PART II.

Sums to be disposed of as follows:—	£	s.	d.
To be retained by the Navy, Army and Air Force Institutes subject to the payment thereof to the Royal Naval Benevolent Trust within a period of 15 years from the passing of this Act, and subject to the payment to that Trust of interest at the rate of 4½ per cent. per annum on so much thereof as for the time being is so retained - - - - - - -	150,219	0	0
To be paid to the United Services Fund -	3,471,000	0	0
To be distributed amongst the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, Newfoundland, and India, in such proportions as have been or may be agreed - - -	363,450	0	0
Total - - - - - -	£3,984,669	0	0

CHAPTER 54.

An Act to postpone for a further period the operation of the Milk and Dairies (Consolidation) Act, 1915, and the Milk and Dairies (Scotland) Act, 1914, to make further provision with regard to the sale of milk and for purposes connected therewith. [4th August 1922.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Postponement of 5 & 6 Geo. 5. c. 66. 4 & 5 Geo. 5. c. 49. 5 & 6 Geo. 5. c. 59.

1. The Milk and Dairies (Consolidation) Act, 1915, shall, notwithstanding anything contained in section twenty-one of that Act, not come into operation before the first day of September, nineteen hundred and twenty-five, except in so far as it repeals the Milk and Dairies Act, 1914, and the Milk and Dairies Acts Postponement Act, 1915.

Power to refuse registration of, or remove from register, retailers of milk.

2.—(1) Any local authority by whom a register of purveyors of milk is kept under or in pursuance of any enactment in that behalf, may, if they are satisfied that the public health is or is likely to be endangered by any act or default of any person who is registered or who seeks to be registered therein as a retail purveyor of milk, in relation to the quality, storage or distribution of milk, serve upon him a notice to appear before them not less than seven days after the date of the notice to show cause why the local authority should not, for reasons to be specified in the notice, refuse to register him or remove him from the register, as the case may be, either absolutely or in respect of any specified premises, and if he fails to show cause to their satisfaction accordingly they may refuse to register him or remove him from the register, as the case may be.

Any person aggrieved by any such decision of the local authority as aforesaid may, within twenty-one days, give notice of appeal to a court of summary jurisdiction, and that court may require the local authority to register such person or not to remove him from the register.

The local authority or such person as aforesaid may appeal from the decision of the court of summary jurisdiction to the next practicable court of quarter sessions, who may confirm or reverse the order of the court of summary jurisdiction.

The decision of a local authority to refuse registration or to remove any person from the register under this section shall not have effect until the expiration of the time for appeal to a court of summary jurisdiction nor, where any such appeal is brought, until the appeal is determined; and where notice of appeal from a court of summary jurisdiction under this section is given within seven days from the date thereof, such decision of the local authority as aforesaid shall not take effect until the appeal to quarter sessions is finally determined.

Where the appeal is from a refusal to register, such person as aforesaid may, until the appeal is finally determined, carry on business as a purveyor of milk notwithstanding that he is not registered.

(2) The court before whom any person registered as a purveyor of milk is convicted of any offence under this Act, or any other enactment relating to milk and dairies, or any order or regulations made thereunder, may, on

the application of the local authority, in addition to any other penalty, order the removal from the register of the person so convicted either absolutely or in respect of any specified premises for such period as the court may think fit.

(3) Any enactment or order requiring a local authority to keep a register of persons carrying on the trade of cowkeepers, dairymen, or purveyors of milk shall have effect as if it required the local authority to keep a register of persons carrying on the trade of retail purveyors of milk and a separate register of persons carrying on any other trade to which the enactment or order relates, and this section shall apply only to the first-mentioned of those registers.

Licences by Minister of Health to sell milk under special designations.

3.—(1) A person shall not, either by himself or by any servant or agent, except under and in accordance with a licence granted by the Minister of Health, or with his authority under the provisions of an order made by him under this Act—

(*a*) sell or offer or expose for sale any milk as "certified," "Grade A," "pasteurised" or under such other designation as may be from time to time prescribed by order of the Minister; or

(*b*) on or in connection with any sale or offer for sale or proposed sale of any milk or in any advertisement, circular, or notice relating to any milk, describe or refer to the same as "certified," "Grade A," "pasteurised" or by any other designation prescribed as aforesaid, or use any description or designation including or resembling any such description or designation.

(2) A licence may be granted for the purposes of this section for such period and subject to such terms and conditions (including conditions as to the payment of fees) as may be prescribed by an order made under this Act.

(3) This section shall come into operation on the first day of January, nineteen hundred and twenty-three, and until that date the provisions of the Milk (England and Wales) Order, 1921, and the Local Authorities (Milk) Order, 1921, relating to the sale of milk under special designations or to the matters connected therewith, shall continue in force, and shall have effect as if they were enacted in this Act.

Prohibition of addition of colouring matter, &c.

