(2) GENERAL REGULATIONS

The Milk and Dairies Regulations, 1949

1949 No. 1588

Made - - - -	*25th August*, 1949
Laid before Parliament	*25th August*, 1949
Coming into Operation	*1st October*, 1949

The Minister of Health, the Minister of Agriculture and Fisheries and the Minister of Food acting jointly in exercise of the powers conferred on them by sections 20 and 92 of the Food and Drugs Act, 1938(a), as amended by the Food and Drugs (Milk and Dairies) Act, 1944(b), by the Transfer of Functions (Food and Drugs) Order, 1948(c), and by the Agriculture (Miscellaneous Provisions) Act, 1949(d), and of all other powers enabling them in that behalf, and so far as they relate to the partial repayment of sums paid by way of compensation, with the approval of the Treasury, hereby make the following regulations:—

PART I

Short Title, Commencement, Interpretation, Enforcement and Revocation of Regulations

1. These regulations may be cited as the Milk and Dairies Regulations, 1949, and shall come into operation on the first day of October, 1949.

2.—(1) In these regulations, unless the contrary intention appears—

"dairy" includes any farm, cowshed, milking house, milk store, milk shop, or other premises from which milk is supplied on or for sale, or in which milk is kept or used for the purpose of sale or of manufacture into butter, cheese, dried milk or condensed milk for sale, or in which vessels used for the sale of milk are kept, but does not include a shop from which milk is supplied only in the properly closed and unopened vessels in which it is delivered to the shop, or a shop or other place in which milk is sold for consumption on the premises only;

"dairyman" includes an occupier of a dairy, a cow-keeper, and a purveyor of milk;

"dairy farm" means any farm, cowshed or other premises being a dairy on which milk is produced from cows, but does not include any part of any such farm or premises on which milk is manufactured into other products unless the milk produced on the farm or premises forms a substantial part of the milk so manufactured;

"dairy farmer" means a dairyman who produces milk from cows;

"distributor" means a person trading as a dairyman elsewhere than at or from premises in relation to which he is registered as a dairy farmer under these regulations;

(a) 1 & 2 Geo. 6. c. 56.
(b) 7 & 8 Geo. 6. c. 29.
(c) S.I. 1948 (No. 107) I, p. 1966.
(d) 12, 13 & 14 Geo. 6. c. 37.

"local authority" has the meaning assigned to it by section 64 of the Food and Drugs Act, 1938;

"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, skimmed milk and separated milk;

"milking house" means any building or part of a building or any shed in which cows are milked;

"milk room" means any part of a dairy, not being a milking house or premises which constitute a dairy solely by the reason of the sale thereat of milk in open containers for consumption elsewhere or off the premises, in which milk is cooled, processed, handled or stored or manufactured into milk products and which is used only for those purposes and for the cleansing and storage of milk utensils;

"notifiable disease" means dysentery, gastro-enteritis and, in relation to London, a disease notifiable under the Public Health (London) Act, 1936(a), and, in relation to any area outside London, a disease notifiable under the Public Health Act, 1936(b);

"registered premises" means any building or other premises required to be registered under the provisions of these regulations.

(2) The Interpretation Act, 1889(c), applies to the interpretation of these regulations, as it applies to the interpretation of an Act of Parliament.

3. It shall be the duty of every local authority within their area to carry into execution and enforce the provisions of—

(*a*) regulations 18, 19 and 20 of these regulations; and

(*b*) the remainder of these regulations except in so far as they relate to dairy farms or to the registration of persons carrying on or proposing to carry on the trade of dairy farmer.

4. Every dairy farmer and distributor shall take all practicable steps to make the provisions of these regulations known to every person in or about any registered premises in his occupation so far as such provisions impose any duties or restrictions on such person and so far as they relate to the processes carried out by such person.

5. The Milk and Dairies Regulations, 1926 to 1943(d), are hereby revoked.

PART II

Registration of dairy farms and of dairy farmers

6.—(1) The Minister of Agriculture and Fisheries shall keep a register of all persons carrying on the trade of dairy farmer, and of all dairy farms.

(2) Any person who wishes to be registered as a dairy farmer or to register any premises as a dairy farm, shall make application in writing to the Minister of Agriculture and Fisheries.

(3) Subject to the provisions of Regulation 7, the Minister of Agriculture and Fisheries, on an application in writing by any person carrying on or proposing to carry on the trade of dairy farmer or to use any farm or other premises as a dairy farm, shall register such person and such premises.

(a) 26 Geo. 5 & 1 Edw. 8. c. 50. (b) 26 Geo. 5 & 1 Edw. 8. c. 49.
(c) 52 & 53 Vict. c. 63.
(d) S.R. & O. 1926 (No. 821) p. 1024; S.R. & O. 1938 (No. 217) II, p. 2162; and P.R. & O. dated May 21, 1943.

(4) No person shall carry on the trade of dairy farmer or use any premises as a dairy farm unless he and any such premises are registered in pursuance of these regulations.

(5) Any premises being immediately before the commencement of the Food and Drugs (Milk and Dairies) Act, 1944, a dairy farm and any person then carrying on the trade of dairy farmer shall be deemed to have been registered in pursuance of these regulations at the commencement of the Food and Drugs (Milk and Dairies) Act, 1944.

(6) (*a*) Every authority who, before these regulations came into operation, registered persons or premises in accordance with Article 6 of the Milk and Dairies Order, 1926, shall furnish the Minister of Agriculture and Fisheries, on request, with particulars of all persons and premises entered in their registers at the commencement of the Food and Drugs (Milk and Dairies) Act, 1944, being persons or premises which in the opinion of the authority are dairy farmers or dairy farms for the purposes of these regulations.

