



Jersey

# **FOOD SAFETY (JERSEY) LAW 1966**

## **Official Consolidated Version**

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# FOOD SAFETY (JERSEY) LAW 1966

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Jersey

## FOOD SAFETY (JERSEY) LAW 1966<sup>1</sup>

A **LAW** to ensure the cleanliness and purity of foodstuffs

Commencement [[see endnotes](#)]

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### PART 1

#### GENERAL

#### 1 Interpretation

(1) In this Law, unless the context otherwise requires –

“advertisement” includes any notice, circular, label, wrapper, invoice or other document, and any public announcement made orally or by any means of producing or transmitting light or sound;

“analysis” includes micro-biological assay but no other form of biological assay;

“animal” includes bird;

“article” does not include a live animal;

“authorized officer” means a police officer and any officer generally or specially authorized in that behalf by the Minister;

“business” includes the undertaking of a hotel, restaurant, café, tea shop, milk bar, snack bar, fried fish shop, coffee stall, inn, public house, club, staff dining room, school feeding centre, canteen, hostel, boarding house, apartment house and any other place of refreshment, nursing home and institution, whether carried on for profit or not;

“catering premises” means premises where, in the course of a business, food is prepared and supplied for consumption on the premises;

“cheese” means the substance usually known as cheese, containing no fat other than fat derived from milk;

“commercial operation”, in relation to any food, means any of the following –

(a) selling, possessing for sale and offering, exposing or advertising for sale;

- (b) consigning, delivering or serving by way of sale;
- (c) preparing for sale or presenting, labelling or wrapping for the purpose of sale;
- (d) storing or transporting for the purpose of sale;
- (e) importing and exporting,

and, in relation to any food source, means deriving food from it for the purpose of sale or for purposes connected with sale;

“container” includes any basket, pail, tray, package or receptacle of any kind whether open or closed;

“cream” means that part of milk rich in fat which has been separated by skimming or otherwise;

“dairy” means any premises from which milk is supplied on, or for, sale by retail or in which milk is kept for the manufacture of butter, cheese, dried milk or condensed milk for sale, or in which vessels used for the sale of milk are kept;

“dairy farm” means any premises on which milk is produced from cows and from which milk is not sold by retail;

“dairy farmer” means a person who produces milk from cows;

“dairyman” means the occupier of a dairy;

“drug” includes medicine for internal or external use;

“fish” includes crustaceans and molluscs;

“food” includes drink, chewing gum and other products of a like nature and use, and articles and substances used as ingredients in the preparation of food and drink or of such products, but does not include –

- (a) live animals, or live fish which are not used for human consumption while they are alive;
- (b) fodder or feeding stuffs for animals; or
- (c) articles or substances used only as drugs;

“food business” means any business in the course of which commercial operations with respect to food or food sources are carried out;

“food premises” means premises used or proposed to be used for or in connection with the purposes of a food business;

“food source” means any growing crop or live animal, bird or fish from which food is intended to be derived (whether by harvesting, slaughtering, milking, collecting eggs or otherwise);

“functions” includes powers and duties;

“Government Chemist” means the head of the department of Government Chemist of Great Britain, and includes any deputy government chemist appointed to act in the case of illness, incapacity or absence of the Government Chemist, or, pending the appointment of a Government Chemist, to act in the Government Chemist’s place;

“human consumption” includes use in the preparation of food for human consumption;

“ice-cream” includes any similar commodity;

“importer”, in relation to an imported article, includes any person who, whether as owner, consignor, consignee, agent or broker, is in possession of the article or in any way entitled to the custody or control of it;

“knacker’s yard” has the meaning assigned to it by Article 1 of the [Slaughter of Animals \(Jersey\) Law 1962](#);

“meat” means any part of an animal which can be used for human consumption;

“Medical Officer of Health” means the “Inspecteur Médical” appointed under Article 10 of the [Loi \(1934\) sur la Santé Publique](#) or a duly qualified medical practitioner acting under the Medical Officer of Health’s direction for the purposes of this Law;

“milk” means cow’s milk, and excludes cream, condensed milk, dried milk, separated, skimmed and evaporated milk and butter milk;

“Minister” means the Minister for the Environment;

“officer” means a States’ employee within the meaning of Article 2 of the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#);

“Official Analyst” means the analyst appointed in pursuance of Article 2 of this Law, and includes any deputy official analyst appointed to act in the case of illness, incapacity or absence of the Official Analyst, or, pending the appointment of an Official Analyst, to act in the Official Analyst’s place;

“premises” means a building or part of a building, and any forecourt, yard or place of storage used in connection with a building or part of a building, and includes in relation to dairies and dairy farms, and the trade of dairyman or dairy farmer, any land other than buildings;

“preparation”, in relation to food, includes manufacture and any form of treatment, and “preparation for sale” includes packaging;

“prescribe” means prescribe by Order made by the Minister under the provisions of this Law;

“public slaughterhouse” has the meaning assigned to it by Article 1 of the [Slaughter of Animals \(Jersey\) Law 1962](#);

“purveyor” in relation to milk, includes any person who sells milk, whether by wholesale or by retail;

“raw milk” means milk which has not been treated by heat;

“sale by retail” means any sale other than a sale to a person buying for the purposes of re-sale and includes a sale for the purposes of a business, but does not include a sale to a manufacturer for the purposes of the manufacturer’s business as such;

“sanitary convenience” means a water closet or urinal;

“sell” means sell in the course of a business, and includes in relation to milk, supplying it under arrangements for free supply, and in relation to milk and things made from milk or of which milk is an ingredient, supplying it or them, in the course of any business;

“separated”, in relation to milk, includes skimmed;

“ship” includes any boat or craft;

“shop” includes any premises where any retail trade or business is carried on;

“spirits” means intoxicating liquor other than wines, liqueurs, cordials, cider and beer;

“States Veterinary Officer” means a person appointed as such under Article 5 of the [Animal Health \(Jersey\) Law 2016](#);

“substance” includes a liquid;

“transit” includes all stages of transit from the dairy, place of manufacture or other source of origin, to the consumer;

“vessel” includes a receptacle of any kind, whether open or closed.<sup>2</sup>

- (2) For the purposes of this Law (except Article 19) –
- (a) the supply of food, otherwise than by sale, at, in or from any place where food is supplied in the course of a business shall be deemed to be a sale of that food, and references to purchasing and purchasers shall be construed accordingly; and
  - (b) where in connection with any business in the course of which food is supplied the place where food is served to the customer is different from the place where the food is consumed, both those places shall be deemed to be places in which food is sold.

## 2 Official Analyst

- (1) The Minister for Treasury and Resources shall appoint an officer, to be known as the Official Analyst, to perform the functions entrusted to that officer by or under this Law, or by or under any other enactment.<sup>3</sup>
- (2) Article 2 of the [States of Jersey \(Appointment Procedures\) \(Jersey\) Law 2018](#) shall apply to the appointment of the Official Analyst.<sup>4</sup>
- (3) If the Official Analyst is found guilty of any malpractice, or is considered to be incapable or, for any other reason unsuitable, for the appointment, the Minister for Treasury and Resources may remove the Official Analyst from office and Article 3 of the [States of Jersey \(Appointment Procedures\) \(Jersey\) Law 2018](#) shall apply to the removal.<sup>5</sup>
- (4) The Minister for Treasury and Resources shall appoint one or more officers to deputise for the Official Analyst in the event of the Official Analyst's illness, incapacity or absence, or in the event of a vacancy in the office of Official Analyst, and an officer so appointed shall, while so deputising, perform the same functions as the Official Analyst.
- (5) No person who is engaged, directly or indirectly, in any trade or business connected with the sale of food in Jersey shall be appointed under this Article.<sup>6</sup>



## PART 2

### GENERAL PROVISIONS AS TO FOOD<sup>7</sup>

#### *Composition and labelling of food<sup>8</sup>*

### **3 Offences in connection with preparation and sale of injurious food**

- (1) No person shall add any substance to food, use any substance as an ingredient in the preparation of food, abstract any constituent from food, or subject food to any other process or treatment, so as (in any such case) to render the food injurious to health, with intent that the food shall be sold for human consumption in that state.
- (2) Subject to the provisions of this Article, no person shall sell for human consumption, offer, expose or advertise for sale for human consumption, or have in his or her possession for the purpose of such sale, any food rendered injurious to health by means of any operation described in paragraph (1).<sup>9</sup>
- (3) A person who contravenes any of the foregoing provisions of this Article shall be guilty of an offence.
- (4) In determining for the purposes of this Law whether an article of food is injurious to health, regard shall be had not only to the probable effect of that article on the health of a person consuming it, but also to the probable cumulative effect of articles of substantially the same composition on the health of a person consuming such articles in ordinary quantities.
- (5) In any proceedings under this Article for an offence consisting of the advertisement for sale of any food, it shall be a defence for the person charged to prove that, being a person whose business it is to publish, or arrange for the publication of, advertisements, the person received the advertisement for publication in the ordinary course of business.<sup>10</sup>

### **4 General protection for purchasers of food**

- (1) If a person sells to the prejudice of the purchaser any food which is not of the nature, or not of the substance, or not of the quality, of the food demanded by the purchaser, the person shall, subject to the provisions of Article 5, be guilty of an offence.<sup>11</sup>
- (2) In proceedings under this Article it shall not be a defence to allege that the purchaser bought for analysis or examination and therefore was not prejudiced.
- (3) In this Article, the reference to sale shall be construed as a reference to sale for human consumption.<sup>12</sup>

### **5 Defences available in proceedings under Article 4**

- (1) In any proceedings under Article 4 for an offence consisting of the sale of food to which any substance has been added, or in the preparation of which any substance has been used as an ingredient or from which any constituent has been abstracted, or which has been subjected to any other process or treatment, other than food

thereby rendered injurious to health, it shall be a defence for the person charged to prove –

- (a) that the operation in question was not carried out fraudulently, and
  - (b) that the article was sold having attached thereto a notice of adequate size, distinctly and legibly printed and conspicuously visible, stating explicitly the nature of the operation, or was sold in a wrapper or container displaying such a notice.
- (2) In any proceedings under Article 4 in respect of any food containing some extraneous matter, it shall be a defence for the person charged to prove that the presence of that matter was an unavoidable consequence of the process of collection or preparation.<sup>13</sup>

## **6 Orders as to composition of food etc.**

- (1) The Minister may, so far as appears necessary or expedient in the interests of the public health, or otherwise for the protection of the public, so to do, make Orders for any of the following purposes –
- (a) for requiring, prohibiting or regulating the addition of any specified substance, or any substance of any specified class, to food intended for sale for human consumption or any class of such food, or the use of any such substance as an ingredient in the preparation of such food, and generally for regulating the composition of such food;
  - (b) for requiring, prohibiting or regulating the use of any process or treatment in the preparation of any food intended for sale for human consumption, or any class of such food;
  - (c) for prohibiting or regulating the sale, possession for sale, offer, or exposure for sale, consignment, or delivery, of food which does not comply with any of the Orders or in relation to which an offence against the Orders has been committed or would have been committed if any relevant act or omission had taken place in Jersey, or for prohibiting or regulating the importation of any such food as aforesaid;
  - (d) for prohibiting or regulating the sale, possession for sale, or offer, exposure or advertisement for sale, of any specified substance, or of any substance of any specified class, with a view to its use in the preparation of food for human consumption, and the possession of any such substance for use in the preparation of food intended for sale for human consumption;
  - (e) for prescribing standards in relation to the composition of food products.
- (2) In the exercise of his or her functions under this Article the Minister shall have regard to the desirability of restricting, so far as practicable, the use of substances of no nutritional value as foods or as ingredients of foods.
- (3) Orders made under this Article may apply to cream, and to any food containing milk, but except as aforesaid, such Orders shall not apply to milk.
- (4) Orders so made may provide, in relation to such cases as may be specified and subject to such exceptions as may be allowed by or under the Orders, that, where any food is certified by the Official Analyst as being food to which the Orders apply so far as they are made under paragraph (1)(c), that food may be treated for the purposes of Article 13 as being unfit for human consumption:

Provided that nothing in any such Order shall be taken as prejudicing the generality of the powers conferred by Article 13.

