

GUERNSEY STATUTORY INSTRUMENT

1995 No. 37

The Food and Drugs (Registration of Food Premises) Order, 1995

Made 27.12.95

Laid Before the States ... ..

Coming into operation ... .. 1st March, 1996

THE STATES BOARD OF HEALTH, in exercise of the powers conferred on it by Sections 15 (3), 15 (4) and 47 of the Food and Drugs (Guernsey) Law, as amended (a) and of all other powers enabling it in that behalf, hereby orders:-

Interpretation

1. In this Order -

"the Board" means the States Board of Health;

"domestic premises" means a dwelling house or other building used principally, but not exclusively, as a dwelling, and its curtilage;

"food business" has the meaning given in section 54 (1) of the Law;

"food premises" has the meaning given in section 54 (1) of the Law;

"food sources" has the meaning given in section 54 (1) of the Law;

"the Law" means the Food and Drugs (Guernsey) Law, 1970, as amended (a);

"premises" has the meaning given in section 54 (1) of the Law;

"proprietor" has the meaning given in section 54 (1) of the Law;

"retail sale" means sale to the ultimate consumer;

"voluntary organisation" means a body the activities of which are carried on otherwise than for profit, but does not include any body exercising the functions of the States of Guernsey.

Premises required to register

2. Subject to section 7, this Order shall apply to all premises which are required to be registered by virtue of section 15 (1) of the Law.

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(a) Ordres en Conseil, Vol. XXII, p. 412; Vol. XXV, p. 378, Vol. XXIX, p. 329,  
Order in Council No. X of 1995

### Prohibition on use of premises for a food business

3. No person shall use any premises to which this Order applies for the purposes of a food business on five or more days, whether consecutive or not, in any period of five consecutive weeks unless -

- (a) those premises are registered under the provisions of this Order, or
- (b) an application for those premises to be registered has been made in accordance with section 5 to the Board at least 28 days before the first day of such use.

### Supply of information

4. (1) Where there is a change of proprietor of a food business carried on at premises required, before the occurrence of the change, to be registered by virtue of section 15(1) of the Law, the new proprietor shall supply the Board with the same particulars as are required to be provided on an application for premises to be registered no later than 28 days after the date of the change.

(2) Where there is a change in the nature of a food business, the proprietor of the business shall supply the Board with particulars of the change no later than 28 days after the date of its occurrence.

### Form of Application

5. The form of application for the purposes of this Order is set out in the first Schedule to this Order, and the application shall contain the particulars required in that form, and shall be signed by, or on behalf of, the person making it.

### Application for Registration

6. An application for premises to be registered as required by section 15(1) of the Law shall be made in writing to the Board by -

- (a) the proprietor of the food business for the purposes of which the premises are or are to be used;
- (b) the person who permits the premises to be used for the purposes of a food business on five or more days (whether consecutive or not) in any five consecutive weeks.

### Exemptions from Registration

7. The businesses and premises set out in the second Schedule to this Order shall be exempt from the provisions of section 15 (1) of the Law.

### Extent

8. This Order shall have effect in the Islands of Guernsey, Alderney, Herm and Jethou.

### Citation

9. This Order may be cited as the Food and Drugs (Registration of Food Premises) Order, 1995

Commencement

10. This Order shall come into force on the 1st. day of March, 1996.

Dated this 29<sup>th</sup> day of December 1995.

A handwritten signature in black ink, appearing to read "S. M. Plant", written over a horizontal line.

S. M. PLANT  
President of the States Board of Health  
for and on behalf of the Board

APPLICATION FOR REGISTRATION OF FOOD PREMISES

1. Address of premises: ..... Post code: .....

2. Name of business: ..... Telephone No: .....  
(trading name)

3. Type of premises Please tick ALL the boxes that apply:

- Farm/smallholding, Food manufacturing/processing/packing, Slaughterer, Importer, Wholesale/cash and carry, Distribution/warehousing, Retailer, Market, Restaurant/café/snack bar/public house, Staff restaurant/canteen/kitchen/school, Catering, Hospital/residential home/nursing home/hospice, Hotel/guest house, Private home used for a food business, Premises used by a number of businesses, Mobile premises, Other: please give details