4.—(1) No person shall add any colouring matter or water or any dried or condensed milk or any fluid reconstituted therefrom or any skimmed milk or separated milk to milk intended for sale, and no person shall, either by himself or by any servant or agent, sell, or offer or expose for sale, any milk to which any such addition has been made.

(2) No person either by himself or any servant or agent shall sell, or offer or expose for sale, as milk any liquid in the making of which dried milk or condensed milk has been used.

(3) For the purposes of this section, except as regards the addition of skimmed or separated milk, milk includes skimmed milk and separated milk.

Prohibition of sale of tuberculous milk.

5.—(1) No person shall, by himself or by any servant or agent, sell or offer or expose for sale the milk of a cow suffering from tuberculosis of the udder, and he shall be guilty of an offence under this section if it is proved that he knew or could by the exercise of ordinary care have ascertained that the cow was suffering from that disease.

(2) If any person is guilty of an offence under this section, he shall be liable on summary conviction for a first offence to a fine not exceeding twenty pounds, and for a second or subsequent offence to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a period of six months, or to both such fine and imprisonment.

Milk and dairy orders to be laid before Parliament.

6. All orders relating to milk and dairies made by the Minister of Health under this Act or under any other enactment shall be laid before each House of Parliament as soon as may be after they are made; and, if an Address is presented to His Majesty by either House of Parliament within the next subsequent twenty days on which that House has sat next after the order is laid before it praying that the order may be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new order. If the session of Parliament ends before such twenty days as aforesaid have expired, the order shall be laid before each House of Parliament at the commencement of the next session as if it had not previously been laid.

Any order made under this Act may be varied or revoked by an order made in the same manner and subject to the same provisions as the original order.

Orders to be made with concurrence of Minister of Agriculture and Fisheries. 41 & 42 Vict. c. 74. 49 & 50 Vict. c. 32.

7. Any order made after the commencement of this Act by the Minister of Health under section thirty-four of the Contagious Diseases (Animals) Act, 1878, as amended by the Contagious Diseases (Animals) Act, 1886, shall be made with the concurrence of the Minister of Agriculture and Fisheries.

Regulations by Minister of Health. 7 Edw. 7. c. 32.

8.—(1) The Minister of Health shall make regulations under the Public Health (Regulations as to Food) Act, 1907, for the prevention of danger arising to public health from the importation of milk intended for sale for human consumption or for use in the manufacture of products for human consumption.

(2) Subsection (1) of section one of the said Act shall have effect as though at the end thereof the following paragraph were added:—

(*d*) provide for the manner in which any tin or other receptacle containing dried, condensed, skimmed, or separated milk is to be labelled or marked, and prescribe the minimum percentages of milk fat and milk solids in dried or condensed milks.

Penalties.

9.—(1) If any person is guilty of a contravention of, or non-compliance with, the provisions of this Act or any of them, he shall, save as otherwise provided in this Act, be liable on summary conviction to a fine not exceeding, in the case of a first offence five pounds, and, in the case of a second or subsequent offence, fifty pounds, and, if the offence is a continuing offence, to a further fine not exceeding forty shillings for each day during which the offence continues.

(2) Where it appears to a local authority that an offence has been committed in respect of which proceedings might be taken under this Act against a purveyor of milk, the local authority shall, if reasonably satisfied that the offence of which complaint is made was due to an act or default of a servant or agent without the knowledge, consent, or connivance of his employer, take proceedings against the servant or agent without first proceeding against his employer.

(3) A person shall not be convicted of any offence under any enactment relating to the sale of milk in respect of a sample of milk taken after the milk has left his custody and control, if it is proved to the satisfaction of the court that the churn or other receptacle in which the milk was contained was effectively closed and sealed at the time when it left his custody and control, but was not so closed and sealed at the time when it reached the person by whom the sample was taken.

Administration of Act.

10.—(1) The local authority for the purpose of the enforcement of sections three and four of this Act shall be the same as the local authority concerned with the enforcement of the Sale of Food and Drugs Acts, 1875 to 1907 (including an authority empowered by section thirteen of the Sale of Food and Drugs Act, 1875, to give directions to the officers named therein to procure samples of food or drugs), and the local authority for the enforcement of section five of this Act shall be the sanitary authority:

38 & 39 Vict. c. 63.

Provided that, where a local authority have been authorised by the Minister to grant licences under section three of this Act, that local authority shall also be a local authority for the purpose of the enforcement of that section.

(2) The expenses incurred by a local authority authorised to grant licences under section three, or incurred by a local authority under sections two and five, of this Act, shall be defrayed, in the case of a county council out of the county fund as expenses for general county purposes, and in the case of a sanitary authority as part of their general expenses in the execution of the enactments relating to public health, and any other expenses incurred by a local authority under this Act shall be defrayed in the same manner as expenses for the purposes of the Sale of Food and Drugs Acts, 1875 to 1907.

Transfer of powers under Act to county council.