(*b*) The Minister of Agriculture and Fisheries shall notify every such person that he and the premises used by him as a dairy farm are deemed to have been registered as a dairy farmer and dairy farm respectively in accordance with these regulations at the commencement of the Food and Drugs (Milk and Dairies) Act, 1944, and that his name and the description of the premises will be removed from the registers of the authority, and entered in the register kept by the Minister of Agriculture and Fisheries; and having regard to any representations received from such a person, the necessary adjustments shall be made in the respective registers accordingly.

(7) Without prejudice to the making of an application under paragraph (2) of this regulation, any person who is of opinion that he, or premises in his occupation, ought to be deemed to have been registered as a dairy farmer, or as a dairy farm, at the commencement of the Food and Drugs (Milk and Dairies) Act, 1944, and who does not receive a notification to that effect, may apply to the Minister of Agriculture and Fisheries, and that Minister, if he is satisfied that the person or premises should be deemed to have been so registered, shall cause the necessary adjustments to be made in the register kept by him.

(8) The name of any registered person ceasing to carry on the trade of dairy farmer and the description of any registered premises which cease to be used for the purpose of a dairy farm shall be removed from the register.

7.—(1) The Minister of Agriculture and Fisheries may refuse to register a person carrying on or proposing to carry on the trade of dairy farmer or a dairy farm, if in his opinion having regard to conditions existing at the premises to be registered, these regulations cannot be complied with and the registration should be refused, and may cancel the registration of a dairy farmer or dairy farm, if in his opinion these regulations are not being complied with and the registration should be cancelled.

(2) Notice shall be given by the Minister of Agriculture and Fisheries to the person affected of any intention to refuse or cancel the registration, stating the grounds on which it is alleged that the regulations cannot be or are not being complied with, as the case may be, and the rights of that person of making objections and representations in accordance with these regulations.

(3) (*a*) At any time within 28 days from the receipt of a notice of intention to refuse a registration the person affected may make objections in writing to the Minister of Agriculture and Fisheries, in respect of all or any of the grounds stated in the notice, that the regulations can be complied with.

(*b*) At any time within 28 days from the receipt of a notice of intention to cancel a registration the person affected may make objections as aforesaid that the regulations are being complied with.

(4) Any such objection shall be referred by the Minister of Agriculture and Fisheries to a tribunal constituted in accordance with the provisions contained in Part I of the First Schedule to these regulations.

(5) The provisions of Part II of the First Schedule shall have effect with respect to the procedure of the tribunal, the determinations of the tribunal and the reporting of such determinations to the Minister of Agriculture and Fisheries.

(6) The determinations of the tribunal shall be communicated by the Minister of Agriculture and Fisheries to the person objecting and the determinations of the tribunal as stated in their report to the Minister of Agriculture and Fisheries shall, for the purpose of the proposal to refuse or cancel registration, be conclusive evidence of the facts found thereby.

(7) Either in addition to or instead of making objections on receipt of a notice of intention to refuse or cancel a registration, the person affected may at any time within 28 days from the receipt of such notice, make representations in writing to the Minister of Agriculture and Fisheries that the registration should not be refused or cancelled, as the case may be, on the grounds stated in such notice.

(8) No registration shall be cancelled—

(*a*) in any case, until the expiration of the period within which objection may be made or within which representations may be made;

(*b*) where an objection is made, until the report of the tribunal thereon has been received and considered by the Minister of Agriculture and Fisheries;

(*c*) where representations are made to the Minister of Agriculture and Fisheries, until the representations have been considered by him.

PART III

Registration of dairies other than dairy farms and of distributors

8.—(1) Every local authority shall keep a register of all persons carrying on the trade of distributor in their district and of all premises within their district which are used as dairies, not being dairy farms, and shall remove from such register the name of any person who ceases so to trade and the address of any premises which cease to be so used.

(2) Any person who wishes to be registered as a distributor or to register any premises as a dairy, not being a dairy farm, shall make application in writing to the registering authority.

(3) Subject to the provisions of section 22 of the Food and Drugs Act, 1938, as amended by the Food and Drugs (Milk and Dairies) Act, 1944, the registering authority, on an application in writing by any person carrying on or proposing to carry on in their district the trade of distributor or to use premises in the district as a dairy, not being a dairy farm, shall register such person or such premises.

(4) Subject as aforesaid no person shall carry on the trade of distributor or use any such premises as a dairy, not being a dairy farm, unless he or, as the case may be, those premises are registered in pursuance of this regulation.

PART IV

Inspection and health of cattle

9.—(1) The Minister of Agriculture and Fisheries may cause to be made such inspections of cattle as he may consider necessary and proper for the purpose of the Food and Drugs Acts, 1938 and 1944, and of these regulations.

(2) A veterinary inspector authorised by the Minister of Agriculture and Fisheries under subsection (1) of section 29 of the Agriculture Act, 1937(a), to inspect animals or poultry may inspect the cattle on any dairy farm for the purpose of these regulations.

(3) Where any such inspector has given notice in writing to a dairy farmer of his intention to inspect the cattle on a dairy farm, the dairy farmer shall cause such cattle to be confined or secured so that a proper veterinary examination may be made.

10. A veterinary inspector making an inspection of cattle for the purpose of these regulations may require any cow to be milked in his presence and may take samples of the milk and may require that the milk from any particular teat shall be kept separate and he may take separate samples thereof.

PART V

General provisions relating to buildings and water supplies

11.—(1) No person shall use as a milking house, milk room or for the handling, processing or storage of milk, any building or part of a building, which is so situated as to lead to the risk of contamination of the milk.

