

STATES OF JERSEY



DRAFT MILK (SALE TO SPECIAL CLASSES) (JERSEY) REGULATIONS 200

**Lodged au Greffe on 30th March 2004
by the Employment and Social Security Committee**

STATES GREFFE



Jersey

DRAFT MILK (SALE TO SPECIAL CLASSES) (JERSEY) REGULATIONS 200

REPORT

These Regulations allow the supply of milk at a reduced rate to certain classes of people, namely: children under 5 years; those over 75 years or 65 years in receipt of a Parish Welfare Grant or HIE, and; expectant mothers.

When the Regulations were renewed in 2001, an income bar was introduced for the first time and is now £34,656.51 per annum. If the family income exceeds this amount, they are not eligible to apply for milk at a reduced rate.

The total cost of this benefit is projected to be £367,000 in 2004 for 8,237 recipients. There are no additional financial or manpower implications in renewing these Regulations.

Explanatory Note

The effect of these Regulations, if made, will be to continue for a further 3 years from 12th April 2004 the effect of the Milk (Sale to Special Classes) (Jersey) Regulations 2001.

The Regulations also introduce an upper income limit of £34,656.51 per annum for eligibility as a beneficiary under the Regulations, and provide for the annual adjustment of that limit to take account of the average of the annual increases in the Retail Prices Index and the Index of Average Earnings published by the Statistics Unit of the Policy and Resources Department.

By virtue of the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993, references to penalties in the Regulations have the following effect: level 1 is£50, level 2 is£500, level 3 is£2000 and level 4 is£5000.



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Arrangement

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SCHEDULE



Jersey

DRAFT MILK (SALE TO SPECIAL CLASSES) (JERSEY) REGULATIONS 200

Made

[date to be inserted]

Coming into force

12th April 2004

THE STATES, by virtue and in exercise of the powers conferred upon them by the Order in Council of the fourteenth day of April 1884,^[1] have made the following Regulations –

1 Interpretation

In these Regulations –

“beneficiary” has the meaning assigned by Regulation 2;

“Board” means the Jersey Milk Marketing Board;

“certified midwife” means a person authorized to exercise the profession of midwife in Jersey under the Loi (1922) sur la Santé Publique (Sages-femmes);^[2]

“Committee” means the Employment and Social Security Committee;

“income limit” means £34,656.51, increased –

(a) on the first day of October; and

(b) thereafter on the first day of October in each subsequent year while these Regulations remain in force,

by the percentage (if any) by which that amount at which the limit for the time being stands is

exceeded by $\frac{A + B}{2}$, where –

“A” is the percentage rise shown in the Retail Prices Index published by the Statistics Unit of the Policy and Resources Department of the States in the year concerned, and

“B” is the percentage rise shown in the Index of Average Earnings published by that unit in that year;

“Medical Officer of Health” means the Inspecteur Médical appointed under Article 10 of the Loi (1934) sur la Santé Publique;^[3]

“milk” means liquid cow’s milk produced in Jersey;

“percentage rise” –

(a) when used in reference to the Retail Prices Index, means the percentage (if any) by which that index has increased for the month of June in the year concerned beyond that shown for that month in the previous year in the Retail Price Index; and

(b) when used in reference to the Index of Average Earnings, means the percentage (if any) by

which that index has increased as at 30th June in the year concerned beyond that shown as at 30th June in the previous year in the Index of Average Earnings;

“registered medical practitioner” has the same meaning as in the Medical Practitioners (Registration) (Jersey) Law 1960,^[4]

“sold by retail” means sold otherwise than to a person buying for the purposes of resale, or sold to a manufacturer or a caterer for the purposes of his business as such;

“Scheme” means the Scheme set out in the Schedule to the Milk Marketing Scheme (Approval) (Jersey) Act 1954.^[5]

2 Beneficiaries

- (1) For the purposes of these Regulations, a beneficiary is any one of the following persons in Jersey –
 - (a) a child under 5 years of age who –
 - (i) was born in Jersey, or
 - (ii) satisfies the residence test, or
 - (iii) is in the custody of a parent or other person who satisfies the residence test, and in respect of whom a registration form M.R.2 has been issued by the Committee;
 - (b) a person who has attained 70 years of age and satisfies the residence test, and in respect of whom a registration form M.R.3 has been issued by the Committee;
 - (c) a person who has attained the age of 65 years but is not yet 70 years of age, and who–
 - (i) is in receipt of a parish welfare grant, or
 - (ii) is entitled to medical benefit by virtue of Regulation 2(3) of the Health Insurance (Medical Benefit) (Jersey) Regulations 1967,^[6] or
 - (iii) in the opinion of a registered medical practitioner and the Medical Officer of Health requires milk as a necessary and substantial part of his diet, and in respect of whom a registration form M.R.3 has been issued by the Committee; or
 - (d) an expectant mother who satisfies the residence test (or whose husband satisfies that test) and in respect of whom a registration form M.R.7 has been issued by the Committee.
- (2) For the purposes of this Regulation –
 - (a) a woman is an expectant mother from the date on which it is established that she is pregnant until one month after the expected date of her confinement, such dates being certified by a registered medical practitioner or a certified midwife; and
 - (b) a person satisfies the residence test on any particular date if he has been resident in Jersey for at least 28 consecutive days immediately preceding that date, or for at least 26 weeks in the aggregate in the 12 months immediately preceding that date.