4. Does your business handle or involve any of the following? Please tick ALL the boxes that apply:

- Chilled foods, Frozen foods, Fruit and vegetables, Fish/fish products, Meat/meat products, Dairy products, Bakery products, Sandwiches, Sweet confectionery/ice cream, Alcoholic drinks, Vacuum packing, Bottling and/or other packing, Table meals/snacks/takeaway foods, Delivery service, Bulk storage, Use of private water supply, Other: please give details

5. Are vehicles or ships used for transporting food kept at or used from the premises? YES / NO | Are vehicles, stalls or ships used for preparing or selling food, kept at or used from the premises? YES / NO | Number of vehicles/stalls/ships kept at or used from the premises and used for preparing, selling or transporting food. [ ]

6. Name(s) of proprietor(s) of food business: .....

7. Address of business head office or registered office: .....  
(if different from address of premises) Post code: .....

8. Name of manager if different from proprietor: .....

9. Is this a new business? YES / NO. If yes, the date you intend to open: .....

10. If this is a seasonal business, indicate the period you intend to open each year: .....

The completed form should be sent to:

ENVIRONMENTAL HEALTH DEPARTMENT STATES OF GUERNSEY BOARD OF HEALTH PRINCESS ELIZABETH HOSPITAL ST. MARTIN'S GUERNSEY GY4 6UU

It is an offence to give false or incomplete information

Signature: ..... Date: .....

Name (BLOCK CAPITALS): .....

Position in Company/Business: .....

The following classes of premises or businesses are exempt from the provisions of this Order.

1. Premises not used for more than four days in any five consecutive weeks for the purposes of a food business.
2. Premises at which the only commercial operations carried out in relation to food or food sources are one or more of the following:
  - (a) the harvesting of food in the course of horticulture, viticulture or arable farming, or -
    - (i) the cleaning of food harvested there;
    - (ii) the storage of food harvested there;
    - (iii) the packaging of food harvested there except in a form in which the food is to be sold by retail;
    - (iv) the non-retail sale of food harvested there;
  - (b) the collection of honey from bees;
  - (c) the production or packing of eggs or the non-retail sale of eggs produced or packed there;
  - (d) the supply of beverages, or of biscuits, potato crisps, confectionery or similar products, ancillary to a business whose principal activity is not the sale of food;
  - (e) the supply of food in the course of a religious ceremony;
  - (f) the retail sale of food by means of an automatic vending machine on those premises.
3. Premises controlled by a voluntary organisation or the trustees of a charity and used only for the purposes of such organisation or charity, where no food (other than dry ingredients for the preparation of beverages, sugars, biscuits, potato crisps or other similar dry products) is stored for sale.
4. Premises at which no food intended for sale for human consumption is present.
5. Premises where food is -
  - (i) stored for sale, or
  - (ii) prepared for saleand it is intended, when the food first enters those premises, that its sale is to take place only in the event of an emergency or disaster.
6. Domestic premises -
  - (i) where the person resident is a volunteer preparing food for a voluntary organisation provided the premises are used for that purpose for less than five days in five consecutive weeks;

(ii) used for the production, preparation, storage, bottling or sale of honey whether wholesale or retail;

(iii) where the sale of food is ancillary to the provision of accommodation in not more than two bedrooms;

(iv) used for the sale of horticultural or viticultural produce harvested on the premises.

7. Premises which are ordinarily kept outside the Bailiwick.

### **EXPLANATORY NOTE**

**(THIS NOTE DOES NOT FORM PART OF THE ORDER)**

This Order, requires food businesses to register their premises with the Board of Health, prescribes a form of application and specifies the procedure for applications.

The Order also allows for exemption from registration for certain businesses. Premises which are used for the purpose of a food business for less than five days in five weeks will be exempt. Exemption is also granted to some premises where only low risk activities take place (unless the retail sale of food takes place there) and some domestic premises from which food businesses are operated.

There is no charge to register premises and registration does not need to be renewed periodically. Any new businesses will need to register their premises at least 28 days prior to opening. The only changes about registered premises which must be notified to the Board are a change of proprietor or a change in the nature of the business.