EXPLANATORY NOTE

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

This Order replaces the Condensed Milk (Control and Maximum Prices) Order, 1943, as amended.

The principal change is that maximum prices are prescribed for Special Full Cream Unsweetened Condensed Milk (Evaporated Milk) containing not less than 10 per cent. of butter fat.

The Milk (Control and Maximum Prices) (Great Britain) Order, 1951

1951 No. 1157

Made - - - - 28*th June*, 1951

Laid before Parliament 29*th June*, 1951

Coming into Operation as prescribed in Article 28 *of the Order*

The Minister of Food, in pursuance of the powers conferred upon him by Regulations 55, 55AA and 55AB of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(a) (as extended by the Supplies and Services (Extended Purposes) Act, 1947(b) and the Supplies and Services (Defence Purposes) Act, 1951(c), and continued in force by the Supplies and Services (Continuance) Order, 1950(d)), and of all other powers him enabling in that behalf, hereby orders as follows:—

PART I.—INTERPRETATION

1.—(1) In this Order—

" The Minister " means the Minister of Food.

" Agricultural land " has the same meaning as in the Defence (General) Regulations, 1939.

" Buy " includes offer or agree to buy, " sell " includes offer or agree to sell or expose for sale, and " obtain " and " supply " respectively include offer or agree or attempt to obtain or supply.

" Catering business " means the business or undertaking of an inn, public house, hotel, restaurant, buffet, coffee-stall or any place of refreshment open to the public, or of any club, boarding-house, refreshment contractor or canteen, and the expression " caterer " shall be construed accordingly.

" Certified milk " means milk in respect of which the designation " Certified " is lawfully used pursuant to the Milk (Special Designations) (Scotland) Order, 1951(e).

" Channel Islands milk " means milk—

(*a*) which is produced from cows of the Channel Islands breeds, and

(*b*) which shows on analysis a butterfat content of not less than four per cent., and

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(a) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (Nos. 1611 and 1615–25) II, pp. 39 and 45–56.
(b) 10 & 11 Geo. 6. c. 55.
(c) 14 & 15 Geo. 6. c. 25.
(d) S.I. 1950 (No. 1769) III, p. 51.
(e) S.I. 1951 (No. 644) I, p. 1316.

(*c*) which the producer thereof sells by retail or in respect of which he receives a premium paid through the medium of a premium contract issued by a Milk Marketing Board, and

(*d*) which is labelled " Channel Islands milk " when sold in a container.

" Consumer " in relation to the sale or supply of milk, means a person who buys or obtains the milk otherwise than (i) for re-sale or (ii) for use in his manufacturing business, or (iii) from or in an establishment or for the purposes of an establishment.

" Establishment " means a catering establishment or institution licensed or deemed to be licensed as such under the Food (Licensing of Establishments) Order, 1948, as amended(**a**), and the expression " licensee " in relation to an establishment shall be construed accordingly.

" Handicapped child " means

(*a*) In England and Wales, a child of more than five but less than sixteen years of age who is either (i) certified by the local education authority within the meaning of the Education Act, 1944(**b**), as being unable by reason of disability of mind or body to become a registered pupil of a primary or secondary school and who is not a registered pupil of a special school within the meaning of that Act, or (ii) has been notified or reported by any such local education authority to the local authority within the meaning of the Mental Deficiency Acts, 1913-1938, and certified by the latter authority as not being resident in an institution and who is not in attendance at a full time occupation centre ;

(*b*) in Scotland, a child of more than five but less than sixteen years of age who is either (i) certified by the education authority within the meaning of the Education (Scotland) Act, 1946(**c**), as being unable by reason of disability of mind or body to attend a school or occupation centre, or (ii) has been notified or reported by any such education authority to the local authority within the meaning of the Mental Deficiency (Scotland) Acts, 1913 and 1940, and certified by the latter authority as not being resident in an institution and who is not in attendance at an occupation centre.