(2) No person shall use as a milking house, milk room or for the handling, processing or storage of milk, any building or part of a building (other than a cold store) on registered premises, which is not provided with a sufficient number of openings suitably placed and so used as to secure that the air therein is kept in a fresh and wholesome condition.

(3) No person shall use as a milking house, milk room or for the handling, processing or storage of milk, any building or part of a building on registered premises, which is not provided with such windows or such means of artificial lighting as are necessary to enable the milking of cows and any other process connected with milk to be conducted in a good and proper light:

Provided that any building or part of a building on a dairy farm being used as a milking house or milk room at the commencement of these regulations which does not conform with the requirements of this paragraph may, notwithstanding its failure to conform with such requirements, continue to be so used for such period as the Minister of Agriculture and Fisheries may allow.

(4) No person shall house cows in any building or part of a building on a dairy farm, not being a milking house, unless it is provided with light and ventilation adequate for the maintenance of the health of the cows. The approach and access to any building or part of a building, not being a milking house, in which cows are housed shall be kept clear of any accumulation of dung or other offensive matter. The conditions in which the cows are kept shall be such as to prevent gross and avoidable soiling of the animals.

12.—(1) All registered premises shall be provided with a supply of water suitable and sufficient for the requirements of these regulations.

(a) 1 Edw. 8 & 1 Geo. 6. c. 70.

(2) Every receptacle used for the storage or conveyance of water shall be emptied and cleansed as often as may be necessary to prevent the pollution of the water and to maintain it in a suitable condition for the purpose for which it is required.

(3) The water supply used for the watering of cows shall, as far as is reasonably possible, be protected against contamination caused by the drainage of foul water or otherwise.

13. No occupier of any building, part of a building or shed shall use it as a milking house unless—

(*a*) those parts of the surface of the floor liable to soiling by cows are impervious and constructed of such material and in such a manner as to render it practicable to remove any liquid matter which may fall thereon and to prevent, as far as is reasonably practicable, the soiling of the cows;

(*b*) the floor is so sloped and provided with gutters or channels of some impervious material as to ensure that any liquid matter which falls on the floor, or in the gutters or channels, is thereby conveyed to a suitable drain outside the building and thence to a suitable place of disposal, but nothing in this regulation shall be deemed to prohibit the practice of providing for the absorption of such liquid matter into some removable material which is afterwards disposed of outside the building;

(*c*) those parts of the surface of any walls liable to soiling or infection by cows are impervious and capable of being readily cleansed:

Provided that for the purposes of this regulation—

(i) any building, part of a building or shed being used as a milking house at the commencement of these regulations which does not conform with the requirements of this regulation, may, notwithstanding its failure to conform with such requirements, continue to be so used for such period as the Minister of Agriculture and Fisheries may allow; and

(ii) the requirements of sub-paragraphs (*a*) and (*b*) of this regulation shall not apply to a milking house which is a movable shed, but that shed shall be moved with sufficient frequency to avoid contamination of the milk.

14. The occupier of any milk room or building or part of a building in which milk is handled, processed or stored, or is kept or used for the purpose of sale or manufacture into butter, cream, cheese, dried milk or condensed milk for sale, shall—

(*a*) cause the interior thereof and any furniture and fittings therein to be cleansed as often as may be necessary to maintain them at all times in a state of thorough cleanliness; and

(*b*) except in the case of a building or part of a building in which milk is solely or mainly dealt with by way of retail sale—

(i) cause the floor thereof to be constructed of such material and in such a manner as to render the surface impervious so that it is practicable to remove any liquid matter which may fall thereon, and cause such floor to be so sloped as to convey such liquid matter to a suitable and properly trapped drain;

(ii) cause the surface of any wall or part of a wall liable to splashing by milk or otherwise to be smooth and impervious; and

(iii) cause such floor and any such wall or part thereof to be cleansed with water at least once in every day.

PART VI

Special provisions applicable to the production of milk and the treatment, handling and storage of milk

15. Every dairy farmer shall—

(*a*) cause every part of the interior of every milking house in his occupation to be kept in such a state of cleanliness as will prevent contamination of the milk ;

(*b*) cause all dung and other offensive matter to be removed at least once every day from any milking house in his occupation ; and

(*c*) cause the approach and access to any milking house or milk room to be kept free from any accumulation of dung or offensive matter.

16. Every dairy farmer shall cause the following precautions to be taken in connection with the milking of cows:—

(1) No dry bedding, hay or other dusty matter shall be moved in the milking house during the milking or within half an hour before the milking commences, in such manner as to cause risk of contamination of the milk.

(2) The milking shall be carried out in a good and proper light, whether in the daytime or in the hours of darkness.

(3) Before milking is begun all dirt on or around the flanks, tail, udder and teats of each cow shall be removed and the udder and teats shall be kept thoroughly clean during milking.

(4) The hands of the milker shall be thoroughly washed and dried before milking and shall throughout the milking be kept clean, free from contamination and, as far as practicable, dry.

(5) All milking stools shall be kept thoroughly clean.

(6) The foremilk of each cow shall be separately drawn into a receptacle for immediate visual examination and shall be subsequently discarded in such a manner as to avoid risk of infection.

(7) As soon as possible after milking, the milk of each cow shall be removed to a milk room and pending removal the milk shall be kept in a covered receptacle: provided that—

(*a*) where no milk room is available, the milk may be removed to some other place for the time being approved by the Minister of Agriculture and Fisheries ; or

(*b*) where the milk is intended for use in the manufacture of butter, treated cream or cheese on the premises where it is produced, that milk may be removed to a room suitable for that purpose.

