



Jersey

# **MILK AND DAIRIES (GENERAL PROVISIONS) (JERSEY) ORDER 1992**

## **Official Consolidated Version**

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Jersey

## MILK AND DAIRIES (GENERAL PROVISIONS) (JERSEY) ORDER 1992

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## **MILK AND DAIRIES (GENERAL PROVISIONS) (JERSEY) ORDER 1992<sup>1</sup>**

**THE HEALTH AND SOCIAL SERVICES COMMITTEE**, in pursuance of Articles 26, 27 and 58 of the [Food Safety \(Jersey\) Law 1966](#), after consultation with the Economic Development Committee, orders as follows –

Commencement [[see endnotes](#)]

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### **PART 1**

#### **INTERPRETATION AND OBLIGATION**

#### **1**

In this Order, unless the contrary intention appears –

“cowshed” means any building or part of a building or any shed in which cows are housed;

“dairy” includes a processing dairy;

“dairyman” includes a processing dairyman;

“Law” means the [Food Safety \(Jersey\) Law 1966](#);

“milking parlour” means any building or part of a building or any shed in which cows are milked;

“milk product” means any food intended for human consumption which consists wholly or mainly of milk with or without colouring matter, flavouring or sweetening and includes butter, cheese, cream, condensed milk, dried milk, evaporated milk and ice-cream;

“milk room” means any part of a dairy or dairy farm, not being a milking parlour, in which milk is cooled, processed, handled or stored or manufactured into milk products;

“notifiable disease” means food poisoning, gastro-enteritis and a disease notifiable under the [Loi \(1934\) sur la Santé Publique](#);

“processing dairy” means any dairy in which –

- (a) milk undergoes any process of heat-treatment, sterilization, pasteurization, homogenization, or separation by skimming or otherwise;
- (b) any milk product is manufactured or produced; or
- (c) milk or any milk product is packaged or placed in sealed containers of a size and in a format suitable for retail sale,

but does not include any premises where the milk so processed is, or the milk products so manufactured or produced are, intended for consumption exclusively by the occupier of the premises or the occupier's family or the occupier's employees or their families;

"processing dairyman" means any occupier of a processing dairy.<sup>2</sup>

## 1A

This Order is subject to the [EU Legislation \(Milk and Dairies\) \(Jersey\) Order 2017](#).<sup>3</sup>

## 2

Every dairy farmer and dairyman shall take all practicable steps to make the provisions of this Order known to every person in or about any dairy farm or dairy in his or her occupation so far as such provisions impose any duties or restrictions on that person and so far as they relate to the processes carried out by that person.

## PART 2

### REGISTRATION OF PROCESSING DAIRIES AND OF PROCESSING DAIRYMEN

## 3

- (1) The Minister shall keep a register of –
  - (a) persons carrying on the trade of processing dairyman; and
  - (b) premises which are used as processing dairies,and shall remove from such register the name of any person who ceases so to trade and the address of any premises which cease to be so used.
- (2) Any person who wishes to be registered as a processing dairyman or to register any premises as a processing dairy shall make application in writing to the Minister.
- (3) Subject to the provisions of Article 27 of the Law, the Minister, on an application in writing by any person carrying on or proposing to carry on at or from premises (whether or not such premises are occupied by such person) the trade of processing dairyman or to use premises as a processing dairy, shall register such person or such premises.
- (4) No person shall carry on the trade of processing dairyman or use any such premises as a processing dairy unless the person or, as the case may be, those premises are registered in pursuance of this Order.

### **PART 3**

#### **INSPECTION OF DAIRIES AND DAIRY FARMS**

#### **4**

The Minister may cause to be made such inspections of –

- (a) dairies and dairy farms; and
- (b) persons in and about dairies and dairy farms who have access to milk, or to churns or other milk vessels,

as the Minister may consider necessary and proper for the purposes of the Law and of this Order.

