STATUTORY INSTRUMENTS

1962 No. 1288

FOOD AND DRUGS

MILK AND DAIRIES

The Milk and Dairies (Legal Proceedings) Regulations 1962

Made - - - -	19*th June* 1962
Laid before Parliament	26*th June* 1962
Coming into Operation	27*th June* 1962

The Minister of Agriculture, Fisheries and Food and the Minister of Health, acting jointly, in exercise of the powers conferred on them by sections 29 and 123 of the Food and Drugs Act 1955(a) and of all other powers enabling them in that behalf hereby make the following regulations after consultation with such organisations as appear to them to be representative of interests substantially affected by the regulations:—

1.—(1) These regulations may be cited as the Milk and Dairies (Legal Proceedings) Regulations 1962; and shall come into operation on 27th June 1962.

(2) The Interpretation Act 1889(b) shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

2. The Milk and Dairies (Channel Islands and South Devon Milk) Regulations 1956(c) shall be amended by substituting for regulation 6 thereof the following regulation:—

"6.—(1) Sections 108 (3) and (4) (which relates to prosecutions), 110 (1), (2) and (3) (which relates to evidence of analysis), 112 (which relates to the power of a court to require analysis by the Government Chemist), 113 (which relates to a contravention due to some person other than the person charged), 115 (2) (which relates to the conditions under which a warranty may be pleaded as a defence) and 116 (which relates to offences in relation to warranties and certificates of analysis) of the Act shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken or brought under the Act included references to proceedings, or a prosecution as the case may be, taken or brought for an offence under these regulations and as if the reference in the said section 112 to subsection (4) of section 108 included a reference to that subsection as applied by these regulations.

(2) Paragraph (*b*) of the proviso to section 108 (1) of the Act shall apply for the purposes of these regulations as if the reference therein to section 116 of the Act included a reference to that section as applied by these regulations.".

3. The Milk and Dairies (General) Regulations 1959(d) shall be amended by inserting in Part I thereof the following regulation:—

(a) 4 & 5 Eliz. 2. c. 16.
(b) 52 & 53 Vict. c. 63.
(c) S.I. 1956/919 (1956 I, p. 1014).
(d) S.I. 1959/277 (1959 I, p. 1351).

"5A.—(1) Sections 108 (3) and (4) (which relates to prosecutions), 110 (1), (2) and (3) (which relates to evidence of analysis), 112 (which relates to the power of a court to require analysis by the Government Chemist), 113 (which relates to a contravention due to some person other than the person charged), 115 (2) (which relates to the conditions under which a warranty may be pleaded as a defence) and 116 (which relates to offences in relation to warranties and certificates of analysis) of the Food and Drugs Act 1955 shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken or brought under that Act included references to proceedings, or a prosecution as the case may be, taken or brought for an offence under these regulations and as if the reference in the said section 112 to subsection (4) of section 108 included a reference to that subsection as applied by these regulations.

(2) Paragraph (*b*) of the proviso to section 108 (1) of the Food and Drugs Act 1955 shall apply for the purposes of these regulations as if the reference therein to section 116 of that Act included a reference to that section as applied by these regulations.".

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 7th June 1962.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

Given under the Official Seal of the Minister of Health on 19th June 1962.

(L.S.)

J. Enoch Powell,
Minister of Health.

EXPLANATORY NOTE

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

These regulations amend the Milk and Dairies (Channel Islands and South Devon Milk) Regulations 1956 and the Milk and Dairies (General) Regulations 1959 by applying specifically certain sections of the Food and Drugs Act 1955 relating to legal proceedings.