17.—(1) Every dairy farmer after milking, unless—

(*a*) the milk is to be immediately heat-treated or is to be used for the manufacture of butter, cream, cheese or other milk products at the premises where it is produced ; or

(*b*) the dairy farmer sells the milk to a consumer, who takes delivery of it at or shortly after the time of milking on the day of production, at the premises where it is produced ; or

(*c*) the dairy farmer delivers the milk to a distributor, and he, and that distributor, satisfy the Minister of Agriculture and Fisheries that the time between the production of the milk and its receipt by the distributor makes cooling by the dairy farmer unnecessary ; or

(*d*) in any other circumstances the said Minister decides to grant exemption for a specified period or otherwise ;

shall, without any delay other than that caused by any process of straining or centrifugalisation to which the milk may be subjected, cause the milk to be cooled either (*a*) to a temperature not exceeding 50°F., or (*b*) if the temperature of the water supply available for cooling is 45°F. or above, to a temperature not more than 5°F. above the temperature of that supply.

(2) Every distributor on receiving at his registered premises milk which has not been previously cooled by another distributor to a temperature not exceeding 50°F. shall, without delay, cause such milk to be so cooled unless—

(*a*) it is received in the containers in which, without disturbance, it is to be delivered by him to the consumer ; or

(*b*) it is received in sealed containers and, the seals being unbroken, it is forwarded to another distributor ; or

(*c*) it is to be heat-treated or used on the said premises for the manufacture of butter, cream, cheese or other milk products:

Provided that for the period of 5 years from the commencement of these regulations, a local authority may authorise any distributor who immediately before such commencement was not required under the Milk and Dairies Order, 1926, to cool milk received by him to a temperature not exceeding 55°F., to cool milk, in the circumstances specified in this paragraph, to a temperature not exceeding 5°F. above the temperature of the water available to him for cooling, in lieu of a temperature not exceeding 50°F. and this paragraph shall apply to any distributor so authorised accordingly.

PART VII

Provisions with regard to infection of milk

18.—(1) Every person having access to milk or to churns or other milk receptacles in or about any registered premises as soon as he becomes aware that he or any other member of his household is suffering from any notifiable disease shall notify the occupier of such premises of the fact and the occupier shall forthwith notify the medical officer of health of the district in which the premises are situated.

(2) Where the medical officer of health of a district becomes aware that any person having access to milk, or to churns or to other milk receptacles in or about any registered premises is suffering from or has recently been in contact with a person suffering from any disease liable to cause infection of milk, he shall forthwith notify the occupier of such premises of the fact, and where such medical officer of health is not the medical officer of health of the district in which the premises are situated, he shall also notify the medical officer of health of that district.

19.—(1) Where the medical officer of health of a district has cause to suspect that any of the persons in or about any registered premises who have access to the milk or to the churns or other milk receptacles is suffering from or has recently been in contact with a person suffering from a disease liable to cause infection of milk or is in such a condition that there is a danger of his causing the milk to become infected, he may give notice to the occupier of such premises that he considers it necessary to make an examination of any or all of such persons ; and where he gives such notice the said occupier and every person concerned shall give to the medical officer of health all reasonable facilities for making such examination.

(2) Where from the result of such examination or otherwise the medical officer of health is of opinion that the employment of any such person is likely to lead to the spread of any disease, he may give notice in writing to that effect to the occupier of the registered premises and to the person concerned specifying the disease in question and requiring that, during a period to be specified in such notice, the person to whom the notice relates shall not milk cows or handle vessels used for containing milk or in any way take part in the production, processing, distribution or storage of milk.

(3) A person to whom a notice under the last preceding paragraph relates and any person regarding whom the occupier of the registered premises has received notification, either from the person himself or from the medical officer of health in accordance with Regulation 18 shall not, and no dairyman shall knowingly, allow any such person to milk cows or handle vessels used for containing milk or in any way take part in the production, processing, distribution or storage of milk until the expiry of the period mentioned in the notice, or, as the case may be, until all danger of communication of disease by means of the milk has ceased.

20.—(1) Where the medical officer of health of a district is in possession of evidence which satisfies him that any person is suffering from disease caused by the consumption of milk supplied within the district from any registered premises or that the milk at any registered premises within the district is infected with disease communicable to man, he may by a notice in writing to the occupier of the premises, specifying such evidence, require that no milk from those premises, or that no such milk therefrom as is specified, whether by reference to its category or place of origin, or both, in the notice, shall—

(*a*) if the premises are within the district, be sold for human consumption, or used in the manufacture of products for human consumption; or

(*b*) if the premises are without the district, be sold for human consumption within the district; or

(*c*) in case (*a*) above be sold or used, or in case (*b*) above be so sold, unless it has been treated, or, in the case of a sale, is sold subject to its being treated before consumption, in such a way as to secure to the satisfaction of the medical officer of health that it may, with safety, be so disposed of.

(2) Where the medical officer of health of a district, without being in possession of such evidence as aforesaid, has reasonable grounds for suspecting that any person is so suffering, or that any milk is so infected, as aforesaid, he may, by such notice as aforesaid, specifying the grounds of his suspicion, make such of the requirements specified in sub-paragraph (*c*) of the last preceding paragraph as are appropriate in the circumstances of the case.

(3) Any such notice shall,—

(*a*) if it is served in respect of milk infected or suspected of being infected with a notifiable disease, operate for such period not exceeding twenty-four hours from the receipt of the notice, as may be specified therein, but may be renewed for a further period or periods of twenty-four hours, and

(*b*) in any other case, operate until it is withdrawn, and

(*c*) in any case, be withdrawn forthwith upon the medical officer of health by whom it was served being satisfied that the milk in respect of which it was served is no longer likely to cause disease through infection.