### **PART 4**

#### **INSPECTION AND HEALTH OF CATTLE**

#### **5**

(1) The Minister may –

- (a) cause to be made such inspections of cattle on dairy farms as the Minister may consider necessary and proper for the purposes of the Law and of this Order; and
- (b) cause the States Veterinary Officer to inspect the cattle on any dairy farm for the purpose of this Order.

(2) Where the States Veterinary Officer has given notice in writing to a dairy farmer of the States Veterinary Officer's intention to inspect the cattle on a dairy farm, the dairy farmer shall cause such cattle to be confined or secured so that a proper veterinary examination may be made.<sup>4</sup>

#### **6**

The States Veterinary Officer, when making an inspection of cattle for the purpose of this Order, may –

- (a) require any cow to be milked in the States Veterinary Officer's presence;
- (b) take samples of the milk; and
- (c) require that the milk from any particular teat shall be kept separate and take separate samples thereof.<sup>5</sup>

#### **7**

Every dairy farmer shall maintain a record in written or other visible form of all cows and heifers from time to time and for the time being owned by the dairy farmer which shall contain sufficient information as to each cow or heifer to enable the cow or heifer to be readily distinguished from any other cow or heifer, including the cow or heifer's ear mark

as designated by the Royal Jersey Agricultural and Horticultural Society and recorded in its Herd Book, and the dairy farmer shall, whenever so requested –

- (a) produce that record to the Minister and, in the event of an inspection of the dairy farmer's cattle for the purpose of this Order, to the States Veterinary Officer or other person making that inspection; and
- (b) provide the Minister, the States Veterinary Officer or other person with a legible copy of the record certified by the dairy farmer as a true copy.<sup>6</sup>

## **PART 5**

### **GENERAL PROVISIONS RELATING TO BUILDINGS, WATER SUPPLIES AND THE CARE OF COWS**

#### **8**

- (1) Every cowshed on a dairy farm shall be –
  - (a) provided with light and ventilation adequate for the maintenance of the health of the cows; and
  - (b) at all times maintained in good condition and kept clean and tidy.
- (2) The approach and access to any cowshed shall be kept clear of any accumulation of dung or other offensive matter.
- (3) The conditions in which the cows are kept shall be such as to prevent gross and avoidable soiling of the animals and dung shall be removed from dung channels in any cowshed as frequently as is necessary.
- (4) Tie-up stalls shall be kept dry and, if necessary, bedding shall be provided.
- (5) Disinfection of any cowshed shall be so carried out that there is no risk of disinfectant being introduced into or tainting milk.
- (6) No person shall keep swine or poultry in any cowshed.
- (7) No person shall keep or store in a cowshed any foodstuff liable to harm, contaminate or taint milk.

#### **9**

Every dairy farmer shall store drugs, pesticides, chemicals and other substances harmful to cows in a place or places to which cows shall not have access.

#### **10**

The occupier of a cowshed, milking parlour or milk room shall take all steps that are reasonably practicable to –

- (a) prevent any risk of infestation of the premises by rodents, insects and other pests; and
- (b) eliminate any rodents, insects or other pests which may from time to time be in or about the premises.



**11**

- (1) No person shall use as a milking parlour, milk room or for the handling, processing or storage of milk, any building or part of a building which –
  - (a) is so situated or constructed as to give rise to the risk of contamination of the milk;
  - (b) except as provided in paragraph (2), is not provided with such windows or such means of artificial lighting as are necessary to enable the milking of cows and any other process connected with milk to be conducted in a good and proper light;
  - (c) (unless it is a cold store) is not provided with a sufficient number of openings suitably placed or suitable mechanical ventilation and so used as to secure that the air therein is kept in a fresh and wholesome condition.
- (2) Any building or part of a building on a dairy farm being used as a milking parlour or milk room at the commencement of this Order which does not conform with the requirements of paragraph (1)(b) may, notwithstanding its failure to conform with those requirements, continue to be so used for such period as the Minister may allow.