## **7 Power of Minister to obtain particulars of certain food ingredients**

- (1) For the purpose of enabling the Minister to exercise his or her functions under Article 6, the Minister may by Order require every person who at the date of the Order or at any subsequent time carries on a business which includes the production, importation or use of substances of any class specified in the Order to furnish to the Minister, within such time as may be so specified, such particulars as may be so specified of the composition and use of any such substance sold in the course of that business for use in the preparation of food for human consumption, or used for that purpose in the course of that business.
- (2) Without prejudice to the generality of paragraph (1), an Order made thereunder may require the following particulars to be furnished in respect of any substance, that is to say –
  - (a) particulars of the composition and chemical formula of the substance;
  - (b) particulars of the manner in which the substance is used or proposed to be used in the preparation of food;
  - (c) particulars of any investigations carried out by or to the knowledge of the person carrying on the business in question, for the purpose of determining whether and to what extent the substance, or any product formed when the substance is used as aforesaid, is injurious to, or in any other way affects, health;
  - (d) particulars of any investigations or inquiries carried out by or to the knowledge of the person carrying on the business in question for the purpose of determining the cumulative effect on the health of a person consuming the substance in ordinary quantities.
- (3) No particulars furnished in accordance with an Order made under this Article, and no information relating to any individual business obtained by means of such particulars, shall, without the previous consent in writing of the person carrying on the business in question, be disclosed except –
  - (a) in accordance with directions of the Minister, so far as may be necessary for the purposes of Article 6; or
  - (b) for the purposes of any proceedings for an offence against the Order or any report of those proceedings,and if any person discloses any such particulars or information in contravention of this paragraph he or she shall be guilty of an offence.<sup>14</sup>
- (4) For the purposes of any enactment relating to patents, any invention disclosed in pursuance of an Order made under this Article shall not be deemed to have been anticipated by reason only of such disclosure.

## **8 False labelling or advertisement of food**

- (1) A person who gives with any food sold by him or her, or displays with any food exposed by him or her for sale, a label, whether attached to or printed on the wrapper or container or not, which –

- (a) falsely describes the food; or
  - (b) is calculated to mislead as to its nature, substance or quality,shall be guilty of an offence, unless the person proves that he or she did not know, and could not with reasonable diligence have ascertained, that the label was of such a character as aforesaid.<sup>15</sup>
- (2) Subject to the provisions of paragraph (3), a person who publishes, or is a party to the publication of, an advertisement (not being such a label so given or displayed by the person as aforesaid) which –
  - (a) falsely describes any food; or
  - (b) is calculated to mislead as to the nature, substance or quality of any food,shall be guilty of an offence, and in any proceedings under this paragraph against the manufacturer, producer or importer of the food, it shall rest on the defendant to prove that the defendant did not publish, and was not a party to the publication of, the advertisement.<sup>16</sup>
- (3) In any proceedings under paragraph (2) it shall be a defence for the defendant to prove either –
  - (a) that the defendant did not know, and could not with reasonable diligence have ascertained, that the advertisement was of such a character as is described in that paragraph; or
  - (b) that, being a person whose business it is to publish, or arrange for the publication of, advertisements, the defendant received the advertisement for publication in the ordinary course of business.
- (4) It is declared that, for the purposes of this Article, a label or advertisement which is calculated to mislead as to the nutritional or dietary value of any food is calculated to mislead as to the quality of the food.
- (5) In any proceedings for an offence under this Article the fact that a label or advertisement in respect of which the offence is alleged to have been committed contained an accurate statement of the composition of the food shall not preclude the court from finding that the offence was committed.<sup>17</sup>
- (6) In this Article, references to sale shall be construed as references to sale for human consumption.<sup>18</sup>

## **9 Orders as to labelling and description of food**

- (1) Without prejudice to the provisions of Article 8, but subject to the provisions of paragraph (2), the Minister may make Orders for imposing requirements as to, and otherwise regulating, the labelling, marking or advertising of food intended for sale for human consumption, and the descriptions which may be applied to such food.
- (2) In relation to the labelling and marking of food with respect to weight, measure and number, the provisions of paragraph (1) shall apply with the substitution for the reference to the Minister of a reference to the Minister for Economic Development, Tourism, Sport and Culture.<sup>19</sup>
- (3) Orders made under this Article may make provision for any purpose authorized by Article 6(1)(c) in the case of Orders under that Article.

- (4) Orders made under this Article may apply to cream, and to any food containing milk, but except as aforesaid such Orders shall not apply to milk.

*Special provisions with regard to meat*

## **10 Examination of locally-killed meat**

- (1) All meat derived from animals slaughtered at the public slaughterhouse shall, before it is allowed to be taken from those premises, be examined by the States Veterinary Officer for the purpose of ascertaining whether the meat is of good quality and fit for human consumption.<sup>20</sup>
- (2) Where, as a result of examination in pursuance of paragraph (1), the States Veterinary Officer is satisfied that any meat is not of good quality, or is affected with disease, or is unfit for human consumption, the States Veterinary Officer shall confiscate the meat and deal with it in such manner as the Minister for Economic Development, Tourism, Sport and Culture may direct.<sup>21</sup>
- (3) For the purposes of this Article the expression “disease” has the meaning assigned to it by Article 2 of the [Animal Health \(Jersey\) Law 2016](#).<sup>22</sup>
- (4) The provisions of this Article shall be in addition to, and not in derogation of, any other provisions of this Law which apply to meat.

*Special provisions with regard to shellfish*

## **11 Importation of oysters**

- (1) No person shall land or attempt to land in Jersey oysters fished or purchased on any part of the Continent of Europe other than the other British Islands or the Republic of Ireland:  
  
Provided that in any case where the Minister is satisfied that such oysters may be landed without danger to the public health, he or she may authorize the landing of such oysters.
- (2) Where any oysters landed in Jersey by virtue of the proviso to paragraph (1) are found to be unfit for human consumption, the Minister may cause the whole of the oysters so landed to be confiscated and destroyed.
- (3) Any person who lands or attempts to land oysters in contravention of the provisions of this Article shall be guilty of an offence and shall be liable to a fine of level 2 on the standard scale in respect of every tub, or part of a tub, of oysters so landed or attempted to be landed, and the oysters in respect of which the offence was committed shall be confiscated and dealt with in such manner as the Minister may direct.<sup>23</sup>

*Food unfit for human consumption***12 Punishment for sale etc. of food unfit for human consumption**

- (1) Subject to the provisions of this Article, any person who –
  - (a) sells, or offers or exposes for sale, or has in his or her possession for the purpose of sale, or of preparation for sale; or
  - (b) deposits with, or consigns to, any person for the purpose of sale or of preparation for sale,any food intended for, but unfit for, human consumption shall be guilty of an offence.
- (2) Subject as aforesaid, where food in respect of which an offence under paragraph (1)(a) has been committed was sold to the offender by some other person, that person also shall be guilty of an offence.
- (3) Where a person is charged with an offence under paragraph (1)(b) or (2), it shall be a defence for him or her to prove either –
  - (a) that he or she gave notice to the person with whom he or she deposited, or to whom he or she consigned or sold, the food in question that it was not intended for human consumption; or
  - (b) that, at the time when he or she delivered or dispatched it to that person, either it was fit for human consumption or he or she did not know, and could not with reasonable diligence have ascertained, that it was unfit for human consumption.

**13 Examination and seizure of suspected food**

- (1) An authorized officer may at all reasonable times examine any food intended for human consumption which has been sold, or is offered or exposed for sale, or 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, and, if it appears to the authorized officer to be unfit for human consumption, may seize it and remove it in order to have it dealt with by a Jurat in accordance with the following provisions of this Article.
- (2) An officer who seizes any food under the provisions of paragraph (1) shall inform the person in whose possession the food was found of the officer's intention to have it dealt with by a Jurat, and any person who under the provisions of Article 12 might be liable to a prosecution in respect of the food shall, if the person attends before the Jurat on the application for its condemnation, be entitled to be heard and to call witnesses.
- (3) If it appears to a Jurat that any food brought before the Jurat, whether seized under the provisions of this Article or not, is unfit for human consumption, the Jurat shall condemn it and order it to be destroyed or to be so disposed of as to prevent it from being used for human consumption.
- (4) If a Jurat refuses to condemn any food seized under this Part of this Law by an authorized officer, the Minister shall compensate the owner of the food for any depreciation in its value resulting from its seizure and removal.

**14 Food offered as prizes etc.**

- (1) The provisions of Articles 12 and 13 shall apply –
  - (a) in relation to any food which is intended for human consumption and is offered as a prize or reward in connection with any entertainment to which the public is admitted, whether on payment of money or not, as if the food were, or had been, exposed for sale by each person concerned in the organisation of the entertainment;
  - (b) in relation to any food which is intended for human consumption and is offered as a prize or reward or given away for the purpose of advertisement, or in furtherance of any trade or business, as if the food were, or had been, exposed for sale by the person offering or giving away the food;
  - (c) in relation to any food which is intended for human consumption and is exposed or deposited in any premises for the purpose of being so offered or given away as aforesaid, as if the food were, or had been, exposed for sale by the occupier of the premises.
- (2) In this Article the expression “entertainment” includes any social gathering, amusement, exhibition, performance, game, sport or trial of skill.

**15 Power to examine food in course of transit**

- (1) Subject to the provisions of this Article, if an authorized officer has reason to suspect that any vehicle or container contains any food which is intended for sale for human consumption, or is in the course of delivery after sale for human consumption, the authorized officer may examine the contents of the vehicle or container, and for that purpose may, if necessary, detain the vehicle or container, and if the officer finds any food which appears to him or her to be intended for, but unfit for, human consumption, he or she may deal with it as food falling within the provisions of Article 13(1) and the provisions of paragraphs (2) to (4) of that Article shall apply accordingly.
- (2) Where the duties of an officer of the Impôts with respect to any goods have not been wholly discharged, nothing in this Article shall authorize the examination of those goods without the officer’s consent.

