

# PROJET DE LOI

ENTITLED

## **The Milk and Milk Products (Alderney) Law, 1957 \***

*[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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\* Ordres en Conseil Vol. XVII, p. 151; as amended by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997 (Alderney Ordinance No. II of 1997).

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### ARRANGEMENT OF SECTIONS

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## **The Milk and Milk Products (Alderney) Law, 1957**

**THE STATES**, in pursuance of their Resolution of the 4<sup>th</sup> September, 1956, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have the force of law in the Island of Alderney.

### **Definitions.**

1. In this Law, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say –

**"authority"** means any person entrusted with powers, or upon whom duties are imposed, by the States,

**"the Committee"** means the [General Services Committee],

**"the Island"** means the Island of Alderney,

**"milk"** means liquid cow's milk whether whole, separated or skimmed and includes any liquid consisting wholly or mainly of liquid cow's milk as aforesaid but does not include any liquid cow's milk as aforesaid or any liquid as aforesaid contained in any hermetically sealed tin,

**"milk product"** means any product manufactured in the Island wholly or mainly from milk,

**"owner"** when used in relation to any cow includes any person having

the right or holding himself out as having the right to milk produced from that cow,

**"undertaking"** means any undertaking by way of any trade or business.

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## NOTES

*In section 1, the words in square brackets in the definition of the expression "the Committee" in subsection (1) were substituted by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part I, paragraph 7, with effect from 2nd April, 1997.*

*The functions of the Agriculture and Fisheries Committee under this Law were transferred to the General Services Committee by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997, section 2, Schedule 2, Part I, paragraph 7, with effect from 2nd April, 1997, subject to the savings and transitional provisions in section 3 of the 1997 Ordinance.*

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## **Ordinances.**

2. (1) The States may from time to time by Ordinance provide –
  - (a) for regulating or prohibiting the production, treatment, keeping, storage, movement, transport, distribution, disposal, acquisition, use or consumption of milk or any milk product,
  - (b) for the entry into and inspection of any premises for any purpose connected with the exercise of powers conferred by or under this Law,
  - (c) for controlling the prices to be paid to any owner of any cow for any milk produced from that cow,

- (d) for controlling prices at which milk or any milk product may be sold, and
- (e) for any incidental and supplementary matters for which the States deem it expedient for the purposes of the Ordinance to provide; and may from time to time make such provision including provision for requiring any person to furnish any information, as the States may think necessary or expedient for facilitating the introduction or operation of a scheme of control for which provision has been made, or for which in the opinion of the States it will or may be found necessary or expedient that provision should be made, under this Law.

(2) An Ordinance under this Law may prohibit the doing of anything regulated by the Ordinance except under authority of a licence granted by such authority or person as may be specified in the Ordinance, and may be made so as to apply either to persons or undertakings generally or to any particular person or undertaking or class of persons or undertakings and either to the whole or to any part of any undertaking, and so as to have effect either generally or in any particular area.

**Carrying out of provisions of Ordinances.**

3. The Committee shall be responsible for carrying out the provisions of any Ordinance made under this Law except for the carrying out of such provisions, if any, as the States may require to be carried out by some other authority.

**Forging of documents, etc.**

4. (1) A person shall not, with intent to deceive –

- (a) forge or use, or lend to or allow to be used by any other

person, any document issued for the purposes of any Ordinance made under this Law, or

- (b) make or have in his possession any document so closely resembling such a document as aforesaid as to be calculated to deceive, or
- (c) produce, furnish, send or otherwise make use of, for the purposes aforesaid, any book, account, estimate, return, declaration or other document which is false in a material particular.

(2) A person shall not, in furnishing any information for the purposes of any Ordinance made under this Law, make any statement which he knows to be false in a material particular or recklessly make any statement which is false in a material particular.

**Obstruction.**

5. A person shall not wilfully obstruct any person exercising any powers or performing any duties conferred or imposed on him under any Ordinance made under this Law.

**Disclosure of information.**

6. A person who obtains any information by virtue of any Ordinance made under this Law shall not, otherwise than in connection with the execution of any Ordinance made under this Law, disclose that information:

PROVIDED that nothing in this section shall apply to any disclosure of information made for the purpose of legal proceedings which may be taken under or by virtue of this Law.

**Offences.**

7. (1) A person who contravenes or attempts to contravene or fails to comply with any of the provisions of this Law shall be guilty of an offence under this Law.

(2) Save as otherwise expressly provided by that Ordinance, any person who contravenes or attempts to contravene or fails to comply with any of the provisions of any Ordinance made under this Law or any direction given or requirement imposed under or by virtue of that Ordinance shall be guilty of an offence under that Ordinance.

**Penalties.**

8. The States may from time to time by Ordinance prescribe the penalties which shall be incurred by any person guilty of an offence under this Law or by any person guilty of an offence under any Ordinance made under this Law and different penalties may be so prescribed for different offences.

**Offences by body corporate.**

9. Where a person convicted of an offence under this Law or of an offence under any Ordinance made under this Law is a body corporate, every person who at the time of the commission of the offence, was a director or officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge, or that he exercised all due diligence to prevent the commission of the offence.

**Service of notices.**

10. Without prejudice to any special provision contained in any Ordinance made under this Law, a notice to be served for the purposes of any Ordinance made under this Law may be served –

- (a) on any person by delivering it to him, by leaving it or sending it by post addressed to him, at his usual or last known place or abode,
- (b) on any firm by delivering it to any partner of the firm or by leaving it at, or sending it by post to, the principal or last known place of business of the firm,
- (c) on any body corporate by leaving it at, or by sending it by post to, its registered office if situated in the Island or, if its registered office is not so situated, its principal or last known principal place of business in the Island.

**Variation or repeal of Ordinances.**

11. Any power conferred by this Law to make any Ordinance shall be construed as including a power in the like manner to vary or repeal the Ordinance.

**Interpretation.**

12. The Interpretation (Guernsey) Law, 1948, shall apply to the interpretation of this Law as it applies to the interpretation of an enactment in the Island of Guernsey.

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**NOTE**

*The Interpretation (Guernsey) Law, 1948 has since been repealed by the Interpretation and Standard Provisions (Bailiwick of Guernsey) Law, 2016, section 28(a), with effect from 1st October, 2018.*

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**Commencement.**

13. This Law shall come into force upon the day when it is registered upon the Records of the Island.



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**NOTE**

*The Law received Royal Sanction on 24th January, 1957 and was registered on the Records of the Island of Guernsey and came into force on 23rd February, 1957.*

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