**12**

- (1) All premises used as a milking parlour, milk room or for the handling or processing of milk shall be provided with a supply of water suitable and sufficient for the requirements of this Order.
- (2) Every receptacle used for the storage or conveyance of water shall be emptied and cleansed as often as may be necessary to prevent the pollution of the water and to maintain it in a suitable condition for the purpose for which it is required.
- (3) The water supply used for the watering of cows shall, as far as is reasonably possible, be protected against contamination caused by the drainage of foul water or otherwise.

**13**

No occupier of any building, part of a building or shed shall use it as a milking parlour unless –

- (a) those parts of the surface of the floor liable to soiling by cows are impervious and constructed of such material and in such manner as render it practicable to remove any liquid matter which may fall thereon and to prevent, as far as is reasonably practicable, the soiling of the cows;
- (b) the floor is so sloped and provided with gutters or channels of some impervious material so as to ensure that any liquid matter which falls on the floor, or in the gutters or channels, is thereby conveyed to a suitable drain outside the building and thence to a suitable place of disposal, but nothing in this Article shall be deemed to prohibit the practice of providing for the absorption of such liquid matter into some removable material which is afterwards disposed of outside the building;
- (c) those parts of the surface of any walls liable to soiling or infection by cows are impervious and capable of being readily cleansed;
- (d) it is at all times maintained in good condition and kept clean and tidy:

Provided that for the purposes of this Article –

- (i) any building, part of a building or shed being used as a milking parlour at the commencement of this Order which does not conform with the requirements of this Article may, notwithstanding its failure to conform with those requirements, continue to be so used for such period as the Minister may allow;
- (ii) in the case of any building, part of a building or shed which is used as a milking parlour but not as a cowshed, the floor may be provided with a suitable and properly trapped internal drain if no other means of drainage is reasonably practicable; and
- (iii) the requirements of sub-paragraphs (a) and (b) shall not apply to a milking parlour which is a movable shed, but that shed shall be moved with sufficient frequency to avoid the risk of contamination of the milk.

## 14

The occupier of any milk room or building or part of a building in which milk is handled, processed or stored, or is kept or used for the purpose of sale or manufacture into any milk product for sale, shall –

- (a) cause its interior and its furniture, fittings and equipment to be at all times maintained in good condition and kept clean and tidy and cleansed as often as may be necessary to maintain them at all times in a state of thorough cleanliness; and
- (b) except in the case of a building or part of a building in which milk is solely or mainly dealt with by way of retail sale –
  - (i) cause the floor thereof to be constructed of such material and in such a manner as to render the surface impervious so that it is practicable to remove any liquid matter which may fall thereon, and cause such floor to be so sloped as to convey such liquid matter to a suitable and properly trapped drain,
  - (ii) cause the surface of any wall or part of a wall liable to splashing by milk or otherwise to be smooth and impervious, and
  - (iii) cause such floor and any such wall or part thereof to be cleansed with water at least once in every day.

## PART 6

### SPECIAL PROVISIONS APPLICABLE TO THE PRODUCTION OF MILK AND THE TREATMENT, HANDLING AND STORAGE OF MILK

## 15

Every dairy farmer shall cause –

- (a) all equipment and utensils used for milking to be kept at all times clean and in good physical condition;
- (b) every part of the interior of every milking parlour in the dairy farmer's occupation to be kept at all times in such a state of cleanliness as will prevent contamination of the milk;
- (c) all dung and other offensive matter to be removed at least once every day from any milking parlour in the dairy farmer's occupation; and

- (d) the access to and immediate vicinity of any milking parlour or milk room to be kept free from any accumulation of dung or offensive matter.

