shall be inserted the following section—

“Implementation of Community provisions. 47A.(1) The Board may, as respects any directly applicable Community provision relating to food for which, in their opinion, it is appropriate to make provision under this Law, by order make such provision as they consider necessary or expedient for the purpose of securing that the Community provision is administered, executed and enforced under this Law, and may apply such of the provisions of this Law as may be specified in the order in relation to the Community provision with such modifications, if any, as may be so specified.

(2) For the purpose of complying with any Community obligation, or for conformity with any provision made for that purpose, the Board may by order make provision as to—

- (a) the manner of sampling any food specified in the order, and the manner in which samples are to be dealt with; and
- (b) the method to be used in analysing, testing or examining samples of any food so specified;

and an order made for that purpose, or for conformity with any provision so made, may modify or exclude any provision of this Law relating to the procuring or analysis of, or dealing with, samples or to evidence of the results of an analysis or test.

(3) The provisions of subsection (1) of section forty-seven of this Law shall apply to an order made under this section as they apply to an order made under Part I of this Law.”;

- (p) in subsection (2) of section fifty-two thereof the words “The States may from time to time by Ordinance” are repealed and the words “The Board may from time to time by order” are substituted therefor;

- (q) in subsection (1) of section fifty-four thereof there shall be inserted—

- (i) immediately after the definition of the expression “Chief Officer of Police” the following definitions—

“ “the Community” means the European Economic Community;

"Community obligation" has the meaning assigned to it by section one of the European Communities (Bailiwick of Guernsey) Law, 1973;"

- (ii) immediately after the definition of the expression "ship" the following definition—

"the States Analyst" means the States Analyst for the time being appointed by the States of Guernsey Civil Service Board and includes, where such person is appointed in writing in that behalf by the Board, a person who is a public analyst for the purposes of the Food and Drugs Act 1955, and the Official Analyst of Jersey for the time being appointed under the Food and Drugs (Jersey) Law, 1966;"

- (r) subsection (3) of section fifty-four thereof is repealed and the following subsection is substituted therefor—

"(3) Except in so far as the context otherwise requires, any reference in this Law and in any order made thereunder to any other enactment or order shall be construed as including a reference to that enactment or order as repealed and re-enacted, amended, extended or applied by or under any other enactment or order including this Law.";

- (s) in the heading to the Second Schedule thereto the word "SHEDULE" is repealed and the word "SCHEDULE" is substituted therefor.

(2) The provisions of the principal Law set out in the first column of the Schedule to this Law are hereby amended as specified in the second column of that Schedule.

2. This Law may be cited as the Food and Drugs (Amendment) (Guernsey) Law, 1975, and shall come into force on such day as shall be appointed in that behalf by Ordinance of the States. Citation and commencement.

## SCHEDULE

subsection (2) of section one

*Amendments**Principal Law*

Paragraph (c) of subsection (1), and subsections (3) and (4) of section four.

Subsections (2) and (3) of section seven.

Subsections (2), (4), (6) and (7) of section thirteen.

Subsection (5) of section fifteen.

Subsections (2) and (3) of section sixteen.

Subsection (1) of section eighteen.

Subsections (2) and (3) of section nineteen.

Subsection (3) of section twenty-five.

Subsection (1) of section thirty-one.

Subsection (1) of section thirty-two.

Subsection (1) of section thirty-three.

Subsection (3) of section thirty-eight.

Section thirty-nine.

Subsections (1) and (5) of section forty-one.

Subsection (1) of section forty-three.

Section forty-four.

Subsections (1) and (2) of section forty-five.

Subsection (1) of section forty-seven.

Section forty-nine.

Section fifty-three.

*Amendment*

For the word "Ordinance" wherever that word occurs there shall be substituted the word "order".

R. H. VIDELO,

Her Majesty's Greffier.