(4) Where a medical officer of health of a district serves any notice under this regulation, he shall forthwith send a copy thereof to the Minister of Food, and where the notice is served in respect of milk obtained from registered premises without the district he shall also send forthwith a copy thereof to the medical officer of health of the district within which the premises are situated.

(5) No person shall sell or use milk contrary to the terms of a notice given by a medical officer of health under this regulation.

(6) Where any person sustains any damage or loss by reason of a notice served under this regulation he shall be entitled to compensation from the local authority whose medical officer of health issued the notice—

(*a*) unless, in the case of a notice served under paragraph (1) of this regulation, disease was in fact caused by the consumption of milk supplied from the premises to the occupier of which the notice was addressed or, as the case may be, milk at those premises was infected with disease communicable to man ; or

(*b*) unless, in the case of a notice served under paragraph (2) of this regulation, there were in fact reasonable grounds for the medical officer of health's suspicion ; or

(*c*) if in any case, the notice was not withdrawn or suffered to lapse as soon as the circumstances required:

Provided that in the case of a notice served upon a dairy farmer in respect of a person suffering or suspected to be suffering from a bovine disease or of milk infected or suspected to be infected with a bovine infection, compensation shall be payable notwithstanding anything contained in sub-paragraph (*a*) or (*b*) of this paragraph if the authority is satisfied or, in the case of a dispute, it is determined that there were no grounds upon which the dairy farmer could reasonably have suspected, when the sample of the milk was taken on the test of which the service of the notice was based, or, where no such sample was taken, when the notice was served, that any cow in the herd at the premises concerned was in a condition likely to cause its milk to be infected with a bovine infection.

(7) For the purposes of the proviso to the last preceding paragraph, a bovine disease means tuberculosis, undulant fever, malta fever, salmonellosis, being in each case of bovine origin, or any other disease as may from time to time be determined by the Minister of Health and the Minister of Agriculture and Fisheries with the consent of the Treasury, and a bovine infection means *Mycobacterium tuberculosis, Brucella abortus, Brucella melitensis,* the salmonella group of organisms, being in each case of bovine origin, or any other infection as may from time to time be determined by the Minister of Health and the Minister of Agriculture and Fisheries with the consent of the Treasury.

(8) The Minister of Health shall repay to any local authority three-quarters of any sums paid by that authority by way of compensation by virtue of the proviso to paragraph (6) of this regulation.

(9) Any dispute as to compensation arising under paragraph (6) of this regulation shall be determined, and any compensation awarded thereunder shall be recoverable, in like manner as if the dispute had arisen or the award had been made under the Food and Drugs Act, 1938, and section 86 of that Act shall apply accordingly.

PART VIII

General provisions for protecting milk against contamination or infection

21. The following provisions shall apply for the purpose of preventing contamination or infection of milk:—

(1) Milk shall not be handled, processed or stored in any place where it is liable to become contaminated or infected. In particular it shall not be handled, processed or stored—

(*a*) in any room used as a kitchen, scullery, living-room or sleeping-room; or

(*b*) in any room or part of a building which communicates directly by door, window or otherwise with—

(i) any sanitary convenience, cesspool or receptacle for ashes or other refuse, or a boiler house or fuel store or a room in which an internal combustion engine is operated unless the exhaust is discharged into the external air,

(ii) any room which is used as a sleeping-room or any room which is occupied by a person suffering from a notifiable disease; or

(*c*) in any room or part of a building in which there is any direct inlet to a drain which is not efficiently trapped:

Provided that the foregoing provisions shall not be deemed to prohibit the deposit or keeping of milk intended for use in the manufacture of butter, treated cream or cheese on the premises where it is produced, in a room used as a kitchen.

(2) No article except those used in connection with the production, treatment, handling, storing or distribution of milk may be deposited in a milk room, but this paragraph shall not be deemed to prohibit the deposit of butter or ice-cream in a milk room.

(3) Vessels containing milk shall be properly covered or the milk shall be otherwise effectively protected from dust, dirt, flies or other sources of contamination.

(4) No foul or noxious matter or soiled bed or body clothing shall be conveyed through any part of a building used for the keeping or storage of milk.

(5) A milk room shall not be used for any purposes other than the cooling, processing, handling and storage of milk, the manufacturing of milk into milk products and the cleansing and storing of milk utensils.

22.—(1) Every person engaged in the milking of cows or the distribution or measuring of milk or otherwise having access to milk or to churns or other milk receptacles, shall keep his outer clothing and person clean at all times when so engaged.

(2) The occupier of all premises where milk is produced, handled, sold or stored, shall provide thereon facilities for persons mentioned in paragraph (1) of this regulation to wash and cleanse themselves, including an adequate supply of soap, clean towels and clean water, both hot and cold: Provided that this paragraph shall not apply in relation to premises where no milk is kept otherwise than in sealed containers.

23. No person shall carry out any process of cooling, bottling, sterilising or pasteurising milk or any other process connected with milk, or keep any appliances connected with any such process, in a milking house or in any place where the milk or appliances would be liable to contamination arising from any cowshed, stable, manure-heap or otherwise.

24.—(1) No person shall keep any swine or poultry in any milking house.

(2) No person shall keep any animal or poultry in any milk room, or room in which milk is processed, handled or stored or in which utensils used in connection therewith are kept, or in any room or shed communicating directly therewith.