" Homogenised milk " means milk which (i) has been treated by heat (ii) has been so processed as to break up the globules of butterfat and cause them to remain uniformly distributed throughout the milk instead of rising to the surface and (iii) when sold in a container is labelled " Homogenised milk ".

" Household consumption " means consumption by any person as a member of or guest in a household.

" Institution " means any hospital, mental hospital, sanatorium, convalescent home, nursing-home, infirmary, residential nursery and other similar establishment.

" Intermediate sale " means with respect to sales of milk (other than sterilised milk) in England and Wales—

(*a*) a sale to a ships' stores dealer ; and

(*b*) a sale to a retailer other than a ships' stores dealer during any week during which the total purchases of milk of all kinds (except sterilised milk) by the retailer from the seller does not exceed (i) 56 gallons in the case of sales to a retailer for the purposes of a business carried on by him in the London area as defined in the Fourth Schedule to this Order, or (ii) 84 gallons in any other case ;

(**a**) S.I. 1948 (Nos. 368 and 2584) II, pp. 404–7. (**b**) 7 & 8 Geo. 6. c. 31.
(**c**) 9 & 10 Geo. 6. c. 72.

but so that sub-paragraph (*b*) of this definition shall not include a sale to a producer-retailer or to a retailer who at the time of the sale is a regular purchaser of milk from the Minister.

" Kosher milk " and " Kedassia milk " mean respectively milk which has been prepared for consumption in accordance with the Jewish practice relating thereto and which when sold in a container is labelled " Kosher milk " or " Kedassia milk " as the case may be.

" Manufacturer " means a person who in the course of his trade or business other than the trade or business of an establishment, uses milk in the composition, manufacture or preparation of any other article.

" Milk " means liquid cow's milk but does not include separated milk, skimmed milk, condensed milk or evaporated milk.

" Milk churn " means in relation to Scotland a " milk can " for the bulk delivery of milk, and includes any part of a milk churn.

" Ministry churn " means any milk churn belonging to the Minister and marked " F.C." or " F-C " or " Ministry of Food."

" Milk crate " means a container of a description which is commonly known in the milk trade as a milk crate, and is commonly used in that trade as a receptacle for milk bottles.

" Milk Marketing Board " means a Milk Marketing Board constituted under the Agricultural Marketing Acts 1931-1949.

" Ordinary milk " means milk other than certified milk, Channel Islands milk, homogenised milk, Kosher milk, Kedassia milk, South Devon milk, sterilised milk, tuberculin tested milk and tuberculin tested (farm bottled) milk.

" Producer-retailer " means a person who sells by retail milk of his own production.

" Sale by retail " means any sale to a person buying otherwise than for the purpose of resale and includes any sale to a person for the purposes of his catering business, any sale to a manufacturer for the purposes of his manufacturing business, and any supply of milk to a beneficiary in accordance with the provisions of the Welfare Foods Order, 1947(**a**) or any Order amending or replacing it whether free of cost or at a reduced price; and the expression " retailer " shall be construed accordingly.

" Sale by wholesale " means

(i) for the purposes of the provisions of this Order relating to the maximum prices of milk (except sterilised milk) any sale other than a sale by retail or an intermediate sale;

(ii) for the purposes of the provisions of this Order relating to the maximum prices of sterilised milk and for the purposes of the provisions of this Order other than those relating to the maximum prices of milk, any sale other than a sale by retail.

" Ships' stores dealer " means a person holding a licence granted under the Ships' Stores (No. 2) Order, 1950(**b**), to sell milk for ships' stores.

" South Devon milk " means milk—

(*a*) which is produced from cows of the South Devon breed, and

(*b*) which shows on analysis a butterfat content of not less than four per cent., and

(**a**) S.R. & O. 1947 (No. 1673) II, p. 527. (**b**) S.I. 1950 (No. 1462) III, p. 471.

(*c*) which the producer thereof sells by retail or in respect of which he receives a premium paid through the medium of a premium contract issued by a Milk Marketing Board, and

(*d*) which is labelled as " South Devon milk " when sold in a container.

