

The European Communities (Food and Feed Controls) (Alderney) Ordinance, 2019

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

1. Designated Community provisions to have effect.

PART II

REGISTRATION OF FOOD BUSINESSES AND FEED BUSINESSES

2. Food businesses to be registered.
3. Feed businesses to be registered.
4. Applications for registration.
5. Grounds for refusal, variation, suspension or revocation of registration.
6. Fast-track refusal, variation, suspension or revocation.
7. Standard procedure for refusal, variation, suspension or revocation.
8. Committee to maintain public register of food and feed businesses.
9. General duties of registered persons.

PART III

APPROVAL OF FOOD BUSINESSES AND FEED BUSINESSES

10. Certain food and feed businesses to be approved.
11. Exemption for food producers supplying to consumers in the Islands.
12. Applications for approval.
13. Certificates of approval.
14. Grounds for refusal, variation, suspension or revocation of approval.
15. Effect of suspension, revocation or expiry of approval.
16. Surrender of certificates.
17. Committee to maintain public register of approved food and feed businesses.
18. General duties of holders.

PART IV

DUTIES RELATING TO FOOD, FEED AND RELATED OPERATIONS

Specific duties relating to feed

19. Undesirable substances in feedingstuffs.
20. Notice of feed importation.

Duties in relation or supplementary to Regulation 178/2002

21. Importation of food or feed.
22. Unsafe food or feed.
23. Labelling, advertising and presentation.
24. Requirements of food law and verification.
25. Identification, traceability and other information requirements.
26. Withdrawal and recall.
27. Exports and re-exports.

Duties in relation to other Community provisions

28. Contravention of Regulation 852/2004 (hygiene of foodstuffs).
29. Contravention of Regulation 853/2004 (hygiene rules for food of animal origin).
30. Contravention of Regulation 854/2004 (products of animal origin for human consumption).
31. Contravention of Regulation 183/2005 (feed hygiene).
32. Contravention of Regulation 2073/2005 (microbiological criteria for foodstuffs).
33. Contravention of Regulation 2015/1375 (*Trichinella* in meat).
34. Contravention of Commission Regulation 669/2009 (imports of feed or food of non-animal origin).
35. Contravention of Regulation 767/2009 (placing on the market and use of feed).
36. Temperature control requirements.
37. Records required by designated Community provisions.

PART V

ADMINISTRATION AND ENFORCEMENT

Authorised officers

38. Authorised officers and delegations.

Powers of entry, search, etc.

- 39. General powers of entry, search, etc.
- 40. Safeguards for general powers of entry, search, etc.
- 41. Entry to dwellings restricted.

Warrant to enter dwellings, etc.

- 42. Warrants for entry, etc.
- 43. Procedure for search warrants.
- 44. Requirements of search warrants.
- 45. Execution of warrants.
- 46. Safeguards for warranted entry, search, etc.
- 47. Endorsement, return and inspection of warrants.

Miscellaneous powers

- 48. Persons exercising powers may bring other persons and things.
- 49. Detention, storage and disposal of seized property.

Enforcement powers

- 50. Interpretation of this section and sections 51 to 57.
- 51. Improvement notices.
- 52. Prohibition orders.
- 53. Emergency prohibition notices and orders.
- 54. Remedial action notices.
- 55. Detention notices.
- 56. Inspection and seizure of suspected food.
- 57. Food which has not been produced, etc. in accordance with an applicable Community provision or a relevant Ordinance.

Orders of the Court of Alderney

- 58. Court orders relating to seized property.

General provision

- 59. Other powers not limited.

PART VI

APPEALS

60. Appeals against registration or approval decisions.
61. Appeals against disposal, improvement or remedial action notices.

PART VII

REGULATIONS

62. Saving of power to make regulations as to composition of food, etc.
63. Saving of power to make regulations as to labelling and description of food.
64. Saving of power to make regulations as to food hygiene.
65. Saving of power to make regulations to implement applicable Community provisions.
66. Emergency control regulations.
67. Regulations may provide for appeals and create offences.
68. Regulations may impose charges and fees.
69. Regulations may amend or substitute certain provisions and Schedules.
70. Consultation and general provisions as to regulations.

PART VIII

OFFENCES AND PROCEEDINGS

71. Obstruction, etc. or provision of false, deceptive or misleading information.
72. Criminal liability of directors, etc.
73. Criminal proceedings against unincorporated bodies.
74. Penalties and expenses.
75. Exception for claims made in accordance with Regulation 1924/2006.
76. Exception for food supplements.
77. Defence of due diligence.
78. Defence of publication in the course of business.
79. Derogations or transitional measures.
80. Results of analysis not to be adduced unless samples divided.
81. Evidence of certificates, etc.

PART IX
GENERAL PROVISIONS

- 82. Committee may publish and take into account policies and guidance.
- 83. Confidentiality.
- 84. Protection from self-incrimination.
- 85. Apportionment of structural expenditure.
- 86. Temporary continuance of registration or approval on death, etc.
- 87. Service of documents.
- 88. Extended meaning of "**sale**", "**sell**" and "**place on the market**".
- 89. Meaning of "**the protection of human life or health**".
- 90. Presumptions relating to human consumption.
- 91. Interpretation.
- 92. Index of defined expressions.
- 93. Repeals.
- 94. Consequential amendments.
- 95. Transitional and savings.
- 96. Extent.
- 97. Citation.
- 98. Commencement.

- SCHEDULE 1 Designated Community provisions given effect.
- SCHEDULE 2 Conditions of exemptions.
- SCHEDULE 3 Traceability information – food of non-animal origin (except sprouts and seeds intended for the production of sprouts).
- SCHEDULE 4 Traceability information – food of animal origin.
- SCHEDULE 5 Traceability information – sprouts and seeds intended for the production of sprouts.
- SCHEDULE 6 Temperature control requirements.
- SCHEDULE 7 Sampling and related powers and duties.
- SCHEDULE 8 Detention, storage and disposal of seized property.
- SCHEDULE 9 Penalties for offences.
- SCHEDULE 10 Consequential amendments.
- SCHEDULE 11 Transitional and savings provisions.