

# PROJET DE LOI

ENTITLED

## **The Milk and Milk Products (Guernsey) Law, 1955 \***

[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. XVI, p. 193; as amended by the Milk and Milk Products (Amendment) (Guernsey) Law, 1963 (Ordres en Conseil Vol. XIX, p. 134); the States Dairy Committee (Transfer of Functions) (Guernsey) Law, 1988 (Ordres en Conseil Vol. XXXI, p. 19); the States Agricultural and Milk Marketing Board (Transfer of Functions) Ordinance, 2001 (No. XX of 2001, Recueil d'Ordonnances Tome XXVIII, p. 433); the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003 (No. XXXIII of 2003, Recueil d'Ordonnances Tome XXIX, p. 406); the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016 (No. IX of 2016).

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### ARRANGEMENT OF SECTIONS

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## **The Milk and Milk Products (Guernsey) Law, 1955**

**THE STATES**, in pursuance of their Resolution of the twenty-second day of February, nineteen hundred and fifty-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 Island of Guernsey.

### **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 Board]"** means [the States [States' Trading Supervisory Board] or such other Committee as the States may from time to time prescribe by Ordinance under section 2 of the States Dairy Committee (Transfer of Functions) (Guernsey) Law, 1988],

**"the Island"** means the Island of Guernsey,

**"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 "the Board" and "States' Trading Supervisory Board" in square brackets, wherever occurring, were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, respectively section 5(1), Schedule 3, paragraph 12, section 2, Schedule 1, paragraph 1(e), Schedule 2, Part 1, paragraph 4, with effect from 1st May, 2016;<sup>1</sup>*

*the words in the second pair of square brackets were substituted by the States Dairy Committee (Transfer of Functions) (Guernsey) Law, 1988, section 3(b), with effect from 3rd May, 1988, subject to the savings in section 4 of the 1988 Law.*

*The functions, rights and liabilities of the Commerce and Employment Department and of its Minister or Deputy Minister arising under or by virtue of this Law were transferred to and vested in, respectively, the States' Trading Supervisory Board and its President or Vice-President by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 1, Schedule 1, paragraph 1(e), Schedule 2, Part 1, paragraph 4, with effect from 1st May, 2016, subject to the savings and transitional provisions in section 3 of the 2016 Ordinance.<sup>2</sup>*

*The States Dairy Committee (Transfer of Functions) (Guernsey) Law, 1988 has since been repealed by the States Committee for Agriculture and States Dairy Committee (Transfer of Functions) (Repeal) (Guernsey) Law, 2001, section 1, with effect from 21st January, 2002.*

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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 of 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 the prices at which milk or any milk product may be sold, [...]
- [(e) for the imposition and collection of a contribution from producers, out of the price payable to them for milk, to be used for the purposes of the financing by the milk producing industry of any scheme for the time being approved by the States by Resolution and designed to encourage the adoption of improved techniques in the industry, and]
- [(f)] 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 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 the 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.

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## **NOTES**

*In section 2, the word omitted in square brackets in paragraph (d) of*

*subsection (1) was repealed, paragraph (e) of subsection (1) was inserted, and paragraph (f) thereof was re-lettered, by the Milk and Milk Products (Amendment) (Guernsey) Law, 1963, respectively section 1(a), section 1(b) and section 1(c), with effect from 26th July, 1963.*

*The following Ordinance has been made under section 2:*

*Milk (Control) (Guernsey) Ordinance, 2016.*

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### **Carrying out of provisions of Ordinances.**

3. [The Board] 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.

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#### **NOTE**

*In section 3, the words in square brackets were substituted by the Organisation of States' Affairs (Transfer of Functions) Ordinance, 2016, section 5(1), Schedule 3, paragraph 12, with effect from 1st May, 2016.*

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### **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 purposes of any 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 any offence under this Law or by any person guilty of any offence under any Ordinance made under this Law and different penalties may be so prescribed for different offences.

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**NOTE**

*The following Ordinance has been made under section 8:*

*Milk (Control) (Guernsey) Ordinance, 2016.*

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**Offence 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 by sending it by post addressed to him, at his usual or last known place of 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 principal 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 exercisable in the like manner to vary or repeal the Ordinance.



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**NOTE**

*The following Ordinance has been made under section 11:*

*Milk (Control) (Guernsey) Ordinance, 2016.*

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**Repeal.**

12. The Milk Distribution (Guernsey) Law, 1950, is hereby repealed.

**Commencement.**

13. This Law shall come into force on such day as shall be appointed in that behalf by Ordinance of the States.

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**NOTE**

*The Law was brought into force on 1st December, 1955 by the Milk and Milk Products (Guernsey) Law, 1955 (Commencement) Ordinance, 1955.*

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<sup>1</sup> The words "States' Trading Supervisory Board" were previously substituted by the States Dairy Committee (Transfer of Functions) (Guernsey) Law, 1988, section 3(a), with effect from 3rd May, 1988; the States Agricultural and Milk Marketing Board (Transfer of Functions) Ordinance, 2001, section 3, Schedule 2, paragraph 2, with effect from 21st January, 2002; the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 2, Schedule 1, paragraph 2, with effect from 6th May, 2004.

<sup>2</sup> The functions, rights and liabilities of the Commerce and Employment Department and its Minister arising under or by virtue of this Law were previously transferred to them from the States Agriculture and Countryside Board and its President by the Machinery of Government (Transfer of Functions) (Guernsey) Ordinance, 2003, section 1, Schedule 1, paragraph 2, with effect from 6th May, 2004, subject to the savings and transitional provisions in section 4 of the 2003 Ordinance; the functions, rights and liabilities of the Agriculture and Countryside Board under this Ordinance were previously transferred to it from the States Agricultural and Milk Marketing Board by the States Agricultural and Milk Marketing Board (Transfer of Functions) Ordinance, 2001, section 1, Schedule 1, paragraph 2, with effect from 21st January, 2002, subject to the savings and transitional provisions in section 2 of the 2001 Ordinance. The functions, rights and liabilities of the Agricultural and Milk Marketing Board were previously transferred

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to it from the States Dairy Committee by the States Dairy Committee (Transfer of Functions) (Guernsey) Law, 1988, section 1, with effect from 3rd May, 1988, subject to the savings in section 4 of the 1988 Law.