



Jersey

# **EU LEGISLATION (MILK AND DAIRIES) (JERSEY) ORDER 2017**

## **Official Consolidated Version**

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## EU LEGISLATION (MILK AND DAIRIES) (JERSEY) ORDER 2017

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## EU LEGISLATION (MILK AND DAIRIES) (JERSEY) ORDER 2017

**THE MINISTER FOR EXTERNAL RELATIONS**, in pursuance of Article 2(1)(a) of the [European Union Legislation \(Implementation\) \(Jersey\) Law 2014](#), orders as follows –

Commencement [[see endnotes](#)]

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### 1 Interpretation

In this Order –

“processing dairy” and “processing dairyman” have the meanings given by the [Milk and Dairies \(General Provisions\) \(Jersey\) Order 1992](#);

“relevant EU provision” means any of the provisions listed in the Schedule;

“relevant person or premises” means –

- (a) a processing dairy;
- (b) a processing dairyman;
- (c) a dairy farm or dairy, within the meaning of the [Food Safety \(Jersey\) Law 1966](#), when either is used to produce milk to supply to a processing dairy; or
- (d) a dairy farmer or dairyman, within the meaning of the [Food Safety \(Jersey\) Law 1966](#), when either produces milk to supply to a processing dairy.

### 1A Effect of relevant EU provisions<sup>1</sup>

- (1) The relevant EU provisions have effect, in relation to a relevant person or premises, as if they were enactments.
- (2) This Order continues in force on and after the commencement of Article 6(a) of the [European Union \(Repeal and Amendment\) \(Jersey\) Law 2018](#), as if Article 2(1) of the [European Union Legislation \(Implementation\) \(Jersey\) Law 2014](#) had not been repealed.

### 2 Competent authority

The competent authority, for the purpose of the relevant EU provisions in their application to a relevant person or premises, is the Minister, within the meaning of the [Food Safety \(Jersey\) Law 1966](#).

**3 Application of Article 27(3) of the [Food Safety \(Jersey\) Law 1966](#)**

For the purpose of the application of Article 27(3) of the [Food Safety \(Jersey\) Law 1966](#) in relation to a relevant person or premises, the references in sub-paragraphs (a)(ii) and (b)(i) of that paragraph to “conditions imposed by” an Order under that Law are, for the avoidance of doubt, to be taken to include conditions and requirements of a relevant EU provision in its application to a relevant person or premises.

**4 Offences and penalties**

- (1) A processing dairyman who contravenes a prohibition in or requirement of a relevant EU provision, in its application to that processing dairyman, commits an offence and is liable to imprisonment for a term of 1 year and to a fine.
- (2) Paragraph (3) applies to a person other than a processing dairyman, the competent authority or an agent of the competent authority.
- (3) The person commits an offence, and is liable to a fine of level 3 on the standard scale, if the person contravenes a prohibition in or requirement of a relevant EU provision, in its application to a relevant person or premises.

**5 Citation**

This Order may be cited as the EU Legislation (Milk and Dairies) (Jersey) Order 2017.

**SCHEDULE<sup>2</sup>**

(Article 1)

**RELEVANT EU PROVISIONS****1 Regulation (EC) No 178/2002**

In Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1) –

Articles 12, 14, 15, 16, 17, 18 and 19.

**2 Regulation (EC) No 852/2004**

In Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p. 1) –

Articles 3, 4, 5, 6, and 11;

Annexes I and II.

**3 Regulation (EC) No 853/2004**

In Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55) –

Articles 3, 4, 5, and 7;

Section 1 of Annex II and Section IX of Annex III.

**4 Regulation (EU) 2017/625**

In Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products (OJ L 95, 7.4.2017, p. 1) –

Articles 9(1), 15(1) and (2), 17(a) and (b), and 18.

**5 Regulation (EC) No 183/2005**

In Regulation (EC) No 183/2005 of the European Parliament and of the Council of 12 January 2005 laying down requirements for feed hygiene (OJ L 35, 8.2.2005, p. 1) –

Articles 4(2) and 5(5);

Annex III.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
EU Legislation (Milk and Dairies) (Jersey) Order 2017	<a href="#">R&amp;O.106/2017</a>	19 October 2017
EU Legislation (Official Controls) (Jersey) Regulations 2020	<a href="#">R&amp;O.156/2020</a>	8 December 2020
European Union (Wines, Spirits, Milk and Dairies – Savings) (Jersey) Regulations 2019	<a href="#">R&amp;O.25/2019</a>	11 p.m. on 31 December 2020 ( <a href="#">R&amp;O.189/2020</a> )

### Table of Renumbered Provisions

Original	Current
5	Spent, omitted
6	5

### Table of Endnote References

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- <sup>1</sup> *Article 1A*                      *inserted by R&O.25/2019*  
<sup>2</sup> *Schedule*                      *amended by R&O.156/2020*