## 16

Every dairy farmer shall cause the following precautions to be taken in connection with the milking of cows –

- (a) no dry bedding, hay or other dusty matter shall be moved in the milking parlour during milking or within half an hour before milking commences in such manner as to cause risk of contamination of the milk;
- (b) the milking shall be carried out in a good and proper light, whether in the daytime or in the hours of darkness;
- (c) before beginning to milk a cow, the milker shall remove all dirt on or around the udder, teats, tail and the adjacent parts of the flanks, groin, abdomen and thighs of the cow, and the udder and teats shall be kept thoroughly clean during milking;
- (d) the hands of the milker shall be thoroughly washed and dried before milking and shall throughout the milking be kept clean, free from contamination and, as far as practicable, dry;
- (e) all milking stools shall be kept thoroughly clean;
- (f) the foremilk of each cow shall be separately drawn into a receptacle for immediate visual examination and shall be subsequently discarded in such a manner as to avoid risk of infection;
- (g) any cow suffering from a clinical udder disease or in whose foremilk any abnormality is detected shall be –
  - (i) milked after the other cows,
  - (ii) milked by a machine not used for the other cows, or
  - (iii) handstripped,and in each case, the milk shall be kept separate from the milk of the other cows and discarded in such a manner as to avoid risk of infection;
- (h) a teat dip or spray shall –
  - (i) be of a formula approved by the Minister, and
  - (ii) not be applied to a cow in milk except immediately after milking unless otherwise authorized by the Minister;
- (i) as soon as possible after milking, the milk shall be removed to a milk room and pending and during removal the milk shall be kept in a covered receptacle:

Provided that –

- (i) where no milk room is available, the milk may be removed to a milk store-room or other place for the time being approved by the Minister,
- (ii) where the milk is intended for use in the manufacture of butter, treated cream or cheese on the premises where it is produced, that milk may be removed to a room suitable for that purpose;
- (iii) the requirements of sub-paragraph (i) shall not apply in any case where the Minister has given his approval under Article 23 to the milk being cooled in a

closed container in a milking parlour not used for the housing of cattle where the cows are milked by means of a mechanical milking appliance and the milk passes direct from each cow to such container.

**17**

- (1) Every dairy farmer after milking shall, without any delay other than that caused by any process of straining or centrifugalization to which the milk may be subjected, cause the milk to be cooled to a temperature not exceeding 6°C.
- (2) Every dairyman on receiving milk at the dairyman's dairy shall, without delay, cause such milk to be cooled to a temperature not exceeding 5°C.
- (3) Milk (which for the purposes of this paragraph shall include milk from which any fat has been removed) shall be maintained at a temperature not exceeding 5°C from the time of its delivery to a dairy until sale to the consumer (including any period during which it is held in a shop for sale by retail or in catering premises), except –
  - (a) during the course of any heat treatment and subsequent cooling of the milk;
  - (b) during the course of any delivery on sale by retail by a milk roundsman;
  - (c) in the case of milk which has been sterilized or undergone ultra heat treatment and was subsequently placed in a sealed container, during the period that the container remains sealed; or
  - (d) after the beginning of any process of manufacture of a milk product or use of milk as an ingredient in any food.

**PART 7****PROVISIONS WITH REGARD TO INFECTION OF MILK****18**

- (1) Every person having access to milk or to churns or other milk receptacles in or about any dairy farm or dairy as soon as the person becomes aware that the person or any other member of the person's household is suffering from any notifiable disease shall notify the dairy farmer or dairyman of the fact and the dairy farmer or dairyman (as the case may be) shall forthwith notify the Medical Officer of Health.
- (2) Where the Medical Officer of Health becomes aware that any person having access to milk or to churns or to other milk receptacles in or about any dairy farm or dairy is suffering from or has recently been in contact with a person suffering from any disease liable to cause infection of milk, the Medical Officer of Health shall forthwith notify the dairy farmer or dairyman (as the case may be) of the fact.

**19**

- (1) Where the Medical Officer of Health has cause to suspect that any of the persons in or about any dairy farm or dairy who have access to the milk or to the churns or other milk receptacles is suffering from or has recently been in contact with a person suffering from a disease liable to cause infection of milk or is in such a condition that there is a danger of the person causing the milk to become infected, the Medical

Officer of Health may give notice to the dairy farmer or dairyman (as the case may be) that the Medical Officer of Health considers it necessary to make an examination of any or all of those persons; and where the Medical Officer of Health gives such notice that dairy farmer or dairyman and every person concerned shall give to the Medical Officer of Health all reasonable facilities for making such examination.