3 Sale of milk to beneficiaries

When, in pursuance of paragraph 35(3) of the Scheme, the Board sells milk to a beneficiary of a class specified in column 1 of the Schedule, the amount to be received by the Board from that beneficiary in respect of milk supplied up to the quantity specified in column 2 of the Schedule shall be the normal price at which milk is sold by retail by the Board to persons other than beneficiaries, less such amount per 500 millilitres as is specified in column 3 of the Schedule, and the difference between the normal price and the amount so specified shall be recoverable by the Board from the Committee.

4 Maximum income level

- (1) Regulation 3 shall not apply to a child under 5 years of age if the income during the previous year of the person having custody of the child exceeds the income limit.
- (2) Regulation 3 shall not apply to any other beneficiary whose income during the previous year exceeds the income limit.
- (3) For the purposes of this Regulation, the income of any person who is cohabiting with any other person includes the income of that other person.

5 Keeping of records

- (1) The Board shall keep accurate records of all milk sold to beneficiaries under these Regulations, together with all books, documents and accounts and such other records relating thereto as the Committee may require and the Board shall furnish to the Committee, within such time and in such form as may be specified in the requirement, such returns and other information relating to such sales as may be so required, and shall permit such books, documents, accounts or other records to be examined by any person duly authorized in that behalf by the Committee.
- (2) All books, documents, accounts and other records kept in pursuance of this Regulation shall be preserved for a period of one year from the date on which the last entry therein was made.

6 Property in, and delivery and possession of, documents

- (1) Every document issued by the Committee for the purposes of these Regulations is and shall remain the property of the Committee.
- (2) Any person who is in possession of any such document without the necessary authority under these Regulations shall forthwith deliver up the document to the Committee or otherwise in accordance with the directions contained in the document.
- (3) Any person to whom any such document has been issued or who is in possession of any such document shall, if required by or on behalf of the Committee to do so, produce such document or deliver it up to such person or authority as may be specified in the requirement.

7 Offences

- (1) Any person who –
 - (a) acts in contravention of or fails to comply with any provision of these Regulations;
 - (b) with intent to deceive, alters any document issued or authorized to be used for the purposes of these Regulations or makes or alters any entry therein or defaces any such document;
 - (c) personates or falsely represents himself to be the person to whom any such document has been issued or applies;
 - (d) without lawful authority, obtains, uses or retains, or attempts to obtain, use or retain, any such document other than a document issued to him;
 - (e) with intent to deceive, forges or uses or lends to or allows to be used by any other person any such document;
 - (f) with intent to deceive, makes or causes to be made or has in his possession any documents so closely resembling any such document as to be calculated to deceive; or
 - (g) uses or disposes of any such document otherwise than for the purposes and in accordance with the provisions of these Regulations or any direction of the Committee,

shall be liable for each offence to a fine of level 1 on the standard scale^[7] and, where the offence is a continuing offence, to a further fine of level 1 on the standard scale^[8] for each day on which it is so continued.

- (2) Any person who, in furnishing any information for the purposes of these Regulations, makes any statement which the person knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, shall be liable to a fine of level 2 on the standard scale.^[9]

8 Citation and duration

- (1) These Regulations may be cited as the Milk (Sale to Special Classes) (Jersey) Regulations 200-.
- (2) These Regulations shall be deemed to have come into force on the twelfth day of April 2004 and shall remain in force for 3 years from that date.

SCHEDULE

(Regulation 3)

<i>1</i>	<i>2</i>	<i>3</i>
Class of beneficiary	Quantity of milk per week qualifying for reduced price	Amount to be deducted from the normal price of milk per 500 millilitres
Person in respect of whom there has been issued registration form M.R.2	3500 millilitres	22p
Person in respect of whom there has been issued registration form M.R.3	2000 millilitres	24p
Person in respect of whom there has been issued registration form M.R.7	3500 millilitres	22p

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- [1] *Recueil des Lois, Tomes IV-VI, page 46.*
- [2] *Recueil des Lois, Tomes IV-VI, page 556.*
- [3] *Recueil des Lois, Tome VII, page 117.*
- [4] *Recueil des Lois, Tome VIII, page 829.*
- [5] *Nos. 3497, 5478, 5929, 6368, 6929, 7273 and 8044.*
- [6] *No. 5005.*
- [7] *Recueil des Lois, Volume 1992-1993, page 437.*
- [8] *Recueil des Lois, Volume 1992-1993, page 437.*
- [9] *Recueil des Lois, Volume 1992-1993, page 437.*