**16 Punishment for sale etc. of products of knacker’s yard**

- (1) No person shall sell, or offer or expose for sale, or have in his or her possession for the purpose of sale or of preparation for sale, for human consumption any part of, or product derived wholly or partly from, an animal which has been slaughtered in the knacker’s yard or of which the carcase has been brought into the knacker’s yard.
- (2) A person who contravenes the provisions of this Article shall be guilty of an offence.

*Hygiene in connection with sale etc. of food to the public***17 Orders as to food hygiene**

- (1) The Minister may make such Orders as appear to be expedient for securing the observance of sanitary and cleanly conditions and practices in connection with –
- (a) the sale of food for human consumption; or
  - (b) the importation, preparation, transport, storage, packaging, wrapping, exposure for sale, service or delivery of food intended for sale or sold for human consumption,
- or otherwise for the protection of the public health in connection with the matters aforesaid.
- (2) Without prejudice to the generality of paragraph (1), Orders made under this Article may make provision –
- (a) for imposing requirements as to the construction, lay-out, drainage, equipment, maintenance, cleanliness, ventilation, lighting, water-supply and use, of premises in, at or from which food is sold for human consumption, or offered, exposed, stored or prepared for sale, for human consumption (including any parts of such premises in which apparatus and utensils are cleansed, or in which refuse is disposed of or stored);
  - (b) for imposing requirements as to the provision, maintenance and cleanliness of sanitary and washing facilities in connection with such premises, the disposal of refuse and the maintenance and cleanliness of apparatus, equipment, furnishings and utensils used in such premises, and in particular for imposing requirements that every sanitary convenience situated in such premises shall be supplied with water through a suitable flushing appliance;
  - (c) for prohibiting or regulating the use of any specified materials, or of materials of any specified class, in the manufacture of apparatus or utensils designed for use in the preparation of food for human consumption, and the sale or importation for sale of apparatus or utensils designed for such use and containing any specified materials, or materials of any specified class;
  - (d) for prohibiting spitting or restricting smoking on premises where food is sold for human consumption, or offered, exposed, stored or prepared for sale for human consumption (including any parts of such premises where apparatus and utensils are cleansed);
  - (e) for imposing requirements as to the clothing worn by persons in such premises;
  - (f) for requiring the staining or sterilization in accordance with the Order of meat which is unfit for human consumption, or which is derived from animals slaughtered in the knacker's yard or from carcasses brought into the knacker's yard, or which, though not unfit for human consumption, is not intended therefor;
  - (g) for regulating generally the treatment and disposal of any food unfit for human consumption;
  - (h) for prohibiting or regulating the sale for human consumption, or the offer, exposure or distribution for sale for human consumption, of shellfish taken



from beds or other layings for the time being designated by or under the Order.

- (3) Orders under this Article may make different provisions in relation to different classes of business, and, without prejudice to the foregoing provisions of this Article, or of Article 58, any such Order imposing requirements in respect of premises may –
- (a) impose on the occupier of the premises and, in the case of requirements of a structural character, and after notice from the Minister, on any owner of the premises who either lets them for use for a purpose to which the Order applies or permits them to be so used, responsibility for compliance with those requirements;
  - (b) provide, subject to such limitations and safeguards as may be specified, for conferring, in relation to particular premises, exemptions from the operation of specified provisions contained in Orders made for the purposes of paragraph (2)(a) or (b) while there is in force a certificate granted by the Minister to the effect that compliance with those provisions cannot reasonably be required with respect to the premises or any activities carried on therein.
- (4) If any person who has incurred, or is about to incur, expenditure in securing that the requirements of Orders made under the provisions of this Article, being requirements of a structural character, are complied with in respect of any premises owned or occupied by him or her claims that the whole or any part of the expenditure ought to be borne by any other person having an interest in the premises, he or she may apply to the Inferior Number of the Royal Court and the Court may make such order concerning the expenditure or its apportionment as appears to the Court, having regard to all the circumstances of the case, including the terms of any contract between the parties, to be just and equitable, and any order of the Court made by virtue of this paragraph may direct that any such contract as aforesaid shall cease to have effect in so far as it is inconsistent with the terms of the order.
- (5) Orders made under this Article may impose in respect of accommodation in passenger-carrying ships, and in respect of vehicles, stalls and places other than premises, any such requirements as may be imposed thereunder in respect of premises.
- (6) Subject as hereinafter provided, references in this Article to food shall be construed as references to food other than milk:
- Provided that –
- (a) Orders under this Article relating to importation may apply to milk; and
  - (b) any Orders under this Article may apply to any food containing milk.
- (7) The Minister shall from time to time take such steps as he or she thinks expedient for publishing codes of practice in connection with matters which may be made the subject of Orders under this Article, for the purpose of giving advice and guidance to persons responsible for compliance with such Orders.

**18 Power of court to disqualify caterer**

- (1) Where a person is proceeded against for an offence against orders made under the provisions of Article 17 in respect of any premises used as catering premises or of any business carried on at such premises, the following provisions of this Article shall have effect.
- (2) If the person is convicted of the offence and the court thinks it expedient to do so having regard to the gravity of the offence or, in the case of an offence committed in respect of premises, to the unsatisfactory nature of the premises, or having regard to any offences against Orders made under Article 17 of which the person has previously been convicted, the court may, on the application of the Minister, make an order disqualifying that person –
  - (a) from using those premises, or causing or allowing those premises to be used; or
  - (b) from using any premises,as catering premises for such period not exceeding 2 years as may be specified in the order:

Provided that an order under this Article shall not be made against any person unless the Minister has, not less than 14 days before the date of the hearing, given that person notice of the Minister's intention to apply for an order to be made against the person.
- (3) A person subject to an order of a court made by virtue of this Article shall be guilty of an offence if, while the order is in force –
  - (a) the person uses, or causes or allows to be used, any premises to which the order relates as catering premises; or
  - (b) the person participates in the management of any business in the course of which such premises are so used by another person.
- (4) A person so subject may, at any time after the expiration of 6 months from the date on which the order came into force and from time to time thereafter, apply to the court before which the person was convicted, or by which the order was made, to revoke the order, and on any such application the court may, if it thinks proper having regard to all the circumstances of the case, including in particular the person's conduct subsequent to the conviction and, where the order relates only to specified premises, to any improvement in the state of the premises to which the order relates, grant the application.
- (5) If an application under paragraph (4) is refused by the court to which it is made, a further application thereunder shall not be entertained if made within 3 months after the date of the refusal.
- (6) The court to which an application under the said paragraph (4) is made shall have power to order the applicant to pay the whole or any part of the costs of the application.

*Registration of premises and licensing of vehicles etc. in connection with the sale of food***19 Registration of food premises<sup>24</sup>**

- (1) The Minister may by Order provide for the registration of food premises and prohibit the use of any such premises which are not registered in accordance with the Order.
- (2) Without prejudice to the generality of paragraph (1), Orders made under this Article may –
  - (a) make different provision in relation to different types or description of food premises and exempt from the requirements as to registration such food premises as may be prescribed;
  - (b) make provision as to the manner and form of applications for registration, the information to be furnished in connection with such applications and the keeping of the register; and
  - (c) require the occupier of registered food premises to notify the Minister of such changes in respect of the particulars required to be furnished in connection with an application for registration as may be prescribed.

**20 Licensing of vehicles etc.**

- (1) Subject to the provisions of this Article, the Minister may make Orders providing –
  - (a) for the grant of licences in respect of the use of vehicles, stalls or places other than premises, for the preparation, exposure or offer for sale, or sale, of food for human consumption; and
  - (b) for prohibiting the use for any such purpose of any such vehicle, stall or place except in accordance with a licence granted under the Order.
- (2) Orders made under this Article may apply either generally or to such class or classes of business as may be specified in the Order.<sup>25</sup>
- (3) Orders made under this Article may provide for the refusal or cancellation of a licence under the Order, either wholly or in respect of a part of the business for which the licence is applied for or is held, where the requirements of Orders in force under Article 17 of this Law are not complied with in relation to that business and such Orders shall make provision for affording to persons affected by any such refusal or cancellation an opportunity to make representations to the Minister and to appeal from the decision of the Minister to the Inferior Number of the Royal Court.

*Special provisions as to sale etc. of particular foods***21 Sale of ice-cream from stalls etc.**

- (1) Every dealer in ice-cream who in a street or other place of public resort sells, or offers or exposes for sale, ice-cream from a stall or vehicle, or from a container used without a stall or vehicle, shall have his or her name and address legibly and conspicuously displayed on the stall, vehicle or container, as the case may be, and,

if he or she fails to comply with the requirements of this Article, shall be liable to a fine of level 2 on the standard scale.<sup>26</sup>

- (2) The Minister may at any time prescribe that, as from such date as may be specified in the Order, not being less than 4 weeks from the date of the making of the Order, this Article shall apply in relation to all kinds of food, or to any kind of food specified in the Order, as it applies in relation to ice-cream, and while any such Order is in force, this Article shall apply accordingly:

Provided that nothing in this paragraph shall have effect in relation to milk.

## **22 Prevention of spread of disease by ice-cream**

- (1) Every manufacturer of, or dealer in, ice-cream shall, on the occurrence of any disease to which this paragraph applies among the persons living or working in or about the premises on which the ice-cream is manufactured, stored or sold, forthwith give notice thereof to the Medical Officer of Health and, if the ice-cream dealer fails to do so, shall be liable to a fine of level 2 on the standard scale.<sup>27</sup>
- (2) The provisions of paragraph (1) apply to the diseases specified in Schedule 1 and any other disease which the Minister may by Order declare to be a disease to which that paragraph applies.
- (3) If the Medical Officer of Health has reasonable ground for suspecting that any ice-cream, or substance intended for use in the manufacture of ice-cream, is likely to cause any disease communicable to human beings, the Medical Officer of Health may give notice to the person in charge thereof that, until further notice, the ice-cream or substance in question, or any specified portion thereof, is not to be used for human consumption and either is not to be removed, or is not to be removed except to some place specified in the notice.
- (4) A person who uses or removes any ice-cream or substance in contravention of the requirements of a notice given under the provisions of paragraph (3) shall be liable to a fine of level 3 on the standard scale.<sup>28</sup>
- (5) If on further investigation the Medical Officer of Health is satisfied that the ice-cream or substance in question may safely be used for human consumption, the Medical Officer of Health shall forthwith withdraw his or her notice but, if the Medical Officer is not so satisfied, he or she shall cause the ice-cream or other substance to be destroyed, and he or she shall also cause to be destroyed any other ice-cream or substance as aforesaid then on the premises as to which he or she is not so satisfied.
- (6) Where a notice given under the provisions of paragraph (3) is withdrawn by the Medical Officer of Health, or the Medical Officer of Health acting under the provisions of paragraph (5) causes any ice-cream or other substance to be destroyed, the Minister shall compensate the owner of the ice-cream or other substance in question for any depreciation in its value resulting from the action taken by the Medical Officer of Health or, as the case may be, for the loss of its value:

Provided that –

- (a) no compensation shall be payable under this Article in respect of the destruction of any ice-cream or substance if the Minister proves that it was likely to cause any disease communicable to human beings;

- (b) no compensation shall in any case be payable under this Article –
  - (i) in respect of any ice-cream or substance manufactured on, or brought within, any premises while a notice given under the provisions of paragraph (3) with respect to anything on those premises was in operation, or
  - (ii) in any case where the owner of the ice-cream or substance in question has failed to give a notice which the owner was required by the provisions of paragraph (1) to give.
- (7) For the purposes of paragraph (6), the value of any ice-cream or other substance shall not be assessed at a sum exceeding the cost incurred by the owner in making or purchasing it.