PART IX

Provisions relating to the cleansing and storage of vessels, utensils and appliances

25. No person shall use, or cause to be used, for the reception, measurement, storage or delivery of milk any milk tanker, churn, vessel or other receptacle, the interior surface of which is incapable of being readily cleansed.

26.—(1) Every dairy farmer or distributor shall ensure that every vessel (including the lid) used for containing milk shall, immediately before use by him, be in a state of thorough cleanliness, and if he has reason to believe that since last being used for containing milk, any such vessel has not been cleansed in accordance with the provisions of this regulation or has, subsequent to such cleansing been rendered unclean, shall cause the vessel to be cleansed or recleansed as the case may be, and if he is unable so to cleanse or recleanse the vessel he shall not use it for containing milk.

(2) Every dairy farmer or distributor shall cause any appliance used by him for any purpose for which it is brought into contact with milk to be cleansed in accordance with the provisions of this regulation and to be, immediately before use, in a state of thorough cleanliness.

(3) All vessels and appliances after cleansing shall, when not in use, be stored in a clean place and shall be protected from dust and dirt. Bottle-discs and caps shall, before use, be stored in a clean place and be protected from dust and dirt.

(4) Every dairy farmer or distributor on despatching empty after they have contained milk any vessels other than milk tankers and milk bottles shall cause such vessels to be cleansed in accordance with the provisions of this regulation and to be securely closed.

(5) Every distributor on returning empty after it has contained milk any milk tanker shall cause it to be thoroughly rinsed and securely closed before it leaves his registered premises.

(6) For the purpose of cleansing or recleansing any milk tanker, vessel or appliance in accordance with the provisions of this regulation—

(*a*) such milk tanker, vessel or appliance shall as soon after use as is practicable be thoroughly rinsed and washed with or without detergents and, before it is used again, shall be scalded with boiling water or steam or otherwise effectively cleansed with an oxidising or preservative agent, approved jointly by the Minister of Agriculture and Fisheries and the Minister of Food ;

(*b*) no oxidising or preservative agent, other than one approved as aforesaid shall be used ; and

(*c*) if any oxidising or preservative agent or detergent has been used for cleansing any milk tanker, vessel or appliance, the person using such agent or detergent shall remove all trace thereof from such milk tanker, vessel or appliance before it is again brought into contact with milk.

PART X

Conveyance and distribution of milk

27.—Every person shall cause every milk tanker, vessel or other receptacle (other than bottles or cartons) in which he despatches milk by rail or road to comply with the following requirements:—

(*a*) the name and address of the consignor of the milk shall be clearly marked on the milk tanker, vessel or other receptacle or on a label properly and securely affixed thereto ; and

(*b*) every such milk tanker, vessel or other receptacle shall be provided with a lid without openings, which shall be so constructed and fitted as to prevent the access to the milk of dirt, dust or rain water or the return to the interior of the receptacle of any milk which may have been splashed above the lid.

28. Every person shall cause every milk tanker, vessel or other receptacle used by him for the conveyance or storage of skimmed or separated milk or for containing such milk at any time when it is exposed for sale to be marked with the words "Skimmed Milk" or "Separated Milk" as the case may require, in large and legible letters.

29.—(1) Except in pursuance of any statutory authority in that behalf, no person shall open any vessel or other receptacle containing milk in the course of conveyance or distribution or transfer such milk from one receptacle to another at any place other than registered premises:

Provided that this regulation shall not be deemed to prohibit a dairyman or his agent from opening a vessel or other receptacle containing milk on final delivery on a retail sale, or from transferring milk from a milk tanker to another milk tanker, or, when taking delivery of milk, from opening a milk tanker, vessel or other receptacle containing milk for the purpose of checking the contents thereof or from transferring milk to another receptacle for the purpose of sampling.

(2) Every person shall cause every bottle or carton in which he intends to deliver milk to consumers to be filled and closed on registered premises ; and no person shall remove or tamper with any disc or other device used for closing the bottle at any time after it has left such premises and before it is delivered to the consumer.

30. Every person engaged in the sale, conveyance or distribution of milk shall use all practicable precautions for preventing the milk from being unnecessarily exposed to heat and from being contaminated by dirt, dust, rain water or otherwise, and in particular—

(*a*) no such person shall leave or cause to be left any bottles or cartons containing milk on a public highway except upon final delivery on a retail sale ;

(*b*) every person who habitually uses any particular place for the deposit of milk to await collection or further conveyance, shall so far as is practicable afford such place protection from the direct rays of the sun.

31. The interior of every cart, lorry or other vehicle when used for the conveyance of milk shall be kept clean. No live animal or bird or any article likely to contaminate the milk shall be conveyed in such a vehicle at the same time as the milk and no such vehicle which has been used for the conveyance of offensive matter shall be used for the conveyance of milk until that vehicle has been thoroughly cleansed and purified.

32. Every person who, himself or by his servant, in a street or other place of public resort, sells, or offers or exposes for sale, milk from a stall, or from a cart, barrow or other vehicle, or from a vessel used without a stall or vehicle, shall have his name and address legibly and conspicuously displayed on the stall, vehicle or vessel as the case may be. Any person who fails to comply with the provisions of this regulation shall be guilty of an offence and shall be liable on conviction to a penalty not exceeding Two Pounds.

PART XI

Penalties

33. If any person contravenes or fails to comply with any of the provisions of these regulations he shall be guilty of an offence, and shall, except where a smaller penalty is provided by these regulations, be liable on conviction, in the case of a first offence, to a fine not exceeding Twenty Pounds and, in the case of a subsequent offence, to a fine not exceeding One Hundred Pounds or to imprisonment for a term not exceeding three months or to both such a fine and such imprisonment.