11.—(1) If a local authority fail to fulfil any of their duties under this Act or under any order relating to milk and dairies made by the Minister of Health, the Minister may, after holding a local inquiry, make such order as he thinks necessary or proper for the purpose of compelling the authority to fulfil their duties, and any such order may be enforced by mandamus.

(2) If a county council resolve that a district council within the county have failed to exercise or perform any of their powers or duties under this Act or any enactments relating to milk and dairies, or any order or regulations made thereunder, and make complaint thereof to the Minister of Health, the Minister may after such inquiry as he deems necessary by order determine that all or any of the said powers or duties be transferred to the county council either for a definite period or until the Minister shall otherwise direct, and those powers and duties shall be transferred accordingly, and section sixty-three of the Local Government Act, 1894, shall apply as if the powers and duties has been transferred under that Act with such modifications and adaptations as appear necessary or expedient. 56 & 57 Vict. c. 73.

12. Where the registration of a retailer is refused, or a retailer is removed from a register, under this Act, the retailer shall not be liable to any action for breach of a contract for the purchase of further supplies of milk from a producer, if he can prove that such refusal or removal was due to the quality of milk supplied by the producer. Provisions as to breaches of contract.

13. At the hearing of the information in any proceedings under section four of this Act, the production of the certificate of an analyst acting under the Sale of Food and Drugs Acts, 1875 to 1907, for the place in which the sample was taken, shall be sufficient evidence of the facts stated therein unless the defendant shall require that the analyst shall be called as a witness. Certificate of analyst primâ facie evidence.

14. This Act shall apply to Scotland, with the following modifications:— Application to Scotland.

(*a*) The Scottish Board of Health (hereinafter in this section referred to as "the Board") shall be substituted for the Minister of Health.

(*b*) The following section shall be substituted for section one:—

"1.—(1) The Milk and Dairies (Scotland) Act, 1914, shall come into operation on the appointed day being a day not before the first day of September, nineteen hundred and 4 & 5 Geo. 5. c. 46.

twenty-five, and the appointed day shall be such day as the Board may by order appoint, and different days may be appointed for different purposes and for different provisions of that Act (including the repeal of different enactments).

5 & 6 Geo. 5. c. 59.

(2) The Milk and Dairies Acts Postponement Act, 1915, so far as the same applies to Scotland, is hereby repealed."

(*c*) The expression "court of summary jurisdiction" means the sheriff, and the provisions of section two of this Act regarding appeals to quarter sessions shall not apply provided that any decision by a sheriff-substitute under the said section may be appealed to the sheriff if notice of appeal is given within seven days of such decision.

(*d*) Subsection (1) of section three of this Act shall have effect as if there were inserted after the term "certified," wherever the same occurs therein, the term "Grade A. (tuberculin tested)." In subsection (3) of section three of this Act references to the Milk (Scotland) Order, 1921, the Local Authorities (Milk) (Scotland) Order, 1921, the Milk (Local Authorities) (Scotland) Order, 1920, and the Local Authorities (Milk) (Scotland) Order, 1920, shall be substituted for references to the Milk (England and Wales) Order, 1921, and the Local Authorities (Milk) Order, 1921.

(*e*) In subsection (2) of section nine of this Act references to the procurator-fiscal shall be substituted for references to the local authority.

(*f*) The following subsection shall be substituted for section ten of this Act:—

60 & 61 Vict. c. 38.

The provisions of this Act shall be enforced by the local authorities under the Public Health (Scotland) Act, 1897, and any expense thereby incurred shall be defrayed out of the public health general assessment.

(*g*) Section eleven of this Act shall not apply.

(*h*) Where a local authority have, in virtue of powers conferred on them by orders made by the Food Controller and Secretary for Scotland under the Defence of the Realm Regulations, bought and sold milk and made arrangements as to the distribution thereof in their district, such local authority may, if the Board are satisfied that in the special circumstances the continued exercise of such powers is desirable, buy milk from any person and sell milk so bought at a price estimated to cover at least the cost of purchasing and distributing such milk and make arrangements as to the distribution of milk in their district so, however, that nothing in this paragraph shall authorise the local authority to fix prices for milk in their district. The powers conferred hereby shall be subject to such conditions as may from time to time be prescribed by the Board and shall cease to be exerciseable if and when the Board so determine by order. Any expenses incurred by a local authority in the execution of the powers conferred on them by this paragraph shall be defrayed out of the public health general assessment, but such expenses shall not be reckoned in any calculation as to the statutory limit of that assessment. For the purposes of this paragraph, the expression "milk" shall include skimmed milk, separated milk and buttermilk and any milk which has been submitted to sterilisation, pasteurisation, homogenisation, or any other like process, but shall not include condensed milk.

Short title and extent.

15.—(1) This Act may be cited as the Milk and Dairies (Amendment) Act, 1922.

(2) This Act shall not apply to Ireland.

(3) This Act, except where otherwise expressly provided, shall come into operation on the first day of September, nineteen hundred and twenty-two.