" Sterilised milk " means milk in repect of which the special designation " sterilised " is lawfully used pursuant to the Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949 and 1950(**a**).

" Tuberculin Tested milk " means milk in respect of which the special designation " Tuberculin Tested " or " Tuberculin Tested (Pasteurised) " is lawfully used pursuant to the Milk (Special Designation) (Raw Milk) Regulations, 1949 and 1950(**b**), or the Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949 and 1950, respectively ; or, in relation to Scotland pursuant to the Milk (Special Designations) (Scotland) Order, 1951.

" Tuberculin Tested (Farm Bottled) milk " means tuberculin tested milk which has been bottled at the place of production and in respect of which the description " Tuberculin Tested (Farm Bottled) " is lawfully used pursuant to the Milk (Special Designation) (Raw Milk) Regulations, 1949 and 1950.

" Week " means a period of 7 days ending at midnight on any Saturday.

(2) Any reference in this Order to a ration book or ration document means a ration book or ration document for the purposes of the Food Rationing Orders, 1951, which is valid thereunder and under this Order.

(3) Any reference in this Order to any purchase, sale, obtaining or supply by or from a retailer, producer-retailer, manufacturer, or other class of trader or by or from any establishment means any such transaction by or from the trader in the course of his business as such class of trader, or by or from the establishment in the course of its business as such.

Part 2.—Sale of Milk by the Minister

Terms and conditions of sale of milk by the Minister

2. Every person buying milk in England and Wales from the Minister shall buy such milk upon and subject to the terms and conditions set out in the First Schedule to this Order.

Part 3.—General Control of Purchases and Sales by Retailers

Control of purchases

3.—(1) No retailer shall buy or obtain any milk from any other person except—

(*a*) from the Minister ; or

(*b*) from a person (hereinafter referred to as " a nominated supplier ") authorised for that purpose by or on behalf of the Minister,

and no person except the Minister or a nominated supplier shall sell or supply milk to any retailer.

(2) The Minister may by notice given to any retailer or nominated supplier,

(*a*) cancel or amend the authorisation of any nominated supplier to supply any retailer or class of retailers ;

(*b*) transfer a retailer for the purposes of this Article from one nominated supplier to another.

(**a**) S.I. 1949 (No. 1589) I, p. 1715 and 1950 (No. 409) I, p. 754.
(**b**) S.I. 1949 (No. 1590) I, p. 1733 and 1950 (No. 410) I, p. 756

Control of sales

4.—(1) No retailer shall sell milk otherwise than in accordance with a permit or other authority granted for the purposes of this Article by or on behalf of the Minister and subject to any conditions imposed by such authority:

Provided that the foregoing prohibition shall not apply—

(*a*) in its application to Scotland, to the sale or supply of milk by a producer-retailer in respect of any week during which the total quantity of milk sold or supplied by him does not exceed 21 gallons;

(*b*) to the supply by a retailer of milk from his own cows to any servant employed by him either on agricultural land in his occupation or in the care and supervision of his cows on land other than agricultural land, for household consumption in the household of such servant;

(*c*) to the supply of any sample of milk to any person obtaining it in pursuance of statutory authority.

(2) Where a retailer obtains more milk, including milk of his own production, than he is authorised to supply under such permit or other authority as aforesaid, he shall forthwith notify the appropriate Regional Milk Supply Officer of the amount of the excess quantity and shall comply with any directions given by that officer on behalf of the Minister relating to such excess quantity.

(3) Where a retailer is charged with an infringement of this Article by reason of having supplied any such excess quantity, it shall be a defence for him to prove—

(*a*) that before supplying such excess quantity, he notified the appropriate Regional Milk Supply Officer that he was in possession thereof, or that he took all reasonable steps to notify that officer as aforesaid before supplying the milk and did so notify him as soon thereafter as was reasonably practicable; and

(*b*) that the supply of such excess quantity was reasonably necessary in order that the milk in question was not wasted.