- (2) Where from the result of such examination or otherwise the Medical Officer of Health is of opinion that the employment of any person is likely to lead to the spread of any disease, the Medical Officer of Health may give notice in writing to that effect to the dairy farmer or dairyman (as the case may be) and to the person concerned specifying the disease in question and requiring that, during a period to be specified in such notice, the person to whom the notice relates shall not milk cows or handle vessels used for containing milk or in any way take part in the production, processing, distribution or storage of milk.
- (3) A person to whom a notice under paragraph (2) relates and any person regarding whom the dairy farmer or dairyman has received notification, either from the person himself or herself or from the Medical Officer of Health in accordance with Article 18 shall not, and no dairy farmer or dairyman shall knowingly allow any such person to, milk cows or handle vessels used for containing milk or in any way take part in the production, processing, distribution or storage of milk until the expiry of the period mentioned in the notice, or, as the case may be, until all danger of communication of disease by means of the milk has ceased.

## 20

- (1) Where the Medical Officer of Health is in possession of evidence which satisfies the Medical Officer of Health in respect of any milk supplied from any dairy farm or dairy that any person is suffering from disease caused by the consumption of such milk or that such milk is infected with disease communicable to man, the Medical Officer of Health may by a notice in writing to the dairy farmer or dairyman concerned, specifying such evidence, require that no milk from that dairy farm or dairy (as the case may be), or that no such milk therefrom as is specified, whether by reference to its category or place of origin, or both, in the notice, shall –
  - (a) be sold for human consumption or used in the manufacture of products for human consumption; or
  - (b) be sold or used, unless it has been treated, or, in the case of a sale, is sold subject to its being treated before consumption, in such a way as to satisfy the Medical Officer of Health that it may, with safety, be so disposed of.
- (2) Where the Medical Officer of Health, without being in possession of such evidence, has reasonable grounds for suspecting that any person is so suffering, or that any milk is so infected, the Medical Officer of Health may, by such notice, specifying the grounds for the Medical Officer of Health's suspicion, make any one or more of the requirements specified in paragraph (1)(b) which are appropriate in the circumstances of the case.
- (3) Any such notice shall –
  - (a) if it is served in respect of milk infected or suspected of being infected with a notifiable disease other than tuberculosis, operate for such period not exceeding 24 hours from the receipt of the notice, as may be specified in it, but may be renewed for a further period or periods of 24 hours;

- (b) in any other case, operate until it is withdrawn; and
  - (c) in any case, be withdrawn forthwith upon the Medical Officer of Health being satisfied that the milk in respect of which it was served is no longer likely to cause disease through infection.
- (4) Where the Medical Officer of Health –
  - (a) serves any notice under this Order, the Medical Officer of Health shall forthwith send a copy of it to the Minister; or
  - (b) withdraws any notice served under this Article, the Medical Officer of Health shall forthwith give notice to the Minister of its withdrawal.
- (5) No person shall sell or use milk contrary to the terms of a notice given by the Medical Officer of Health under this Article.

## PART 8

### GENERAL PROVISIONS FOR PROTECTING MILK AGAINST CONTAMINATION OR INFECTION

#### 21

- (1) Milk shall not be handled, processed or stored in any place where it is liable to become contaminated or infected; and, in particular, it shall not be handled, processed or stored –
  - (a) in any room used as a kitchen, scullery, living-room or sleeping-room;
  - (b) in any room or part of a building which communicates directly by door, window or otherwise with –
    - (i) any sanitary convenience, cesspool or receptacle for ashes or other refuse, or a boiler house or fuel store or a room in which an internal combustion engine is operated unless the exhaust is discharged into the external air,
    - (ii) any room which is used as a sleeping-room or any room which is occupied by a person suffering from a notifiable disease; or
  - (c) in any room or part of a building in which there is any direct inlet to a drain which is not suitably and properly trapped,but nothing in this paragraph shall prohibit –
  - (i) the deposit or keeping of milk intended for use in the manufacture of butter, treated cream or cheese on the premises where it is produced, in a room used as a kitchen;
  - (ii) the existence and operation of an electric or gas boiler in a milking parlour or milk room.
- (2) No article except –
  - (a) milk or milk products;
  - (b) articles used in connection with the production, treatment, handling, storage or distribution of milk or milk products;

