STATUTORY INSTRUMENTS

1976 No. 1857 (S. 151)

FOOD AND DRUGS

MILK AND DAIRIES

The Bulk Transport of Milk (Scotland) Order 1976

Made - - -	*22nd October* 1976
Laid before Parliament	*15th November* 1976
Coming into Operation	*6th December* 1976

In exercise of the powers conferred on me by section 12(2) of the Milk and Dairies (Scotland) Act 1914(**a**) and section 6 of the Milk and Dairies (Amendment) Act 1922(**b**) as read with the Reorganisation of Offices (Scotland) Act 1928(**c**) and the Reorganisation of Offices (Scotland) Act 1939(**d**) and of all other powers enabling me in that behalf, I hereby make the following order:—

Citation and Commencement

1. This order may be cited as the Bulk Transport of Milk (Scotland) Order 1976 and shall come into operation on 6th December 1976.

Interpretation

2.—(1) In this order unless the context otherwise requires—

"approved bactericidal agent" means any chemical agent approved for the time being by the Secretary of State for use for the purpose of this order;

"container" means a tank or similar receptacle for containing milk in bulk and includes any ancillary equipment, whether removable or not, necessary for its proper functioning;

"contamination" includes contamination by odour; and "contaminated" shall be construed accordingly;

"milk" means cow's milk intended for sale or sold for human consumption or intended for manufacture into products for sale for human consumption and includes cream and skimmed or separated milk;

"milk tanker" means a vehicle, including any unit of railway rolling stock, for conveying or consigning milk in bulk by road or rail to and from dairy premises and that by means of a single container incorporated in the vehicle or unit;

"registered dairy premises" means premises in respect of which a certificate of registration has been given for the time being under section 7 of the Milk and Dairies (Scotland) Act 1914.

(2) The Interpretation Act 1889(**e**) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(**a**) 1914 c. 46.
(**b**) 1922 c. 54.
(**c**) 1928 c. 34.
(**d**) 1939 c. 20.
(**e**) 1889 c. 63.

Restrictions as to use of milk tankers

3. No person shall use or cause to be used any milk tanker for the purpose of conveying or consigning milk in bulk unless—

(*a*) the milk tanker is in such a state of cleanliness and in such good order, repair and condition as will prevent, so far as is reasonably practicable, any contamination or risk of contamination of milk which may be conveyed by or consigned in the milk tanker;

(*b*) the container of the milk tanker has been used exclusively for containing milk;

(*c*) the container of the milk tanker is impervious and constructed of such material and in such manner as render the container, including the inner surfaces thereof, capable of being readily cleaned; and

(*d*) every manhole cover and outlet valve of the container of the milk tanker is so constructed and fitted as will prevent, so far as is reasonably practicable, any contamination or risk of contamination by dirt, dust, rain water or otherwise of milk which may be conveyed by or consigned in the milk tanker and as will prevent the return to the interior of the container of any milk which may be splashed on to the exterior of such cover or valve.

Precautions prior to filling milk tankers

4. Any person engaged in the conveyance of milk in bulk by road in a milk tanker and any person who consigns milk in bulk by rail in a milk tanker shall—

(*a*) ensure that the container of such milk tanker is in a state of thorough cleanliness immediately before use by him for the purpose of conveying or consigning milk in bulk; and

(*b*) satisfy himself, before any supply of milk is transferred to the container of such milk tanker, that the appearance and smell of that supply disclose no abnormality and that the temperature thereof does not exceed 50° Fahrenheit (10° Centigrade).

Cleaning and Sterilising of milk tankers

5.—(1) Any person engaged in the conveyance of milk in bulk by road in a milk tanker shall—

(*a*) thoroughly rinse with clean water the inner surfaces of the container of such milk tanker as soon after each occasion on which the container is emptied of milk as is practicable; and

(*b*) clean the inner surfaces of the container with a warm solution of a suitable detergent and thereafter sterilise such surfaces by steam or by water at a temperature of not less than 180° Fahrenheit (82·2° Centigrade) or by a solution containing an approved bactericidal agent and that—

(i) at least once in every day on which the container is used for the purpose of conveying milk in bulk; and

(ii) as soon after each occasion on which the container is emptied of milk (being milk which the aforesaid person has reason to believe is tainted or otherwise contaminated) as is practicable:

Provided that the cleaning and sterilising of the container under this sub-paragraph shall be carried out as soon after the last rinsing of the container required by the immediately preceding sub-paragraph as is practicable.

(2) Any person who consigns milk in bulk by rail in a milk tanker shall, before he transfers any supply of milk to the container, clean the inner surfaces of the container of such milk tanker with a warm solution of a suitable detergent and thereafter sterilise such surfaces by steam or by water at a temperature of not less than 180° Fahrenheit (82·2° Centigrade) or by a solution containing an approved bactericidal agent.

(3) Any person to whom milk has been consigned in bulk by rail in a milk tanker shall—

(*a*) thoroughly rinse with clean water the inner surfaces of the container of such milk tanker as soon after the container is emptied of milk as is practicable; and

(*b*) clean the inner surfaces of the container with a warm solution of a suitable detergent and thereafter sterilise such surfaces by steam or by water at a temperature of not less than 180° Fahrenheit (82·2° Centigrade) or by a solution containing an approved bactericidal agent:

Provided that the cleaning and sterilising of the container under the foregoing sub-paragraph shall be carried out as soon after the rinsing of the container required by the immediately preceding sub-paragraph (*a*) as is practicable.

(4) Any person engaged in the conveyance of milk in bulk by road in a milk tanker and any person who consigns milk in bulk by rail in a milk tanker shall ensure that the container of such milk tanker is free from all trace of detergent or approved bactericidal agent before use by him for the purpose of conveying or consigning milk in bulk.

Facilities for Cleaning and Sterilising

6. Every person having the management and control of registered dairy premises at which milk is received in bulk in a milk tanker or from which milk is consigned in bulk by rail in a milk tanker shall provide adequate facilities for the rinsing, cleaning and sterilising of the containers of milk tankers at such premises.

Employees

7. Every person having the management and control of a milk tanker shall take all practical steps to make the provisions of this order known to every person in his employ so far as such provisions impose any duties or restrictions on the employed person and so far as they relate to the processes carried out by that person.

Revocation

8. The Bulk Transport of Milk (Scotland) Order 1963(**a**) is hereby revoked.

Bruce Millan

One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House,
Edinburgh.
22nd October 1976.

(**a**) S.I. 1963/1684 (1963 III, p. 3221).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which applies to Scotland only and comes into operation on 6th December 1976, imposes requirements as to the construction, maintenance, use, cleaning and sterilising of road and rail tankers used to convey milk in bulk. The Bulk Transport of Milk (Scotland) Order 1963, which is revoked by Article 8, was identical with Articles 1 to 7 of this Order, but was by inadvertence not laid before Parliament.

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