Quantities authorised by a Form MK2

5.—(1) For the purposes of this part of this Order, any Certificate of Requirements of Liquid Milk, MK2 granted to any retailer by or on behalf of the Minister, shall be deemed to be an authority to that retailer under this Order to supply the following quantities of milk (which are inclusive of and not additional to any quantities authorised in respect of the retailer by any form EA2/SA2):—

(*a*) where the standard weekly allowance of milk for non-priority consumers is 2 pints, the weekly authorised total shown at the foot of column (*b*) of such certificate;

(*b*) where the standard weekly allowance of milk for non-priority consumers is 2½ pints, the weekly authorised total shown at the foot of column (*c*) of such certificate;

(*c*) where the standard weekly allowance of milk for non-priority consumers is 3 pints, the weekly authorised total shown at the foot of column (*d*) of such certificate;

(*d*) where the standard weekly allowance of milk is any other quantity, such total quantity as may be prescribed by Order or Directions of the Minister.

(2) For the purposes of this Article "standard weekly allowance of milk for non-priority consumers" means such quantity as is prescribed from time to time by Order or Directions of the Minister.

PART 4.—MAXIMUM PRICES

6.—(1) No person shall sell or buy any milk—

(*a*) on a sale in England and Wales, at a price exceeding the maximum price applicable in accordance with the provisions of the Second Schedule to this Order;

(*b*) on a sale by retail in Scotland, excluding the islands other than the islands of Islay, Coll and Gigha in the County of Argyll and those in the counties of Bute and Orkney, at a price exceeding the maximum price applicable in accordance with the provisions of the Third Schedule to this Order.

(2) No person shall in connection with the sale or disposition or proposed sale or disposition of any milk enter or offer to enter into any artificial transaction or make or demand any unreasonable charge.

PART 5.—REGISTRATION OF CONSUMERS AND CONTROL OF SUPPLY TO ESTABLISHMENTS

Registration of consumers

7.—(1) A consumer shall not obtain milk except from a retailer with whom the consumer is registered for the purposes of this Article, and a retailer shall not supply milk except to a consumer who is so registered with him.

(2) Registration of a consumer for the purposes of this Article shall be effected by—

(*a*) the acceptance by the retailer of a registration card or other document issued for that purpose by or on behalf of the Minister after such document has been duly completed; and

(*b*) the insertion of the name and address of the retailer in the space marked "milk" on a Form R.G.12A forming part of or affixed to a Ration Book R.B.2 or Ration Book R.B.7, in the space marked "SPARE 3" on a Form R.G.12A forming part of or affixed to a Ration Book R.B.1 or Ration Book R.B.1/N.A.A. or, in the case of any other ration document held by the consumer, in such other space as may be authorised by or on behalf of the Minister to be used for the purpose of registration:

Provided that any consumer registered or deemed to be registered with a retailer for the purposes of this Article shall not register with any other retailer unless he be authorised by or on behalf of the Minister to transfer his registration.

(3) A consumer shall not be registered with more than one retailer and where a retailer has more than one place of business the registration shall be in respect of one only of such places of business.

Exemption from registration provisions

8. The restrictions imposed by Article 7 of this Order shall not apply in relation to the supply of milk (and the corresponding obtaining thereof) in the following cases:—

(*a*) the supply of milk to a consumer if and so long as he is the holder of a form R.B.12, or of any other ration document by virtue of which he may, under the Food Rationing Orders, 1951, obtain from a

retailer with whom he is not registered in accordance with the provisions of those Orders, rationed foods in respect of which such registration would otherwise be necessary;

(*b*) the supply by a consumer for household consumption in his household, of milk lawfully obtained by him from a retailer, or the supply of any such milk by the consumer to any person by way of gift;

(*c*) the supply by a person of milk from his own cows for household consumption in his household or to any person by way of gift; or for household consumption in the household of a servant employed by him either on agricultural land in his occupation or in the care and supervision of his cows on land other than agricultural land;

(*d*) the supply of any sample of milk to any person obtaining it in pursuance of statutory authority;

(*e*) the supply of milk for the purpose of consumption as ships' stores in accordance with the provisions of the Ships' Stores (No. 2) Order, 1950.