PART XII

Powers of entry and sampling

34. For the purpose of ascertaining whether there is or has been on or in connection with any premises any contravention of the provisions of these regulations relating to dairy farms or dairy farmers and generally for the purpose of the execution or enforcement of such regulations—

(*a*) the provisions of section 77 of the Food and Drugs Act, 1938, relating to power to enter premises shall apply in relation to the Minister of Agriculture and Fisheries and to any officer authorised by him as they apply in relation to a council and to any authorised officer of a council; and

(*b*) the provisions of section 68 (4) of the Food and Drugs Act, 1938 (which authorise certain persons to take samples of milk) shall apply to an officer duly authorised in that behalf by the Minister of Agriculture and Fisheries as they apply to an inspector of the Minister of Food.

PART XIII

Central Committee and County Advisory Committees

35.—(1) A committee, to be known as the Central Milk and Dairies Advisory Committee, shall be constituted in accordance with Part I of the Second Schedule to these regulations and in each administrative county a committee, to be known as the County Milk and Dairies Advisory Committee, shall be constituted in accordance with Part III of the said Schedule.

(2) The foregoing committees shall keep under review the operation and administration of Milk and Dairies Regulations and Milk (Special Designation) Regulations and shall from time to time report, in the case of the County Milk and Dairies Advisory Committees to the Central Milk and Dairies Advisory Committee and in the case of the Central Milk and Dairies Advisory Committee to the Minister of Agriculture and Fisheries. They may furthermore make such recommendations as they may deem desirable and their procedure shall be as set out in Parts II and IV of the Second Schedule to these regulations.

FIRST SCHEDULE

PART I

Constitution of tribunals under the provisions of section 1 (3) (c) of the Food and Drugs (Milk and Dairies) Act, 1944

1. A tribunal shall consist of a chairman and two other members.

2.—(1) The chairman shall be an independent person appointed by the Minister of Agriculture and Fisheries.

(2) One member shall be a person appointed by the Minister of Agriculture and Fisheries from a panel nominated jointly by the National Farmers' Union and the Milk Marketing Board.

(3) One member shall be a person appointed by the Minister of Agriculture and Fisheries after consultation with the Minister of Health and the Minister of Food as being representative of the consumers' interest.

3.—(1) The chairman shall hold office for three years and shall be eligible to be re-appointed as chairman.

(2) The chairman may resign his office by notice in writing served on the Minister of Agriculture and Fisheries.

(3) If the Minister of Agriculture and Fisheries is satisfied that the chairman is incapacitated by infirmity of mind or body from discharging the duties of his office, or is adjudged bankrupt or makes a composition or arrangement with his creditors, he may revoke the appointment.

(4) If the Minister of Agriculture and Fisheries is satisfied that the chairman is prevented by sickness or any other reason from acting on any reference to the tribunal, he may appoint an independent person to act in place of the chairman on that reference.

PART II

Procedure

1. Where in accordance with Regulation 7 of these regulations any objection in respect of any of the grounds stated in the notice of intention to refuse or cancel a registration is required to be referred to a tribunal by the Minister of Agriculture and Fisheries, that Minister shall forthwith inform the chairman of the tribunal of the reference to the tribunal, and of the name and address of the person making objection. He shall send to the chairman and to the members of the tribunal copies of his notice of intention to refuse or cancel the registration, as the case may be, and of the objection made by the person affected.

2. The chairman on being informed of the reference to the tribunal shall fix a convenient date and place for the hearing of the reference.

3.—(1) The person making objection may appear at the hearing on his own behalf or may be represented or assisted by any person whom he may appoint for the purpose.

(2) The Minister of Agriculture and Fisheries may be represented by any person instructed in that behalf.

4.—(1) At the hearing of the reference, the tribunal shall give an opportunity to the person making objection, or to his representative to address the tribunal and to produce evidence. The representative of the Minister of Agriculture and Fisheries may put questions to any witness called by or on behalf of the person making objection, including such person.

(2) The tribunal shall give the representative of the Minister of Agriculture and Fisheries an opportunity to address the tribunal and to produce evidence. The person making objection, or his representative may put questions to any witness called by or on behalf of the said Minister.

5. The tribunal shall if required by the objecting person or if they so wish, visit and inspect the premises in respect of which objection is made.

6. The tribunal shall determine whether the objections are made out and, if not, on which of the grounds on which they are made, they are not made out.

7. The tribunal may take notice of the circumstances existing at the date of the hearing, where there has been any change of circumstances since the date of the notice issued by the Minister of Agriculture and Fisheries.

8. The tribunal may adjourn the hearing from time to time if for any reason it appears to them necessary or desirable so to do.

9. In the event of a difference of opinion amongst the members of the tribunal the determination of the majority of them shall be the determination of the tribunal.

10. The chairman shall report the determination of the tribunal to the Minister of Agriculture and Fisheries in writing.

11. The hearing shall be open to the public.

12. Save as in this Schedule expressly provided, the tribunal shall have power to regulate their own business.

SECOND SCHEDULE

PART I

Constitution of the Central Milk and Dairies Advisory Committee

1. The Central Milk and Dairies Advisory Committee (hereinafter referred to as the Central Committee) shall consist of a chairman and members appointed by the Minister of Agriculture and Fisheries after consultation with the Minister of Health and the Minister of Food. The number of members to be so appointed shall be such as the aforesaid Ministers may from time to time determine and shall include, amongst other persons, representatives of the interests of producers and of distributors of milk (including a representative of the co-operative milk trade), of veterinary surgeons, of landowners and of county councils and of local authorities.