## **23 Sale of horseflesh**

- (1) No person shall sell, or offer or expose for sale, or have in his or her possession for the purpose of sale, any horseflesh for human consumption elsewhere than in premises, or in a stall, vehicle or place, over or on which a notice in legible letters stating that horseflesh is sold there is displayed in a conspicuous position so as to be visible whenever horseflesh is being sold, or offered or exposed for sale.
- (2) No person shall supply horseflesh for human consumption to a purchaser who has not asked to be supplied with horseflesh or who has asked to be supplied with some compound article of food not ordinarily made of horseflesh.
- (3) A person who contravenes any of the provisions of this Article shall be guilty of an offence.
- (4) If any horseflesh is exposed for sale elsewhere than in premises, or in a stall, vehicle or place, distinguished as aforesaid without anything to show that it was not intended for sale for human consumption, the onus of proving that it was not so intended shall rest upon the person exposing it for sale.
- (5) In this Article, the expression “horseflesh” means the flesh of horses, asses and mules, and includes any such flesh whether cooked or uncooked and whether alone, or accompanied by, or mixed with, any other substance, and the expression “flesh” includes any part of any such animal.

### *Food poisoning*

## **24 Inspection and control of infected food**

- (1) If the Medical Officer of Health has reasonable ground for suspecting that any food of which the Medical Officer, or any authorized officer, has procured a sample under the provisions of this Law is likely to cause food poisoning, he or she may give notice to the person in charge of the food that, until his or her investigations are completed, the food, or any specified portion thereof, is not to be used for human consumption and either is not to be removed, or is not to be removed except to some place specified in the notice.
- (2) A person who uses or removes any food in contravention of the requirements of a notice given under the provisions of paragraph (1) shall be liable to a fine of level 3 on the standard scale.<sup>29</sup>

- (3) If, as a result of his or her investigations, the Medical Officer of Health is satisfied that the food in question, or any portion thereof, is likely to cause food poisoning, he or she may deal with it as food falling within Article 13(1) and the provisions of paragraphs (2) and (3) of that Article shall apply accordingly, but, if the Medical Officer is satisfied that it may safely be used for human consumption, he or she shall forthwith withdraw his or her notice.
- (4) If a notice given under the provisions of paragraph (1) is withdrawn by the Medical Officer of Health, or if the Jurat before whom any food is brought under this Article refuses to condemn it, the Minister shall compensate the owner of the food to which the notice related for any depreciation in its value resulting from the action taken by the Medical Officer of Health.

## **25 Cases of food poisoning to be notified**

- (1) Where a registered medical practitioner becomes aware or suspects that a patient the medical practitioner is attending is suffering from food poisoning, the medical practitioner shall forthwith send to the Medical Officer of Health a certificate stating –
  - (a) the name, age and sex of the patient, and the address of the premises where the patient is; and
  - (b) particulars of the food poisoning from which the patient is, or is suspected to be, suffering.
- (2) The provisions of Article 23 of the [Loi \(1934\) sur la Santé Publique](#), other than those of the first paragraph thereof, shall, with the necessary modifications, apply to food poisoning.
- (3) In this Article, “registered medical practitioner” has the meaning assigned to it by Article 1 of the [Medical Practitioners \(Registration\) \(Jersey\) Law 1960](#).

## **PART 3**

### **MILK, DAIRIES, DAIRY FARMS AND CREAM SUBSTITUTES**

#### *Milk, dairies and dairy farms*

## **26 Orders as to milk, dairies and dairy farms**

- (1) The Minister may by Order make provision –
  - (a) for the inspection of cattle on dairy farms;
  - (b) for the inspection of dairies and dairy farms, and of persons in or about dairies and dairy farms who have access to milk, or to the churns or other milk vessels;
  - (c) with respect to the lighting, ventilation, cleansing, drainage and water-supply of dairies and dairy farms;
  - (d) for securing the cleanliness of churns and other milk vessels and appliances and for prohibiting, subject to prescribed exceptions, the use of churns

- (whether by the persons to whom they belong or other persons) otherwise than as containers for milk, where the churns are in use for the purposes of the business of a dairyman or dairy farmer;
- (e) for prescribing the precautions to be taken for protecting milk against infection or contamination;
  - (f) for preventing danger to health from the sale of infected, contaminated or dirty milk, and in particular for prohibiting the supply or sale of milk suspected of being infected;
  - (g) for imposing obligations on dairymen and dairy farmers and their employees in regard to cases of infectious illness;
  - (h) for regulating the cooling, storage, conveyance and distribution of milk;
  - (i) with respect to the labelling, marking or identification, and the sealing or closing, of churns and other vessels used for the conveyance of milk, the labelling of vessels in which milk is sold or offered or exposed for sale or delivered, and the display of the vendor's name and address on any stall, or any cart, barrow or other vehicle, from which milk is sold or delivered;
  - (j) in cases where no express provision is made by this Law, for prohibiting or restricting –
    - (i) the addition of any substance to milk, or the abstraction from milk of fat or any other constituent,
    - (ii) the sale of milk to which any such addition, or from which any such abstraction, had been made, or which has been otherwise artificially treated;
  - (k) for prohibiting or restricting, subject to prescribed exceptions, the sale for human consumption, as milk of any specified description (being a description which in the opinion of the Minister ascribes to the milk a quality higher than the minimum quality prescribed for milk under the provisions of Article 30) of milk containing less than a specified quantity of any specified normal constituent;
  - (l) for requiring, subject to prescribed exceptions, cream or separated milk to be subjected to a specified treatment before being sold for human consumption;
  - (m) for prohibiting, subject to prescribed exceptions, the sale for human consumption of milk obtained from cows milked –
    - (i) at any stage of a journey to or from a dairy farm,
    - (ii) at the public slaughterhouse or the knacker's yard, or
    - (iii) in any market or other place where cattle are collected for the purposes of sale or showing, whether or not the market or place is registered as a dairy farm;
  - (n) for requiring, subject to prescribed exceptions, any milk to which Orders in force under sub-paragraph (m) apply to be stained or otherwise treated for the purposes of identification.
- (2) In paragraph (1) –
- (a) “prescribed exceptions” means such exceptions as may be allowed by or under an Order made under the provisions of that paragraph; and

- (b) except in sub-paragraph (n), “milk” means milk intended for sale or sold for human consumption, or intended for manufacture into products for sale for human consumption.
- (3) The provisions of paragraph (1)(l), so far as they relate to cream, shall be without prejudice to the power of the Minister under the provisions of Article 6 to make Orders applying to cream, but Orders made under the provisions of paragraph (1)(i), (j) or (k) shall not apply in relation to cream in so far as they are made for any purpose for which Orders relating to cream may be made under the provisions of the said Article 6.
- (4) The Minister, before making an Order under the provisions of this Article, shall consult with the Minister for Economic Development, Tourism, Sport and Culture.<sup>30</sup>

## **27 Registration of dairymen**

- (1) An Order under the provisions of Article 26 may provide for the registration of persons carrying on, or proposing to carry on, the trade of a dairyman and for the registration of dairies, and for prohibiting any person from carrying on the said trade unless the person and any premises used by the person as a dairy are duly registered.
- (2) Orders made for the purpose of this Article may make special provision –
  - (a) for the registration of premises used temporarily as dairies, and of the occupiers of such premises;
  - (b) for the removal from the register of such premises and occupiers at the expiration of the period for which the registration is effected.
- (3) Where by virtue of paragraph (1) an Order under the provisions of Article 26 provides for the registration of person or premises, then, subject to the provisions of paragraph (4), the following provisions shall apply in relation to the refusal of an application for registration, or to the cancellation of a registration already effected, in pursuance of such an Order, that is to say –
  - (a) where it appears to the Minister –
    - (i) that the public health is, or is likely to be, endangered by any act or default, being an act or default in relation to the quality, storage or distribution of milk, or
    - (ii) that having regard to the conditions existing at the premises to be registered, or already registered, the conditions imposed by such an Order cannot be, or are not being, complied with,the Minister may cause to be served on the person registered, or as the case may be, the person making application for registration, in pursuance of the Order a notice to that effect;
  - (b) a notice under sub-paragraph (a) shall –
    - (i) state the act or default or, as the case may be, the grounds on which it is alleged that the conditions imposed by the Order cannot be, or are not being, complied with,



- (ii) state the place and time, not being less than 21 days after the date of the service of the notice, at which the Minister proposes to take the matter into consideration, and
    - (iii) inform the person affected that the person may attend before the Minister with any witnesses whom the person desires to call, at that place and time to show cause why the Minister should not for the reasons specified in the notice, refuse the application or, as the case may be, cancel the registration, either generally or in respect of any specified premises;
  - (c) a person entitled under the provisions of sub-paragraph (b)(iii) to appear before the Minister may appear in person or by advocate or solicitor or any other representative, or may be accompanied by any person whom the person may wish to assist him or her in the proceedings;
  - (d) where a person on whom a notice under the provisions of sub-paragraph (a) is served fails to show cause to the satisfaction of the Minister, the Minister may refuse the application or, as the case may be, may cancel a registration, and in such a case, shall as soon as may be cause the person affected to be notified of such refusal or such cancellation;
  - (e) the person to whom notification is sent under the provisions of sub-paragraph (d) may, within 14 days of the date on which such notification was sent to the person, require the Minister to furnish the person with a statement of the grounds of such refusal or cancellation, and where such a requirement is made the Minister shall furnish such a statement within 7 days of the date on which the requirement was received by the Minister;
  - (f) a person aggrieved by a decision of the Minister refusing an application, or cancelling a registration may, within 30 days of the date on which notification under the provisions of sub-paragraph (d) was sent to the person, appeal to the Inferior Number of the Royal Court, in term or in vacation, and the Court shall make such order in the matter as it thinks fit;
  - (g) where under this paragraph an application for registration as a dairyman is refused, or as the case may be, a registration of a dairyman is cancelled, the person affected by that refusal or, as the case may be, that cancellation shall not be liable for any breach of contract for the purchase of further supplies of milk from some other person, if the refusal or cancellation was due to the quality of milk supplied by that other person.
- (4) The provisions of paragraph (3) shall not apply to registration in pursuance of the provisions of paragraph (2), or to persons registered or applying to be registered thereunder.

## **28 Prohibition on sale of milk from diseased cows**

- (1) No person shall –
- (a) sell, or offer or expose for sale, for human consumption; or
  - (b) use in the manufacture of products for sale for human consumption,
- the milk of any cow which to the person's knowledge is suffering from any disease of cows to which this Article applies.