- (c) ice-cream,  
may be deposited in a milk room.
- (3) Vessels containing milk shall be properly covered or the milk shall be otherwise effectively protected from dust, dirt, flies or other sources of contamination.
- (4) No foul or noxious matter or soiled bed or body clothing shall be conveyed through any part of a building used for the keeping or storage of milk.
- (5) A milk room shall not be used for any purpose other than –
  - (a) the cooling, processing and handling of milk;
  - (b) the manufacturing of milk into milk products;
  - (c) the storage of milk, milk products or ice-cream; and
  - (d) the cleansing and storing of utensils used for milk or milk products,but nothing in this paragraph shall prohibit the use of a milk room for cleansing bottles which immediately before cleansing have contained any food of a kind commonly sold by dairymen.

## 22

- (1) Every person engaged in the milking of cows or the distribution or measuring of milk or otherwise having access to milk or to churns or other milk receptacles shall keep his or her outer clothing and person clean at all times when so engaged.
- (2) Every person engaged in the milking of cows or otherwise having access to milk in open containers, other than a person engaged in the transport or delivery of milk, shall wear a clean and washable overall and a clean and washable head covering.
- (3) Every person engaged in the milking of cows or in a milk room shall at all times when so engaged –
  - (a) keep any open cut or abrasion on any exposed part of his or her person covered with a suitable waterproof dressing;
  - (b) refrain from spitting; and
  - (c) refrain from the use of tobacco (including snuff).
- (4) The occupier of all premises where milk is produced, handled, sold or stored shall provide on those premises facilities for persons mentioned in paragraph (1) to wash and cleanse themselves, including an adequate supply of soap or other suitable detergent, nail brushes and clean towels or other suitable drying facilities and clean water, both hot and cold:  
  
Provided that this paragraph shall not apply in relation to premises where no milk is kept otherwise than in sealed containers.
- (5) The occupier of every dairy or dairy farm shall provide and maintain thereon, in a readily accessible position, for the use of all persons engaged in the handling of milk on or about that dairy or dairy farm suitable and sufficient bandages, dressings (including waterproof dressings) and antiseptic for first-aid treatment.

**23**

No person shall carry out any process of cooling, bottling, sterilizing or pasteurizing milk or any other process connected with milk or keep any appliances connected with any such process in a milking parlour or in any place where the milk or appliances would be liable to contamination arising from any cowshed, stable, manure-heap or otherwise:

Provided that, where the Minister so approves, this Article shall not be deemed to prohibit the cooling of milk in a closed container in a milking parlour not used for the housing of cattle where the cows are milked by means of a mechanical milking appliance and the milk passes direct from each cow to such container.

**24**

- (1) No person shall keep any swine or poultry in any milking parlour or in any room or shed communicating directly therewith.
- (2) No person shall keep any animal or poultry in any milk room or room in which milk is processed, handled or stored or in which utensils used in connection therewith are kept, or in any room or shed communicating directly therewith.

**25**

No person shall use or cause to be used any milk churn otherwise than as a container for milk where that churn is in use for the purposes of the business of a dairyman.

**PART 9****PROVISIONS RELATING TO THE CLEANSING AND STORAGE OF VESSELS, UTENSILS AND APPLIANCES****26**

- (1) No person shall use, or cause to be used, for the treatment or handling of milk any receptacle or appliance which is incapable of being readily cleansed, except a carton or similar non-returnable container.
- (2) No person shall re-use, or cause to be re-used, for the treatment or handling of milk any carton or similar non-returnable container.

