



FALKLAND ISLANDS

Dairy Produce Ordinance 1938

(ORDINANCE No. 2 OF 1938)

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FALKLAND ISLANDS

Dairy Produce Ordinance 1938

AN ORDINANCE Relating to the inspection of dairies and the manufacture and sale of dairy produce.

*[DATE OF COMMENCEMENT: 4TH JUNE 1938]
(Unless otherwise indicated)*

1 Short title

This Ordinance may be cited as the Dairy Produce Ordinance 1938.

[Revision w.e.f. 31/07/2017]

2 Interpretation

In this Ordinance, unless the context otherwise requires-

"butter fat" means the pure fat of milk;

"conveyance" includes every description of cart, wagon, truck, or other vehicle;

"dairy" means any farm, house, cowshed, milkstore, milk shop or other place from which milk is supplied or in which milk is kept for the purpose of sale;

"dairy produce" means milk, cream, butter or cheese, and includes any other produce of milk or cream, but does not include tinned or condensed milk or cream;

"disease" in the case other than of human beings, means tuberculosis, ringworm, or any other disease and includes any tumour or growth which in the opinion of the inspector is of a malignant or recurrent nature and such as to render unfit for human consumption the milk of the animal suffering therefrom;

"infected" means infected with disease;

"milk" means the milk of cows, goats and sheep, and does not include tinned or condensed milk and cream;

"owner" means the owner, whether jointly or severally, and includes the owner's agent or manager; it includes also in the case of a company, the manager, secretary, or other principal officer thereof;

"package" includes cask, keg, crate, can, box, case, wrapper, tin, and every other receptacle or covering used for the packing of dairy produce;

"prescribed" means prescribed by this Ordinance or by the Regulations under this Ordinance;

"pure milk" means the whole milk (including what is commonly known as the "strippings") drawn at the time of milking; but does not include milk containing less than 3 per cent of butterfat, or mixed with any preservative or chemical or colouring matter of any kind;

"ship" includes a vessel of any description propelled by any means whatever;

"stock" means horses, cattle, sheep, goats, poultry, dogs and swine of any age or sex, and the carcase or any portion of the carcase of any stock.

3 Registration of dairies and licensing of suppliers

Every dairy shall be registered as prescribed under this Ordinance, and no person shall supply, sell or offer for sale any dairy produce unless he is duly licensed in that behalf.

4 Inspectors

(1) The Governor may from time to time appoint inspectors, experts, and other officers as he deems necessary for the purpose of this Ordinance, and may also prescribe their powers and functions.

(2) The Director of Agriculture shall be an inspector under this Ordinance.

(3) Every inspector under this Ordinance shall have all the powers and functions necessary to enforce the provisions of this Ordinance.

5 Powers of inspectors

An inspector may-

- (a) at all reasonable times enter, inspect, and examine any dairy, and also inspect and examine any stock, utensil, machinery, apparatus, or works in a dairy or used in connection with a dairy or with dairy produce, and also any building, conveyance, or ship used for the storage or carriage of dairy produce;
- (b) inspect and examine any dairy produce, or the food or water supplied to any dairy or to the stock in or about any dairy; and also demand and without payment take samples thereof for inspection or analysis;
- (c) detain and open any package containing, or supposed to contain dairy produce, for the purpose of inspecting or taking samples of the contents thereof, or of ascertaining whether such package bears or contains any false description or brand;

- (d) order any dairy, utensil, machinery, apparatus, or work, building, conveyance or ship, as the case may be, to be forthwith cleansed, disinfected, and rendered wholesome to his satisfaction;
- (e) forbid the same to be used in any way for the purposes of dairy produce, either absolutely or until all defects have been remedied to his satisfaction, or for such time as he thinks necessary;
- (f) forbid the removal from a dairy of any dairy produce for such time as he thinks necessary.