2. The chairman shall hold office for three years and shall be eligible for re-appointment. He may resign by a notice in writing served on the Minister of Agriculture and Fisheries.

3. The term of office of any member shall be three years, but a member who ceases to hold office shall be eligible for re-appointment. Any member may resign his membership by a notice in writing served on the Minister of Agriculture and Fisheries. The Central Committee shall have power to act notwithstanding any vacancy among the members thereof.

4. If the Minister of Agriculture and Fisheries is satisfied that the chairman or any member of the Central Committee is incapacitated by infirmity of mind or body, or is otherwise unsuited to continue to discharge his duties or if the chairman or any member is adjudged bankrupt or makes a composition or arrangement with his creditors that Minister may revoke the appointment.

PART II

Procedure

1. The Central Committee shall meet at least once a year.

2. The Central Committee shall examine any reports or recommendations laid before them by the County Milk and Dairies Advisory Committees.

3. The Central Committee may make to the Minister of Agriculture and Fisheries such reports or recommendations as they may think fit with regard to the operation and administration of Milk and Dairies Regulations, and Milk (Special Designation) Regulations.

4. A secretary shall be appointed by the Minister of Agriculture and Fisheries.

PART III

Constitution of a County Milk and Dairies Advisory Committee

1. A County Milk and Dairies Advisory Committee (hereinafter referred to as a County Committee) shall consist of a chairman appointed by the Minister of Agriculture and Fisheries after consultation with the county council for the county, and of not more than ten members.

2. The chairman shall hold office for three years and shall be eligible for re-appointment. He may resign by a notice in writing served on the Minister of Agriculture and Fisheries.

3. Members of a County Committee shall be appointed by the Minister of Agriculture and Fisheries after consultation with persons representing the interests of—

(*a*) the county council,

(*b*) the local authorities,

(*c*) the County Agricultural Executive Committee,

(*d*) distributors of milk (including a member of the co-operative milk trade),

(*e*) producers of milk,

(*f*) veterinary surgeons, and

(*g*) landowners.

4. The term of office of any member of a County Committee shall be three years but a member who ceases to hold office shall be eligible for re-appointment. Any member may resign his membership by a notice in writing served on the Minister of Agriculture and Fisheries. A County Committee shall have power to act notwithstanding any vacancy among the members thereof.

5. If the Minister of Agriculture and Fisheries is satisfied that the chairman or any member of a County Committee is incapacitated by infirmity of mind or body or is otherwise unsuited to continue to discharge his duties, or if the chairman or any member is adjudged bankrupt or makes a composition or arrangement with his creditors, that Minister may revoke the appointment.

PART IV

Procedure

1. A County Committee shall meet from time to time but in any case not less than once every six months.

2. A County Committee shall review the operation and administration of Milk and Dairies Regulations, and Milk (Special Designation) Regulations in their County and may then report or make such recommendations as they may think fit in respect of the operation and administration of these regulations or any matter arising therefrom, to the Central Committee.

3. A secretary shall be appointed by the Minister of Agriculture and Fisheries.

Given under the respective Official Seals of the Minister of Health, the Minister of Agriculture and Fisheries and the Minister of Food this twenty-fifth day of August, nineteen hundred and forty-nine.

(L.S.) *Arthur Blenkinsop,*
Parliamentary Secretary,
Ministry of Health.

(L.S.) *T. Williams,*
Minister of Agriculture
and Fisheries.

(L.S.) *John Strachey,*
Minister of Food.

EXPLANATORY NOTE

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

These regulations re-enact with amendments the Milk and Dairies Regulations 1926 to 1943. The principal changes are consequent upon the provisions of the Food and Drugs (Milk and Dairies) Act, 1944, and of the Agriculture (Miscellaneous Provisions) Act, 1949. The Minister of Agriculture and Fisheries thus becomes responsible for the registration of dairy farms and of persons carrying on or proposing to carry on the trade of dairy farmer. If that Minister proposes to refuse or cancel a registration, there is provision for the reference of objections to a tribunal, and for the making of representations to that Minister. The constitution and procedure of the tribunal are laid down and the Minister of Agriculture and Fisheries is required to consider their report before he refuses or cancels the registration.

The execution and enforcement of the regulations on dairy farms (except in so far as they relate to diseases communicable to man) becomes the responsibility of the Minister of Agriculture and Fisheries, while the local authorities retain responsibility for those provisions which apply outside dairy farms, for the provisions relating to diseases communicable to man and for the registration of dairies which are not dairy farms and of dairymen who are not dairy farmers.

A Central Committee, and County Committees are set up for the purpose of reviewing and making recommendations with respect to the operation and administration of these regulations and of Milk (Special Designation) Regulations.

The regulations also include new provisions for the inspection of cattle on dairy farms by veterinary inspectors of the Ministry of Agriculture and Fisheries.

There are a number of minor changes in the regulations relating to buildings, the cleansing of vessels and utensils, and the distribution of milk and its protection against contamination and infection with disease and, in particular, provision is made for modern practices in dairying including the use of mechanical refrigeration for cooling and the use of approved chemical agents for the cleansing of appliances.

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(3) PASTEURISED AND STERILISED MILK

The Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949

1949 No. 1589

Made - - - -	*25th August*, 1949
Laid before Parliament	*25th August*, 1949
Coming into Operation	*1st October*, 1949

The Minister of Health and the Minister of Food acting jointly in exercise of the powers conferred on them by sections 21 and 92 of the Food and Drugs Act, 1938(a), as amended by the Food and Drugs (Milk and Dairies)

(a) 1 & 2 Geo. 6. c. 56.