1977 No. 8

FOOD AND DRUGS

Drinking Milk Regulations (Northern Ireland) 1977

Made . . . . . 13*th January* 1977

Coming into operation . . . 21*st February* 1977

The Department(a) of Health and Social Services in exercise of the powers conferred on it by sections 20, 29(1), 68 and 68A of the Food and Drugs Act (Northern Ireland) 1958(b) as amended by the European Communities (Food and Drugs) Order (Northern Ireland) 1972(c), and of every other power enabling it in that behalf and after consultation with such organisations as appear to it to be representative of interests substantially affected by these regulations, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Drinking Milk Regulations (Northern Ireland) 1977, and shall come into operation on 21st February 1977.

Interpretation

2.—(1) In these regulations

"consumer" means any person to whom milk is delivered and who neither sells it nor uses it as an ingredient of another product for sale;

"container" means any closed and fastened container in which milk is to be delivered to the consumer;

"district council" means a council established under the Local Government Act (Northern Ireland) 1972(d);

"guideline figure" means the guideline figure as to the fat content of standardized whole milk fixed by the Council in accordance with Article 3.7 of the Council Regulation No. 1411/71/EEC(e), as amended(f), in respect of the United Kingdom for the period beginning with 1st October 1976 and ending with 31st March 1977 or for any subsequent milk year;

"human consumption" does not include use in the preparation of food for sale for human consumption;

"milk", "drinking milk", "raw milk", "standardized whole milk", "non standardized whole milk", "semi-skimmed milk" and "skimmed milk" have the meanings respectively assigned to them by Council Regulation No. 1411/71/EEC as amended;

(a) *See* S.R. & O. (N.I.) 1964 No. 205 Art. 5 and Sch. 2 Part I (p. 937) and 1973 c. 36 Sch. 5 para. 8
(b) 1958 c. 27 (N.I.)
(c) S.R. & O. (N.I.) 1972 No. 363 (p. 1767)
(d) 1972 c. 9 (N.I.)
(e) O.J. No. L148, 3.7.71, p. 4 (O.J./S.E. 1971 (II) p. 412)
Corrigendum at O.J. No. L199, 19.7.73, p. 38
(f) The relevant amending instrument is Council Regulation No. 566/76/EEC O.J. No. L67, 15.3.76, p. 23. Corrigendum at O.J. No. L107, 24.4.76, p. 22

"milk purveyor" includes any person who sells milk, whether wholesale or by retail;

"milk year" means the period beginning with 1st April in any calendar year and ending with 31st March in the following calendar year;

"sell by retail" means sell to a person buying otherwise than for the purpose of re-sale, but does not include selling to a caterer for the purposes of his catering business or to a manufacturer for the purposes of his manufacturing business;

"sell wholesale" means selling otherwise than by retail; and "sold wholesale" shall be construed accordingly.

Exemptions

3. The provisions of these regulations shall not apply to milk intended for exportation to any place outside the United Kingdom.

Delivery of milk

4. A person shall not deliver on or in pursuance of any sale for human consumption milk which is not included in any of the following categories of drinking milk:—

(*a*) raw milk;

(*b*) non-standardized whole milk produced in Northern Ireland;

(*c*) standardized whole milk imported during any milk year from another Member State and having a fat content of not less than the guideline figure fixed for that year or any part of that year;

(*d*) semi-skimmed milk;

(*e*) skimmed milk.

Alteration in the composition of drinking milk

5.—(1) A person shall not make any alteration in the composition of drinking milk;

Provided that the fat content laid down for skimmed milk or semi-skimmed milk by Council Regulation No. 1411/71/EEC, as amended, may be obtained by adding or separating milk or cream or by adding skimmed milk or semi-skimmed milk.

(2) A person shall not sell, or offer or expose for sale, any drinking milk of which the composition has been altered in contravention of this regulation.

Labelling of standardized whole milk

6. A person shall not sell, or offer or expose for sale, any standardized whole milk specified in regulation 4(*c*) in a container unless that container is conspicuously and legibly labelled with the words "standardized whole milk".

Records of transactions in standardized whole milk

7. Every milk purveyor shall—

(*a*) keep accurate records of—

(i) the quantities of standardized whole milk specified in regulation 4(*c*) purchased by him and the names and addresses of the persons from whom it was purchased;

(ii) the quantities of standardized whole milk specified in regulation 4(*c*) sold wholesale by him and the names and addresses of the person to whom it was so sold;

(*b*) retain such records for a period of twelve months from the date of the transaction to which the record relates;

(*c*) produce such records to any authorised officer of a district council who himself produces, if so required, some duly authenticated document showing his authority.

Penalties and enforcement

8.—(1) If any person contravenes or fails to comply with any of the foregoing provisions of these regulations he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment and, in the case of a continuing offence, to a further fine not exceeding five pounds for each day during which the offence continues after conviction.

(2) Each district council shall enforce and execute such provisions in its area.

Non application of certain provisions of the Food and Drugs Act (Northern Ireland) 1958

9. The provisions of section 36 of the Food and Drugs Act (Northern Ireland) 1958 (which relate to sampling of milk and subsequent proceedings) shall not apply for the purposes of these regulations in relation to any milk labelled "standardized whole milk", "semi-skimmed milk" or "skimmed milk".

Revocations

10. The Milk (Emulsifiers and Stabilisers) Regulations (Northern Ireland) 1962(g) and the Milk (Preservatives) Regulations (Northern Ireland) 1962(h) are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 13th January 1977.

(L.S.) *G. Buchanan*
Assistant Secretary

(g) S.R. & O. (N.I.) 1962 No. 93 (p. 398)
(h) S.R. & O. (N.I.) 1962 No. 160 (p. 647)

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations which come into operation on 21st February 1977, supplement Council Regulation No. 1411/71/EEC as amended.

They

(*a*) restrict the delivery of milk on or in pursuance of sale for human consumption to specified categories of drinking milk (regulation 4);

(*b*) prohibit any alteration in the composition of drinking milk, except as specified in relation to the fat content of skimmed milk and semi-skimmed milk (regulation 5);

(*c*) require any container in which specified standardized whole milk is sold to be labelled in the prescribed manner (regulation 6);

(*d*) require milk purveyors to maintain records of all purchases and wholesale sales of specified standardized whole milk (regulation 7).

The regulations do not apply to milk intended for exportation to any place outside the United Kingdom (regulation 3).