- (2) In proceedings under this Article, the defendant shall be deemed to have known that a cow was suffering as aforesaid, if the defendant could with ordinary care have ascertained the fact.
- (3) A person who contravenes any of the provisions of this Article shall be guilty of an offence.
- (4) The diseases of cows to which this Article applies are those specified in Schedule 2 and any other disease which the Minister may by Order declare to be a disease to which this Article applies.

## **29 Adulteration of milk**

- (1) No person shall –
  - (a) add any water or colouring matter, or any dried or condensed milk, or liquid reconstituted therefrom, to milk intended for sale for human consumption; or
  - (b) add any separated milk, or mixture of cream and separated milk, to unseparated milk intended for sale for human consumption.
- (2) No person shall –
  - (a) sell, or offer or expose for sale, or have in his or her possession for the purpose of sale, for human consumption any milk to which there has been added any substance in contravention of the provisions of paragraph (1); or
  - (b) sell, or offer or expose for sale, under the designation of milk, any liquid in the making of which any separated milk, or any dried or condensed milk has been used.
- (3) Any person who contravenes any of the provisions of this Article shall be guilty of an offence.
- (4) For the purposes of paragraph (2)(a), a person shall be deemed to retain the possession of milk which is deposited in any place for collection until the milk is actually collected:

Provided that nothing in this paragraph shall be taken as prejudicing the defence available under Article 36(9) to a person charged with an offence in respect of a sample of milk taken after the milk has left his or her possession.

## **30 Presumptive evidence of adulteration of milk**

The Minister may make Orders for determining what deficiency in any of the normal constituents of milk, or what proportion of water, in a sample shall for the purposes of this Law raise a presumption, until the contrary is proved, that the article sampled is not genuine milk.

### *Cream Substitutes*

## **31 Misuse of designation “cream” in relation to cream substitutes**

- (1) Subject to the provisions of this Article, no person shall sell, or offer or expose for sale, for human consumption –

- (a) any substance which resembles cream in appearance, but is not cream; or
  - (b) any article of food containing such a substance,under a description or designation which includes the word “cream” (whether or not as part of a composite word).
- (2) The provisions of paragraph (1) shall not apply to the sale, or offer or exposure for sale, of any substance being reconstituted or imitation cream as defined by this Article, or of any article containing such substance, under a description or designation which identifies the substance as such, or to the sale, or offer or exposure for sale, of any substance under a description or designation which indicates that the substance is not for use as, or as a substitute for, cream.
- (3) In this Article “reconstituted cream” means a substance which, not being cream, resembles cream in appearance and contains no ingredient not derived from milk, except –
  - (a) water; or
  - (b) ingredients (not added fraudulently to increase bulk, weight or measure, or to conceal inferior quality) which may lawfully be contained in a substance sold for human consumption as cream,and “imitation cream” means a substance which, not being cream or reconstituted cream, resembles cream in appearance and is produced by emulsifying edible oils or fats with water, either by themselves or with other substances which are neither prohibited by any Order made for the purposes of this Article under Article 6, nor added in quantities so prohibited.
- (4) For the purposes of this Article, the description or designation under which a substance or article is sold, or offered or exposed for sale, shall be deemed to include the word “cream” if it includes any other word (composite or otherwise) which is calculated to lead a purchaser to suppose that the substance is or, as the case may be, the article contains either cream or a substance for use as cream.
- (5) A person who contravenes the provisions of paragraph (1) shall be guilty of an offence.

### **32 Extension to reconstituted cream of provisions relating to cream**

Save as otherwise expressly provided, such of the following provisions as apply in relation to cream, that is to say –

- (a) any provision of this Part of this Law; and
- (b) any provision of an Order made under Article 26, other than a provision relating to the registration of dairymen and dairies,

shall also apply in relation to reconstituted cream as defined by Article 31.

## PART 4

### ADMINISTRATION, ENFORCEMENT AND LEGAL PROCEEDINGS

#### *Sampling and analysis*

#### **33 Power of sampling**

- (1) An authorized officer may –
  - (a) exercise such powers of procuring samples for analysis, or for bacteriological or other examination, as are conferred on him or her by this Article;
  - (b) purchase samples of any food or of any substance capable of being used in the preparation of food.<sup>31</sup>
- (2) Subject to the provisions of this Article, an authorized officer may take a sample of any food, or of any substance capable of being used in the preparation of food, which appears to the authorized officer to be intended for sale, or to have been sold, for human consumption, or is found by the authorized officer on any premises, stall, vehicle, ship, aircraft or place which he or she is authorized to enter for the purposes of this Law.
- (3) Without prejudice to the provisions of paragraph (2), an authorized officer –
  - (a) may take a sample of milk at any dairy farm, or at any dairy, or which is deposited for collection, or at any time before it is delivered to a consumer in pursuance of a sale by retail;
  - (b) may, at the request of a person to whom any food or substance is, or is to be, delivered in pursuance of a contract of sale, take a sample of that food or substance in the course of delivery, or at the place of delivery.
- (4) An authorized officer who under this Article takes a sample of milk of any cows at a dairy farm or dairy may take such steps at the dairy farm or dairy as may be necessary to satisfy himself or herself that the sample is a fair sample of the milk of the cows.
- (5) Except as provided by paragraph (3), or with the consent of the purchaser, an authorized officer shall not take a sample of any food or substance which appears to him or her to have been sold by retail, either while the food or substance is in the course of delivery to the purchaser, or at any time after such delivery.
- (6) Nothing in this Article shall empower an authorized officer to take a sample of any food or substance in a ship (not being a passenger carrying ship) or in any aircraft other than food imported as the cargo, or part of the cargo, of that ship or aircraft.
- (7) Notwithstanding any of the provisions of the [Licensing \(Jersey\) Law 1974](#), it shall be lawful for any person to sell intoxicating liquor to an authorized officer for the purpose of his or her functions under this Law.

#### **34 Provisions as to analysis of samples**

- (1) Where an authorized officer who has taken or purchased a sample of any food or substance considers that the sample should be analyzed, the authorized officer

shall, except in a case to which Article 38 applies, divide the sample into 3 parts and shall cause each part to be marked and sealed or fastened up in such manner as its nature will permit and shall deliver 2 parts of the sample to the Official Analyst, and shall deal with the third part of the sample in accordance with the provisions of paragraph (2), as the case may require.<sup>32</sup>

- (2) The third part of a sample divided in accordance with the provisions of paragraph (1) shall be dealt with in manner following, that is to say –
  - (a) where the sample has been taken or purchased from any person, the authorized officer shall give the third part of the sample to the person from whom it was taken or purchased, or where that person does not appear to be the owner of the food or substance of which the sample was taken or purchased, to the person who appears to be the owner; or
  - (b) where the sample has been purchased from an automatic machine, the authorized officer shall give the third part of the sample –
    - (i) if the name and address (being an address in Jersey) of a person purporting to be the owner of the machine appears on the machine, to that person, and
    - (ii) in any other case to the occupier of the premises on which the machine stands or to which it is affixed;
  - (c) where the sample is of goods consigned from outside Jersey and has been taken by an authorized officer before the goods were delivered to the consignee, the authorized officer shall give the third part of the sample to the consignee.<sup>33</sup>
- (3) In any case where a sample has been taken or purchased for analysis, the authorized officer by whom the sample was taken or purchased shall inform the person to whom the third part of the sample is given that the sample has been taken or purchased for the purpose of analysis by the Official Analyst.
- (4) Any part of a sample which, under the provisions of this Article, is to be given to any person may be given either by delivering it to the person or to his or her agent or by sending it to the person by registered post or by the recorded delivery service:  
Provided that where, after reasonable inquiry, the authorized officer is unable to ascertain the name and address of the person to whom the part of the sample is to be given, the authorized officer may, in lieu of giving the part to that person, retain it.
- (5) A person, other than an authorized officer, who has purchased any food or any substance capable of being used in the preparation of food, may submit a sample of that food or substance to the Official Analyst for analysis.<sup>34</sup>
- (6) Where a sample submitted to the Official Analyst has been divided into parts, in accordance with the provisions of paragraph (1), the Official Analyst shall analyse one of the parts of the sample submitted to the Official Analyst and shall retain the other part for such period as may be prescribed.
- (7) Where a sample is submitted for analysis under the provisions of paragraph (5), the Official Analyst may require the payment in advance of such fee as may be fixed by the Minister for Treasury and Resources.
- (8) The Official Analyst shall deliver to the person by whom a sample has been submitted for analysis a certificate specifying the results of the analysis.

- (9) A certificate delivered under the provisions of paragraph (8) shall be in the prescribed form and shall be signed by the Official Analyst, but the analysis may be made by any person acting under his or her direction.

### **35 Provisions as to samples taken for analysis**

- (1) An authorized officer who purchases or takes a sample of any food or substance for the purpose of analysis by the Official Analyst shall deal with the sample in accordance with the provisions of Article 34.<sup>35</sup>
- (2) The provisions of Article 34 shall apply to the purchase of samples by any person other than an authorized officer, and references therein to an authorized officer shall be construed accordingly.
- (3) Where it appears to an authorized officer that any food or substance of which he or she has procured a sample for the purpose of analysis, was manufactured or put into its container or wrapper by a person, other than a person to whom, under the provisions of Article 34(2), one part of the sample is required to be given, having the person's name and an address in Jersey displayed on the container or wrapper, the authorized officer shall, within the 3 days next following the day on which he or she procured the sample, give notice to that person of the procuring of the sample and of the place from which it was procured.<sup>36</sup>
- (4) Where a sample taken or purchased by an authorized officer has been analysed by the Official Analyst, any person to whom a part of the sample was given under the provisions of Article 34(2) shall be entitled, on payment of a fee of 5p, to be supplied with a copy of the certificate given by the Official Analyst under the provisions of Article 34(8).