**27**

- (1) Every dairy farmer or dairyman shall ensure that every vessel (including the lid) used for containing milk shall, immediately before use by the dairy farmer or dairyman, be in a state of thorough cleanliness and, if the dairy farmer or dairyman has reason to believe that since last being used for containing milk, any such vessel has not been cleansed in accordance with the provisions of this Article or, subsequent to such cleansing, has been rendered unclean, shall cause the vessel to be cleansed or recleansed as the case may be, and if the dairy farmer or dairyman is unable so to cleanse or recleanse the vessel the dairy farmer or dairyman shall not use it for containing milk.



- (2) Every dairy farmer or dairyman shall cause any appliance used by the dairy farmer or dairyman for any purpose for which it is brought into contact with milk to be cleansed after each use, disinfected and rinsed with potable water and to be, immediately before each use, in a state of thorough cleanliness.
- (3) All vessels and appliances shall be cleansed in a place where they are not liable to become contaminated and after cleansing they shall, when not in use, be stored in a clean place and shall be protected from dust, dirt and contamination. Cartons and similar non-returnable containers, bottle-caps and filter media shall, before use, be stored in a clean place and shall be protected from dust, dirt and contamination.
- (4) Where milk is filtered, the filter must be cleansed or a new filter element installed –
  - (a) before each milking or other use; and
  - (b) forthwith whenever its absorptive capacity is exhausted,and filtering cloths shall not be used.
- (5) Every dairy farmer dispatching an empty vessel, not being a milk tanker or a milk bottle, after it has contained milk, shall cause the vessel to be cleansed in accordance with the provisions of this Article and to be securely closed before it leaves the dairy farmer's dairy farm.
- (6) Every dairyman returning an empty milk tanker, after it has contained milk, shall cause it to be thoroughly rinsed and securely closed before it leaves the dairyman's dairy.
- (7) For the purpose of cleansing or recleansing any milk tanker, vessel or appliance in accordance with the provisions of this Article –
  - (a) as soon after use as is practicable, the milk tanker, vessel or appliance shall be thoroughly disinfected, washed with or without detergents, rinsed with potable water and left with an open plug hole and, before it is used again, it shall be scalded with boiling water or steam or otherwise effectively cleansed with a chemical agent, approved by the Minister and rinsed with potable water, but this sub-paragraph shall not be deemed to require that any glass bottle which is effectively cleansed in a bottle-washing machine shall be scalded with boiling water or steam or cleansed with any approved chemical agent;
  - (b) no chemical agent, other than one approved by the Minister, shall be used as an alternative to boiling water or steam; and
  - (c) if any chemical agent or detergent has been used for cleansing any milk tanker, vessel or appliance, it shall be rinsed with potable water so as to remove all traces of the chemical agent or detergent before it is again brought into contact with milk.

## PART 10

### CONVEYANCE AND DISTRIBUTION OF MILK

#### 28

Every person shall cause every milk tanker, vessel or other receptacle (other than a bottle or carton) in which the person despatches milk to comply with the following requirements –

- (a) the name and address of the consignor of the milk shall be distinctly and legibly marked on the milk tanker, vessel or other receptacle or on a label properly and securely affixed to it; and
- (b) the milk tanker, vessel or other receptacle shall be provided with a lid without openings, which shall be so constructed and fitted as to prevent the access to the milk of dirt, dust or rain water or the return to the interior of the receptacle of any milk which may have been splashed above the lid.

**29**

- (1) Except with lawful authority, no person shall open any vessel or other receptacle containing milk in the course of conveyance or distribution or transfer such milk from one receptacle to another at any place other than a dairy farm or dairy:

Provided that if all practicable precautions are taken to prevent contamination of the milk by dust or otherwise, this paragraph –

- (a) shall not be deemed to prohibit a dairyman or the dairyman's employee or agent –
  - (i) from transferring milk to a milk tanker from a milk tank on or near a dairy farm,
  - (ii) from transferring milk from a milk tanker to another milk tanker, or
  - (iii) when taking delivery of milk, from opening a milk tanker, vessel or other receptacle containing milk for the purpose of checking its contents or from transferring milk to another receptacle for the purpose of sampling;
- (b) shall not apply when milk is sold otherwise than in bottles or cartons –
  - (i) on final delivery on a retail sale, or
  - (ii) as, or as part of, a meal or refreshments.
- (2) Every bottle or carton in which it is intended to deliver milk to consumers shall be filled and closed at a processing dairy; and thereafter, except –
  - (a) with lawful authority; or
  - (b) where the milk is being sold as, or as part of, a meal or refreshments,no person shall open the bottle or carton or tamper with any cap or other device for closing it after it has left the processing dairy and before the bottle or carton is delivered to the consumer.