6 Inspector may order defects to be remedied

In any case where, as the result of his inspection and examination, the inspector is satisfied of the existence of any of the following defects:

- (a) that any dairy is in an unclean or unwholesome condition;
- (b) that any dairy produce produced or stored in any dairy is likely to be contaminated by reason of any structure or other thing situated in the neighbourhood of the dairy, or of any operations carried on or of any conditions obtaining in the neighbourhood thereof;
- (c) that any utensil, machinery, or apparatus in or about the dairy or used in connection with dairy produce is in an unclean or unwholesome condition, or is otherwise unfit for the purpose;
- (d) that any building, conveyance, or ship used for the storage or carriage of dairy produce is in an unclean or unwholesome condition, or is otherwise unfit for the purpose;
- (e) that any stock in or about a dairy, or used in connection therewith or with dairy produce, are diseased;
- (f) that any person employed in or about a dairy is affected with any contagious or infectious disease which in the opinion of the Chief Medical Officer might render unfit for human consumption, dairy produce with which such person comes into contact, or is a member of a household wherein any person is affected with any such disease; or
- (g) that any food or water supplied to stock, or any water used in connection with a dairy, is impure or unwholesome,

he may, by order in writing under his hand delivered to the owner, or person in charge, without further name or description, require such defects to be remedied to the inspector's satisfaction, and every such order shall be duly obeyed.

7 Where stock suspected of being diseased

An owner shall forthwith separate diseased stock from stock not diseased and keep them so separated and shall not sell or allow to be used for food any dairy produce from diseased stock, and he shall give notice in writing to an inspector within twenty-four hours of any disease or suspected disease in his stock.

8 Isolation of persons suffering from contagious or infectious disease

An owner shall isolate and keep isolated from his stock any person suffering from any contagious or infectious disease as defined by the Public Health Ordinance.

9 Medical examination of persons engaged in dairy

An owner shall cause every person engaged in handling dairy produce sold or supplied for human consumption to be examined by a registered medical practitioner once during each of the first and third quarters in each year and shall not employ such person unless he is certified free from communicable disease.

10 Inspector may require certain information

Whenever so requested by an inspector, the owner or person in charge of a dairy shall-

- (a) furnish to the inspector a list of the customers or other persons supplied with dairy produce from such dairy;
- (b) give the inspector any personal assistance and information in his power to enable the inspector to search and discover any source of contamination, infection, or disease to which any stock or dairy produce may be exposed.

11 Nuisances

Any person who keeps or permits to be kept any fowl or pig, manure heap, cesspool or sanitary convenience within thirty feet of any dairy or the open water supply thereof commits an offence.

12 Milk not to be sold if tainted or impure

A person shall not sell or supply to any person for human consumption any milk or cream which is tainted; or any milk or cream from any milk which has been drawn from a cow that is suspected or known to be diseased, or that has calved within four clear days before the day on which the milk was so drawn.

13 Milk to be cooled before sale

A person shall not supply or sell any milk unless such milk has been properly cooled (in manner prescribed) immediately after being drawn from the cow, and a person shall not supply or sell any cream unless such cream has been properly cooled in manner prescribed, immediately after being separated.

14 Penalties

(1) Any person who neglects or fails to comply with any provision of this Ordinance or any regulation made thereunder, or commits any breach thereof, commits an offence and is liable on conviction to a fine not exceeding the maximum of level 3 on the standard scale, and the court may order that the certificate of registration or licence granted to such person pursuant to any regulation made under section 15 be cancelled or suspended for such period as the court may deem fit.

[S.R. & O. 7/2003/w.e.f. 24/3/2003.]

(2) Any person who supplies, sells or offers for sale any dairy produce for human consumption without being registered or licensed so to do pursuant to any regulation made under section 15, or during the period of suspension of any certificate of registration or licence suspended pursuant to subsection (1) of this section, commits an offence and is liable on conviction to imprisonment for a term not exceeding three months or to a fine not exceeding the maximum of level 5 on the standard scale or to both such imprisonment and fine.

[S.R. & O. 7/2003/w.e.f. 24/3/2003.]

(3) Any person who obstructs or hinders an inspector or fails to give him such assistance as he may require in the course of his duty under this Ordinance commits an offence and is liable on conviction to a fine not exceeding the maximum of level 2 on the standard scale.

[S.R. & O. 7/2003/w.e.f. 24/3/2003.]

15 Regulations

The Governor in Council may from time to time make regulations-

- (a) for the registration of dairies;
- (b) prescribing conditions subject to which application for the registration of dairies may be granted;
- (c) for the inspection of cows kept for the purpose of supplying milk for human consumption, and of other stock kept upon or about a dairy;
- (d) for the inspection and sanitation of dairies, and of the machinery, utensils, appliances, packages, and conveyances used in or about dairies, or in connection with the manufacture, deposit, or carriage of dairy produce;
- (e) prescribing the form of licences, certificates, notices and other documents under this Ordinance; and
- (f) generally for carrying out the provisions of this Ordinance, and the intent and object thereof.