### **36 Special provisions as to sampling of milk and subsequent proceedings**

- (1) The provisions of this Law relating to the procuring of samples by an authorized officer, and to proceedings in connection therewith, shall, in relation to milk, have effect subject to the provisions of this Article.
- (2) Where a sample of milk is procured from a purveyor of milk, he or she shall, if so required by the person by whom or on whose behalf the sample was procured, state the name and address of the seller from whom he or she received the milk.
- (3) Within 60 hours after the sample was procured from the purveyor, he or she may serve on the Minister a notice stating the name and address of the seller from whom he or she received the milk and the time and place of delivery to him or her of milk from a corresponding milking, and requesting the Minister to take immediate steps to procure, as soon as practicable, a sample of milk from a corresponding milking in the course of delivery to him or her by the seller:

Provided that –

- (a) if such a sample has been so procured –
- (i) since the sample in question was procured, or
- (ii) within the 24 hours immediately preceding the procuring of the sample in question,
- it shall not be necessary for the Minister to procure another sample in accordance with the notice;

- (b) the purveyor shall have no right to require that such a sample shall be procured if the milk from which the sample procured from him or her was taken was a mixture of milk produced on more than one dairy farm.
- (4) If a purveyor of milk has served on the Minister a notice under paragraph (3), and the Minister has, in a case not falling within the proviso to that paragraph, omitted to procure a sample of milk from the seller in accordance with the provisions of that paragraph, no proceedings under this Law shall be taken against the purveyor in respect of the sample procured from the purveyor.
- (5) Where proceedings are taken against the purveyor, a copy of the certificate of the result of the analysis of every sample so procured in the course of delivery shall be furnished to the purveyor, and every such certificate and copy shall, subject to the provisions of Article 48, be admissible as evidence on any question whether the milk sold by the purveyor was sold in the same state as it was in when the authorized officer purchased it.
- (6) The Minister may, instead of, or in addition to, taking proceedings against the purveyor, take proceedings against the seller.
- (7) Where a sample of milk of cows on any dairy farm is procured in course of transit or delivery from that dairy farm, the dairy farmer may, within 60 hours after the sample was procured, serve on the Minister a notice requesting the Minister to take immediate steps to procure, as soon as practicable, a sample of milk from a corresponding milking of the cows and, thereupon the provisions of paragraphs (3) to (6) inclusive shall, so far as applicable, apply with any necessary modifications:  
  
Provided that the person procuring the sample shall be empowered to take any such steps at the dairy farm as may be necessary to satisfy the person that the sample is a fair sample of the milk of the cows.
- (8) So much of any contract as requires a purveyor of milk, on a sample of milk being procured under this Law, to send to the person from whom the purveyor obtained the milk any part of the sample, or to give to that person notice that a sample has been so procured, shall be void.
- (9) It shall be a defence for a person charged with an offence under this Law, or under any Order made thereunder, in respect of a sample of milk taken after the milk has left his or her possession, to prove that the churn or other vessel in which the milk was contained was effectively closed and sealed at the time when it left his or her possession, but had been opened before the person by whom the sample was taken had access to it.

### **37 Analysis and examination of food**

- (1) The Minister for Economic Development, Tourism, Sport and Culture may, in relation to any matter appearing to him or her to affect the general interests of agriculture in the Island, direct any person who is –
  - (a) an officer of an administration of the States for which that Minister is assigned responsibility; and
  - (b) is duly authorized in that behalf by that Minister,to procure samples of any specified food, and thereupon that officer shall have all the powers of an authorized officer and this Law shall apply as if he or she were an authorized officer.<sup>37</sup>

- (2) An officer to whom paragraph (1) refers who procures a sample of a specified food for the purpose of analysis shall deal with that sample in accordance with the provisions of Article 37 of this Law.
- (3) The Minister for Economic Development, Tourism, Sport and Culture shall communicate to the Minister for Health and Social Services the result of the analysis of a sample procured under the provisions of paragraph (1) of this Article and where the result of the analysis shows that proceedings should be taken, it shall be the duty of the Minister for Health and Social Services to cause proceedings to be taken as if the sample had been procured by an authorized officer.<sup>38</sup>

### **38 Provisions as to cases in which division of sample into parts is impracticable**

Where any person procures a sample consisting of a food or substance contained in unopened containers, and the division into parts of the food or substance contained in those containers –

- (a) is not reasonably practicable; or
- (b) might affect the composition, or impede the proper analysis, of the contents,

the provisions of Article 34 with respect to the division of samples into parts shall be deemed to be complied with if the person procuring the sample divides the containers into the requisite number of lots and deals with each lot as if it were a part in the manner provided by those provisions, and references in this Law to a part of a sample shall be construed accordingly.<sup>39</sup>

### **39 Power of Minister to examine food**

The Minister may –

- (a) at the request of a person who has in his or her possession any food which has not been sold and is not intended for sale; and
- (b) on payment by that person of such fee, if any, as may be fixed by the Minister for Treasury and Resources,

arrange to have the food examined.

### **40 Reports by Official Analyst**

The Official Analyst shall each quarter report to the Minister the number of articles which have been analyzed by the Official Analyst under this Law during the preceding quarter and the result of each analysis.

## *Enforcement*

### **41 Power to enter premises**

- (1) Subject to the provisions of this Article, an authorized officer on production, if so required, of evidence of his or her authority, may enter any premises at all reasonable hours –



- (a) for the purpose of ascertaining whether there is or has been on, or in connection with, the premises any contravention of the provisions of this Law or of any Order made thereunder; and
- (b) generally for the purpose of the performance by the Minister of his or her functions under this Law or under any such Order:

Provided that admission to any premises used only as a private dwelling-house shall not be demanded as of right unless 24 hours' notice of the intended entry has been given to the occupier of the premises.

- (2) If the Bailiff is satisfied by information on oath –
  - (a) that admission to any premises has been refused, or that refusal is anticipated, or that the premises are unoccupied or that the occupier is temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of the entry; and
  - (b) that there is reasonable ground for entry into the premises for any such purpose as aforesaid,the Bailiff may grant a warrant to an authorized officer authorizing him or her to enter the premises, if need be by force.
- (3) An authorized officer entering any premises by virtue of the provisions of this Article, or of a warrant granted thereunder, may take with him or her such other persons as may be necessary, and on leaving any unoccupied premises which the authorized officer has entered by virtue of such a warrant shall leave them as effectively secured against trespassers as he or she found them.
- (4) Every warrant granted under the provisions of this Article shall continue in force until the purpose for which the entry is necessary has been satisfied.
- (5) If any person who, in compliance with the provisions of this Article or of a warrant granted thereunder, is admitted into a factory or workplace discloses to any person any information obtained by him or her in the factory or workplace with regard to any manufacturing process or trade secret, the person shall, unless the disclosure was made in the performance of his or her duty, be guilty of an offence.<sup>40</sup>
- (6) Nothing in this Article shall authorize any person, except with the permission of the Minister for Economic Development, Tourism, Sport and Culture under the Diseases of Animals (Jersey) Law 1956, to enter any cowshed or other place in which an animal affected with any disease to which that Law applies is kept and which is situated in a place declared under that Law to be an infected place.<sup>41</sup>
- (7) The provisions of this Article shall not apply in relation to the enforcement of Orders made under Article 9.

#### **42 Power to enter ships, aircraft, vehicles etc.**

- (1) An authorized officer on production, if so required, of evidence of his or her authority, may at all reasonable hours –
  - (a) enter any ship or aircraft for the purpose of ascertaining whether there is in the ship or aircraft any food imported as part of the cargo in contravention of the provisions of Orders made under Part 2; and

- (b) enter any vehicle, stall or place other than premises, or any passenger carrying ship, for any purpose for which the authorized officer is empowered under the provisions of Article 41 to enter premises.
- (2) The provisions of Article 41(2) to (4) shall apply in relation to any ship, aircraft, vehicle, stall or place which may be entered under the powers conferred by that Article as they apply in relation to premises, and as if any reference to the occupier of premises were a reference to the master, commander, or other person in charge of the ship, aircraft, vehicle, stall or place.

#### **43 Restriction on movement of imported food**

- (1) Without prejudice to any power of examining food which may be conferred by Orders made under Part 2, an authorized officer may give to the person in possession of any food imported into Jersey for sale for human consumption directions prohibiting or restricting the removal or delivery of the food –
  - (a) during any period not exceeding 48 hours; and
  - (b) if within that period the officer so requires, until that person has notified the officer of the name of the person to whom, and the address to or at which, he or she proposes to send or deliver the food.
- (2) A person who fails to comply with any direction given under the provisions of paragraph (1), or who in a notification thereunder knowingly makes any misstatement shall be guilty of an offence, and the provisions of Article 44(3) shall not apply.

#### **44 Persons obstructing execution of law**

- (1) A person who wilfully obstructs any person acting in the execution of this Law, or of any order made or warrant granted thereunder, shall be liable to a fine.<sup>42</sup>
- (2) If –
  - (a) an authorized officer applies to purchase any food or substance exposed for sale, or on sale by retail, and tenders the price for the quantity which the authorized officer requires as a sample, and the person exposing the food or substance for sale, or having it for sale, refuses to sell to the officer such quantity thereof as aforesaid; or
  - (b) the seller or consignor of any article or substance of which an officer has power to take a sample, or a person having the charge for the time being of such an article or substance, refuses to allow the officer to take the quantity which the officer requires as a sample,

then, in any of the cases mentioned in sub-paragraphs (a) and (b) the person concerned shall be treated for the purposes of paragraph (1) as having wilfully obstructed the officer:

Provided that, where any food or substance is exposed for sale in an unopened container duly labelled, no person shall be required to sell it except in the unopened container in which it is contained.<sup>43</sup>

- (3) A person who fails to give to any person acting in the execution of this Law or of any Order or warrant made or granted thereunder, any assistance which that person

may reasonably require, or who, when required to give any information, knowingly makes any misstatement in respect thereof, shall be liable to a fine:

Provided that nothing in this paragraph shall be construed as requiring a person to answer any question or give any information, if to do so might incriminate him or her.<sup>44</sup>

- (4) The provisions of paragraph (3) shall be without prejudice to so much of Article 58 as enables any Order made under this Law to contain provisions for imposing penalties on persons offending against the Order.

### *Legal proceedings*

#### **45 Punishment of offences<sup>45</sup>**

A person guilty of an offence under this Law shall, unless a special punishment for that offence is provided by this Law, be liable to a fine or to imprisonment for a term not exceeding 2 years or to both.

#### **46 Offences by bodies corporate**

Where an offence under this Law, or any Order made under this Law, which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer, of the body corporate or any person purporting to act in any such capacity, he or she as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

#### **47 Criminal liability of aiders and abettors, etc.<sup>46</sup>**

Without prejudice to Article 46, any person who knowingly and wilfully aids, abets, counsels, causes, procures or commands the commission of an offence under this Law shall be liable to be dealt with, tried and punished as a principal offender.

#### **48 Evidence of certificate of analysis**

- (1) In any proceedings under this Law, the certificate of the Official Analyst shall be sufficient evidence of the facts therein stated, unless the defendant or person charged requires that the person who made the analysis be called as a witness or that the court, in pursuance of Article 50(1), orders that the sample be further analyzed by the Government Chemist.
- (2) An Order made under Article 6 or 9 may prescribe a method of analysis for the purpose of ascertaining the presence in, or absence from, any food of any substance specified in the Order, or the quantity of any such substance which is present in any food, and in any proceedings under this Law –
- (a) for a contravention of any Order made under either of the said Articles; or
  - (b) for an offence under Article 4 or 8,
- in respect of any food alleged to contain, or not to contain, any substance specified as aforesaid or any particular quantity of such a substance, evidence of an analysis

carried out by the prescribed method shall be preferred to evidence of any other analysis or test.

#### **49 Presumptions**

For the purposes of this Law and of any Order made thereunder –

- (a) any article commonly used for human consumption shall, if sold or offered, exposed or kept for sale, be presumed, until the contrary is proved, to have been sold or, as the case may be, to have been or to be intended for sale, for human consumption;
- (b) any article commonly used for human consumption which is found on premises used for the preparation, storage or sale of that article and any article commonly used in the manufacture of products for human consumption which is found on premises used for the preparation, storage or sale of those products, shall be presumed, until the contrary is proved, to be intended for sale, or for manufacturing products for sale, for human consumption;
- (c) any substance capable of being used in the composition or preparation of any article commonly used for human consumption which is found on premises on which that article is prepared shall, until the contrary is proved, be presumed to be intended for such use.