**30**

Every person engaged in the sale, conveyance or distribution of milk shall use all practicable precautions for preventing the milk from being unnecessarily exposed to heat and from being contaminated by dirt, dust, rain water or otherwise, and in particular –

- (a) no such person shall leave or cause to be left any bottle or carton containing milk on a public highway except upon final delivery on a retail sale;

- (b) every person who habitually uses any particular place for the deposit of milk to await collection or further conveyance shall so far as is practicable afford that place protection from the direct rays of the sun.

**31**

The interior of every vehicle when used for the conveyance of milk shall be kept clean. No live animal or bird or any article likely to contaminate the milk shall be carried in a vehicle conveying milk and no such vehicle which has been used for the conveyance of offensive matter shall be used for the conveyance of milk until that vehicle has been thoroughly cleansed and purified.

**32**

Every person who, himself or herself or by his or her employee, in a street or other place of public resort, sells, or offers or exposes for sale, milk from a stall, or from a vehicle, or from a vessel used without a stall or vehicle, shall have his or her name and address legibly and conspicuously displayed on the stall, vehicle or vessel as the case may be.

**PART 11****PENALTIES****33**

If any person contravenes or fails to comply with any of the provisions of this Order, and the contravention or failure does not amount to an offence under Article 4 of the [EU Legislation \(Milk and Dairies\) \(Jersey\) Order 2017](#), the person shall be guilty of an offence, and shall be liable to a fine not exceeding £500.<sup>7</sup>

**PART 12****CITATION****34**

This Order may be cited as the Milk and Dairies (General Provisions) (Jersey) Order 1992.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement
Milk and Dairies (General Provisions) (Jersey) Order 1992	<a href="#">R&amp;O.8349</a>	1 January 1993
States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005	<a href="#">R&amp;O.45/2005</a>	9 December 2005
Milk and Dairies (General Provisions) (Amendment) (Jersey) Order 2010	<a href="#">R&amp;O.76/2010</a>	26 July 2010
Animal Health (Jersey) Law 2016	<a href="#">L.12/2016</a>	1 February 2017 ( <a href="#">R&amp;O.2/2017</a> )
EU Legislation (Milk and Dairies) (Jersey) Order 2017	<a href="#">R&amp;O.106/2017</a>	19 October 2017

### Table of Renumbered Provisions

Original	Current
PART I	PART 1
1(1)	1
(2)	spent, omitted from this revised edition
PART II	PART 2
PART III	PART 3
PART IV	PART 4
PART V	PART 5
PART VI	PART 6
16(j)	16(i)
(j) proviso (a)	(i) proviso (i)
(j) proviso (b)	(i) proviso (ii)
(j) proviso (c)	(i) proviso (iii)
PART VII	PART 7
PART VIII	PART 8
PART IX	PART 9
PART X	PART 10
PART XI	PART 11
PART XII	PART 12

### Table of Endnote References

- <sup>1</sup> *This Order has been amended by the States of Jersey (Amendments and Construction Provisions No. 5) (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*
- <sup>2</sup> *Article 1* *amended by R&O.76/2010*
- <sup>3</sup> *Article 1A* *inserted by R&O.106/2017*
- <sup>4</sup> *Article 5* *amended by L.12/2016*
- <sup>5</sup> *Article 6* *amended by L.12/2016*
- <sup>6</sup> *Article 7* *amended by L.12/2016*
- <sup>7</sup> *Article 33* *amended by R&O.106/2017*