#### **50 Power of court to require analysis by Government Chemist**

- (1) The court before which any proceedings are taken under this Law may, if it thinks fit, and on the request of either party shall, cause the part of the sample retained by the Official Analyst under the provisions of Article 34(6) to be sent to the Government Chemist in order that it may be analyzed by the Government Chemist or by any person acting under his or her direction and a certificate of the result of the analysis submitted to the court.
- (2) The costs of, and incidental to, the analysis shall be paid by the person at whose request the analysis was made.
- (3) If, in a case where an appeal is brought, no action has been taken under paragraph (1), the provisions thereof shall apply also in relation to the court by which the appeal is heard.
- (4) In any legal proceedings the production of a certificate of the Government Chemist shall be sufficient evidence of the facts stated therein.

#### **51 Contravention due to default of some other person**

- (1) A person against whom proceedings are brought under this Law shall, on information duly laid by him or her and on giving to the prosecution not less than 3 clear days' notice of his or her intention, be entitled to have any person to whose act or default he or she alleges that the offence in question was due brought before the court in the proceedings, and if, after the contravention has been proved, the original defendant proves that the contravention was due to the act or default of that other person, that other person may be convicted of the offence, and, if the original defendant further proves that he or she has used all due diligence to secure

that the provisions in question were complied with, the original defendant shall be acquitted of the offence.

- (2) Where a defendant seeks to avail himself or herself of the provisions of paragraph (1) –
  - (a) the prosecution, as well as the person whom the defendant charges with the offence, shall have the right to cross-examine him or her, if he or she gives evidence, and any witness called by him or her in support of his or her pleas, and to call rebutting evidence;
  - (b) the court may make such order as it thinks fit for the payment of costs of any party to the proceedings to any other party thereto.
- (3) Where it appears to the Minister that an offence has been committed in respect of which proceedings might be taken under this Law against some person and the Minister is reasonably satisfied that the offence in question was due to an act or default of some other person and that the first-mentioned person could establish a defence under the provisions of paragraph (1), proceedings may be taken against that other person without first being taken against the first-mentioned person.
- (4) In any proceedings to which paragraph (3) applies, the defendant may be charged with and, on proof that the offence was due to his or her act or default, be convicted of, the offence with which the first-mentioned person might have been charged.

## **52 Contraventions originating in the other British Islands**

- (1) Where proceedings are brought against any person (in this Article referred to as the “defendant”) in respect of any offence against any of the provisions of this Law, or of any Order made under this Law, and it is proved –
  - (a) that the offence was due to the act or default of some other person, being an act or default which took place in one of the other British Islands; and
  - (b) that the defendant used all due diligence to secure compliance with the said provisions,the defendant shall, subject to the provisions of this Article, be acquitted of the offence.
- (2) The defendant shall not be entitled to be acquitted under the provisions of this Article unless within 7 days from the day of the service of the summons on the defendant he or she has given notice to the prosecution of his or her intention to rely on the provisions of this Article, specifying the name and address of the person to whose act or default he or she alleges that the offence was due, and has sent a like notice to that person.
- (3) The person specified in a notice given under the provisions of this Article shall be entitled to appear at the hearing and to give evidence, and the court may, if it thinks fit, adjourn the hearing to enable him or her to do so.
- (4) Where it is proved that the offence in question was due to the act or default of some person other than the defendant, being an act or default which took place in one of the other British Islands, the Judicial Greffier shall (whether or not the defendant is acquitted) cause notice of the proceedings to be sent to the Minister who shall cause the appropriate authority in that other British Island to be notified.

**53 Conditions under which warranty may be pleaded as defence**

- (1) Subject to the provisions of this Article, in any proceedings for an offence under this Law or any Order made thereunder, being an offence consisting of selling, or offering, exposing or advertising for sale, or having in possession for the purpose of sale, any article or substance, it shall be a defence for the defendant to prove –
  - (a) that he or she purchased it as being an article or substance which could lawfully be sold or otherwise dealt with as aforesaid, or, as the case may be, could lawfully be so sold or dealt with under the name or description or for the purpose under or for which he or she sold or dealt with it, and with a written warranty to that effect;
  - (b) that the defendant had no reason to believe at the time of the commission of the alleged offence that it was otherwise;
  - (c) that it was then in the same state as when the defendant purchased it.
- (2) A warranty shall only be a defence in proceedings under this Law if –
  - (a) the defendant –
    - (i) has, not later than 3 clear days before the date of the hearing, sent to the prosecution a copy of the warranty with a notice stating that he or she intends to rely on it and specifying the name and address of the person from whom he or she received it, and
    - (ii) has also sent a like notice of his or her intention to that person;
  - (b) in the case of a warranty given by a person resident outside Jersey, the defendant proves that he or she had taken reasonable steps to ascertain, and did in fact believe in, the accuracy of the statement contained therein;
  - (c) in the case of a prosecution in respect of a sample of milk procured from him or her, the defendant either –
    - (i) has within 60 hours after the sample was procured served a notice such as is mentioned in Article 36(3), or
    - (ii) not having served such a notice proves that he or she had reasonable cause to believe that such a notice would have been of no effect by reason of the fact that the milk in question was a mixture of milk produced on more than one dairy farm.
- (3) Where the defendant is a servant of the person who purchased the article or substance under a warranty, he or she shall be entitled to rely on the provisions of this Article in the same way as his or her employer would have been entitled to do if he or she had been the defendant.
- (4) The person by whom the warranty is alleged to have been given shall be entitled to appear at the hearing and to give evidence, and the court may, if it thinks fit, adjourn the hearing to enable him or her to do so.
- (5) For the purposes of this Article and Article 54, a name or description entered in an invoice shall be deemed to be a written warranty that the article or substance to which the entry refers can be sold or otherwise dealt with under that name or description by any person without contravening any of the provisions of this Law or of any Order made thereunder.

**54 Offences in relation to warranties and certificates of analysis**

- (1) A defendant who in any proceedings under this Law wilfully applies to any article or substance a warranty or certificate of analysis given in relation to any other article or substance shall be guilty of an offence.
- (2) A person who, in respect of any article or substance sold by him or her, being an article or substance in respect of which a warranty might be pleaded under the provisions of Article 53, gives to the purchaser a false warranty in writing, shall be guilty of an offence, unless he or she proves that when he or she gave the warranty he or she had reason to believe that the statements or description contained therein were accurate.

*Appeals***55 Effect of court's decision**

Where on an appeal under this Law, or under any Order made under this Law, the court varies or reverses any decision of the Minister, it shall be the duty of the Minister to give effect to the order of the court and, in particular, to grant any necessary licence or to make any necessary entry in any register.

**56 Right to carry on business pending appeal**

- (1) Where a decision of the Minister under this Law, or under any Order made under this Law, refusing, cancelling, suspending or revoking a licence, makes it unlawful for a person to carry on any business which the person, or his or her immediate predecessor in the business, was lawfully carrying on at the date when the decision of the Minister was given, or to use any premises for any purpose for which the person, or his or her immediate predecessor in the business, was lawfully using them, at the said date, he or she may carry on that business and use those premises for that purpose until the time for appealing has expired and, if an appeal is lodged, until the appeal is abandoned or dismissed.<sup>47</sup>
- (2) The provisions of paragraph (1) shall apply where the decision of a court in proceedings in respect of an offence under this Law, or under any Order made under this Law, makes it unlawful for a person to carry on a business which he or she was lawfully carrying on immediately before the decision was given, or to use any premises for any purpose for which he or she was then lawfully using them.

*Compensation***57 Disputes as to compensation**

Where by any of the provisions in Part 2 provision is made for the payment of compensation to any person, any dispute arising as to the fact of damage or loss, or as to the amount of compensation, shall be determined by arbitration.

## **PART 5**

### **MISCELLANEOUS**

#### **58 Provisions as to Orders**

- (1) The Minister may make Orders for prescribing anything which, under this Law, may be, or is required to be, prescribed and, without prejudice to the generality of the provisions under which they are made, any Order made under Part 2 or 3 may –
- (a) modify for the purposes of the Order any provisions of this Law relating to the taking, analysis and examination of samples;
  - (b) apply, in relation to matters to be dealt with by the Order, any provision in any law (including this Law) dealing with the like matters, with any necessary modifications and adaptations;
  - (c) authorize the making of charges for the purposes of the Order, or for any service performed under the Order, and provide for the recovery of charges so made;
  - (d) contain provisions for imposing on persons offending against the Order penalties not exceeding the penalties prescribed by Article 45;
  - (e) make such ancillary and incidental provisions as appear to the Minister to be necessary or desirable,
- and any Order made as aforesaid may require persons carrying on any activities to which the Order applies to keep and produce records and furnish returns.

(2) <sup>48</sup>

#### **59 Power of Minister to require information as to ownership of premises**

The Minister may, for the purposes of enabling himself or herself to perform any of his or her functions under this Law, or under any Order made under this Law, require the occupier of any premises, and any person who either directly or indirectly receives rent in respect of any premises, to state in writing the nature of his or her own interest in those premises and the name and address of any other person known to him or her as having an interest in those premises, whether as owner, mortgagee, lessor or otherwise, and any person who fails to comply with a requirement under this Article, or who, in connection with such requirement, knowingly furnishes any information which is false in a material particular, shall be liable to a fine.<sup>49</sup>

#### **60 Evidence and form and service of notices**

- (1) In any proceedings under this Law, no proof shall be required of the appointment and handwriting of an authorized officer.
- (2) Every notice under this Law, or under any Order made thereunder, shall be in writing.
- (3) Notices under this Law shall be in such form (if any) as may be prescribed.
- (4) Any notice required by this Law to be given to the prosecution may be given either by leaving it at, or sending it by post to, the office of the Attorney General.



- (5) Any notice required by this Law to be given to a person being a body corporate shall be duly given if it is given or sent by post to the secretary or clerk of the body corporate.
- (6) Subject to the provisions of paragraph (5), any notice required by this Law to be given to any person may be given –
  - (a) by delivering it to that person;
  - (b) by leaving it at the person's proper address;
  - (c) by registered post; or
  - (d) by the recorded delivery service.
- (7) For the purposes of this Article and of Article 7 of the [Interpretation \(Jersey\) Law 1954](#), the proper address of any person on whom any notice is to be given under this Law shall, in the case of the secretary or clerk of a body corporate, be that of the registered or principal office of the body corporate, and in any other case, be the last known address of the person in question.

## **61 Temporary continuance of licence or registration on the happening of certain events**

Where the holder of a licence, or a person registered in respect of any premises, under the provisions of this Law or of any Order made thereunder –

- (a) dies;
- (b) becomes incapable by reason of mental or physical disease or disability;
- (c) becomes bankrupt;
- (d) being a body corporate, goes into liquidation;
- (e) appoints an attorney without whom he or she may not act in matters real or personal;
- (f) under Part 4 of the [Capacity and Self-Determination \(Jersey\) Law 2016](#), has a delegate appointed in relation to him or her;
- (fa) has decisions made on his or her behalf in relation to his or her property and affairs, by a person exercising authority to do so conferred by a lasting power of attorney under Part 2 of the [Capacity and Self-Determination \(Jersey\) Law 2016](#); or
- (g) becomes subject to some, or some other, legal disability not being a legal disability consequent on the revocation of the licence or the cancellation of the registration,

and, by reason of that event, the property in, or the control of, the business carried on under the licence or by virtue of the registration is transferred to his or her legal personal representative, the licence or the registration, as the case may be, shall, for the period of 2 months beginning with the happening of the event as aforesaid, be deemed to be held or to continue for the benefit of the legal personal representative:

Provided that, in any case where the Minister is satisfied that such period should be extended and that no circumstances make such an extension undesirable, the Minister may, on the application of the legal personal representative, extend that period for a further period or periods, so, however, that no such extension shall extend the said period of 2 months beyond the period of a year and a day from the happening of the event as aforesaid.<sup>50</sup>

**62 Powers under this Law to be cumulative**

The powers conferred by this Law shall be in addition to, and not in derogation of, any powers conferred by any other enactment.

**63 Citation**

This Law may be cited as the Food Safety (Jersey) Law 1966.<sup>51</sup>

## **SCHEDULE 1**

### **DISEASES TO WHICH ARTICLE 22(1) APPLIES**

Acute inflammation of the throat.  
Diphtheria.  
Dysentery.  
Enteric fever.  
Gastro-enteritis.  
Scarlet fever.  
Tuberculosis.  
Typhoid (including paratyphoid) fever.  
Undulant fever.

## **SCHEDULE 2**

### **DISEASES OF COWS TO WHICH ARTICLE 28 APPLIES**

Actinomycosis of the udder.

Acute mastitis.

Anthrax.

Any comatose condition.

Any infection of the udder or teats which is likely to convey disease.

Any septic condition of the uterus.

Foot-and-mouth disease.

Suppuration of the udder.

Tuberculosis.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement	*Projet No (where applicable)
Food and Drugs (Jersey) Law 1966	<a href="#">L.9/1966</a>	1 May 1967 ( <a href="#">R&amp;O.4913</a> )	
Food and Drugs (Amendment) (Jersey) Law 1993	<a href="#">L.7/1993</a>	7 May 1993	
Food and Drugs (Amendment No. 2) (Jersey) Law 1994	<a href="#">L.9/1994</a>	22 April 1994	
Medicines (Jersey) Law 1995	<a href="#">L.31/1995</a>	1 January 1998 ( <a href="#">R&amp;O.9124</a> )	
Criminal Procedure (Prescription of Offences) (Jersey) Law 1999	<a href="#">L.23/1999</a>	23 July 1999	<a href="#">P.34/1999</a>
Food and Drugs (Amendment No. 3) (Jersey) Law 2000	<a href="#">L.38/2000</a>	1 January 2002 ( <a href="#">R&amp;O.141/2001</a> )	<a href="#">P.51/2000</a>
States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005	<a href="#">R&amp;O.45/2005</a>	9 December 2005	<a href="#">P.59/2005</a>
States of Jersey (Amendments and Construction Provisions No. 12) (Jersey) Regulations 2005	<a href="#">R&amp;O.133/2005</a>	9 December 2005	<a href="#">P.217/2005</a>
Employment of States of Jersey Employees (Consequential, Amendment, Repeal, Transitional and Savings Provisions) (Jersey) Regulations 2005	<a href="#">R&amp;O.155/2005</a>	9 December 2005	<a href="#">P.243/2005</a>
Connétables (Miscellaneous Provisions – Consequential Amendments) (Jersey) Regulations 2014	<a href="#">R&amp;O.81/2014</a>	1 August 2014 ( <a href="#">R&amp;O.80/2014</a> )	<a href="#">P.78/2014</a>
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	<a href="#">R&amp;O.158/2015</a>	1 January 2016	<a href="#">P.46/2015</a> (re-issue)
Criminal Justice (Miscellaneous Provisions) (Jersey) Law 2016	<a href="#">L.1/2016</a>	20 September 2016 ( <a href="#">R&amp;O.98/2016</a> )	<a href="#">P.87/2015</a>
Animal Health (Jersey) Law 2016	<a href="#">L.12/2016</a>	1 February 2017 ( <a href="#">R&amp;O.2/2017</a> )	<a href="#">P.17/2016</a>
States of Jersey (Transfer of Functions No.9) (Health and Social Services to Environment) (Jersey) Regulations 2017	<a href="#">R&amp;O.67/2017</a>	11 July 2017	<a href="#">P.34/2017</a>
States of Jersey (Appointment Procedures) (Jersey) Law 2018	<a href="#">L.13/2018</a>	11 May 2018	<a href="#">P.97/2017</a>

Legislation	Year and No	Commencement	*Projet No (where applicable)
Mental Health and Capacity (Consequential Amendment and Transitional Provision) (Jersey) Regulations 2018	<a href="#">R&amp;O.49/2018</a>	1 October 2018 ( <a href="#">R&amp;O.51/2018</a> )	<a href="#">P.48/2018</a>
Legislation (Jersey) Law 2021	<a href="#">L.8/2021</a>	28 September 2021 ( <a href="#">R&amp;O.112/2021</a> )	<a href="#">P.26/2021</a>

\*Projets available at [www.statesassembly.gov.je](http://www.statesassembly.gov.je)

### Table of Renumbered Provisions

Original	Current
PART I	PART 1
1(3)	spent, omitted from this revised edition
PART II	PART 2
3(2)	repealed by <a href="#">L.31/1995</a>
(3)	3(2)
(4)	(3)
(5)	(4)
(6)	(5)
5(2)	repealed by <a href="#">L.31/1995</a>
(3)	5(2)
20	repealed by <a href="#">L.38/2000</a>
21	repealed by <a href="#">L.38/2000</a>
22	repealed by <a href="#">L.38/2000</a>
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PART III	PART 3
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(m)	(l)
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(o)	(n)
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PART IV	PART 5
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49A	47
50	repealed by <a href="#">L.23/1999</a>
51	48
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57	54
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PART V	PART 5
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62	59
63	60
64	61
65	62
66	spent, omitted from this revised edition
67	63
FIRST SCHEDULE	SCHEDULE 1
SECOND SCHEDULE	SCHEDULE 2
THIRD SCHEDULE	spent, omitted from this revised edition

## Table of Endnote References

<sup>1</sup>	<i>This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005 and the States of Jersey (Amendments and Construction Provisions No. 12) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government</i>
<sup>2</sup> Article 1(1)	<i>amended by L.9/1994, L.38/2000, R&amp;O.155/2005, R&amp;O.81/2014, L.12/2016, R&amp;O.67/2017</i>
<sup>3</sup> Article 2(1)	<i>amended by L.13/2018</i>
<sup>4</sup> Article 2(2)	<i>substituted by L.13/2018</i>
<sup>5</sup> Article 2(3)	<i>amended by L.13/2018</i>
<sup>6</sup> Article 2(5)	<i>amended by L.31/1995</i>
<sup>7</sup> Part heading	<i>amended by L.31/1995</i>
<sup>8</sup> Cross heading	<i>amended by L.31/1995</i>
<sup>9</sup> Article 3(2)	<i>amended by L.31/1995</i>
<sup>10</sup> Article 3(5)	<i>amended by L.31/1995</i>
<sup>11</sup> Article 4(1)	<i>amended by L.31/1995</i>
<sup>12</sup> Article 4(3)	<i>amended by L.31/1995</i>
<sup>13</sup> Article 5(2)	<i>amended by L.31/1995</i>
<sup>14</sup> Article 7(3)	<i>amended by L.7/1993</i>
<sup>15</sup> Article 8(1)	<i>and heading amended by L.31/1995</i>
<sup>16</sup> Article 8(2)	<i>amended by L.31/1995</i>
<sup>17</sup> Article 8(5)	<i>amended by L.31/1995</i>
<sup>18</sup> Article 8(6)	<i>amended by L.31/1995</i>
<sup>19</sup> Article 9(2)	<i>amended by R&amp;O.158/2015</i>
<sup>20</sup> Article 10(1)	<i>amended by L.12/2016</i>
<sup>21</sup> Article 10(2)	<i>amended by R&amp;O.158/2015, L12/2016</i>
<sup>22</sup> Article 10(3)	<i>amended by L.12/2016</i>
<sup>23</sup> Article 11(3)	<i>amended by L.7/1993, L.1/2016</i>
<sup>24</sup> Article 19	<i>substituted by L.38/2000</i>
<sup>25</sup> Article 20(2)	<i>amended by L.38/2000</i>
<sup>26</sup> Article 21(1)	<i>amended by L.7/1993, L.1/2016</i>
<sup>27</sup> Article 22(1)	<i>amended by L.7/1993, L.1/2016</i>
<sup>28</sup> Article 22(4)	<i>amended by L.7/1993, L.1/2016</i>
<sup>29</sup> Article 24(2)	<i>amended by L.7/1993, L.1/2016</i>
<sup>30</sup> Article 26(4)	<i>amended by R&amp;O.158/2015</i>
<sup>31</sup> Article 33(1)	<i>amended by L.31/1995</i>
<sup>32</sup> Article 34(1)	<i>amended by L.31/1995</i>
<sup>33</sup> Article 34(2)	<i>amended by L.31/1995</i>
<sup>34</sup> Article 34(5)	<i>amended by L.31/1995</i>
<sup>35</sup> Article 35(1)	<i>amended by L.31/1995</i>
<sup>36</sup> Article 35(3)	<i>amended by L.31/1995</i>
<sup>37</sup> Article 37(1)	<i>amended by R&amp;O.158/2015</i>
<sup>38</sup> Article 37(3)	<i>amended by R&amp;O.158/2015</i>
<sup>39</sup> Article 38	<i>amended by L.31/1995</i>
<sup>40</sup> Article 41(5)	<i>amended by L.7/1993</i>



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- <sup>41</sup> Article 41(6) *amended by R&O.158/2015*
- <sup>42</sup> Article 44(1) *amended by L.7/1993, L.1/2016*
- <sup>43</sup> Article 44(2) *amended by L.31/1995*
- <sup>44</sup> Article 44(3) *amended by L.7/1993, L.1/2016*
- <sup>45</sup> Article 45 *substituted by L.7/1993*
- <sup>46</sup> Article 47 *inserted by L.7/1993*
- <sup>47</sup> Article 56(1) *amended by L.38/2000*
- <sup>48</sup> Article 58(2) *deleted by L.8/2021*
- <sup>49</sup> Article 59 *amended by L.7/1993, L.1/2016*
- <sup>50</sup> Article 61 *amended by R&O.49/2018*
- <sup>51</sup> Short title *the name of this Law was revised from the “Food and Drugs (Jersey) Law 1966” to the “Food Safety (Jersey) Law 1966” by the Law Revision Board in pursuance of the law revision powers contained in the Law Revision (Jersey) Law 2003 and in response to amendments which made the original name unsuitable*