Control of supplies to establishments

9. Milk shall not be obtained or supplied for the purposes of any establishment except under and in accordance with the terms of an authorisation issued in respect of that establishment by or on behalf of the Minister.

Cancellation and transfer of registrations

10. The Minister or a Food Control Committee may by notice or authorisation given in such manner as the Minister or the Food Control Committee may consider appropriate for bringing it to the attention of the persons affected:

(*a*) cancel the registration of any consumer with any retailer or with any branch of any retailer;

(*b*) transfer or authorise the transfer of the registration of any consumer to another retailer or to another branch of a retailer.

Except as aforesaid the registration of a consumer with a retailer shall not be transferred to another retailer or another branch of a retailer, and in the event of any transfer being effected under this Article the prior registration shall thereupon cease.

PART 6.—CONTROL OF SUPPLIES TO MANUFACTURERS

11. Milk shall not be obtained by or supplied to a manufacturer except under and in accordance with the terms of an authorisation granted by or on behalf of the Minister either to the manufacturer or his supplier.

PART 7.—PRIORITY SUPPLIES

Persons entitled to priority supplies

12.—(1) For the purposes of this Order the persons described below shall be entitled to a priority supply of milk in the circumstances mentioned in relation thereto, namely:—

(*a*) any person registered in accordance with the provisions of Part 5 of this Order in respect of a supply of milk to him as a beneficiary for the purposes of Article 2 of the Welfare Foods Order, 1947, as amended, shall be entitled to a priority supply of 7 pints per week;

(*b*) any school named on a Form S.M.K.2 issued by or on behalf of the Minister shall be entitled to a priority supply during the period of validity of the form of such quantity of milk per day as may properly be required for consumption of pupils free of charge in accordance with the Milk in Schools scheme ;

(*c*) the holder of any document issued by or on behalf of the Minister authorising a priority supply of milk to that holder shall, during the period of validity of the document, be entitled to a priority supply of such amount as is indicated on the document.

Obligation on retailers in respect of priority supplies

(2) No retailer shall supply milk to any person other than a person entitled to a priority supply of milk, unless the retailer shall have satisfied the requirements up to the amount of his or her priority supplies of every person entitled to a priority supply of milk who is (i) registered with him under this Order, or authorised to obtain milk from him for the purposes of an establishment, or otherwise authorised to obtain milk from him by virtue of an authorisation issued under this Order ; or (ii) who shall have tendered to him the relevant ration book or other document referred to in paragraph (1) of this Article upon the holding of which the right to such priority supply depends, together with a Form R.B.12 of which the person concerned is the holder, or together with any other ration document by virtue of which, under paragraph (*a*) of Article 8 of this Order, that person is exempted from the necessity of registration with a retailer.

Priority supplies of residents in establishments

(3) Where any person who is entitled to a priority supply of milk resides in an establishment which is not entitled to such a supply the licensee of the establishment shall be entitled to obtain such priority supply on behalf of such first mentioned person except where that person shall have registered with a retailer for the purposes of such supply pursuant to a special authority issued to him by or on behalf of the Minister.

PART 8.—CONTROL OF USE OF MILK CHURNS AND MILK CRATES

Use and possession of churns and crates

13.—(1) No person shall—

(*a*) use or cause or permit to be used any milk churn or milk crate belonging to any other person except for the collection from or the delivery to the owner of the churn or crate of milk, skimmed milk, separated milk, whey, buttermilk, or cream ;

(*b*) keep in his possession or under his control for an unreasonable time any milk churn or milk crate belonging to any other person ;

(*c*) obliterate, deface, cover or alter or cause or permit to be obliterated, defaced, covered or altered any mark or name on any milk churn or milk crate, provided that nothing in this sub-paragraph shall prohibit the use of such means, whether by labelling or otherwise, as are necessary to secure the proper transit of the milk churn or milk crate but so that no name or mark of a permanent character on the churn or crate is thereby obscured ;

unless he has (or has reasonable grounds for believing that he has) the consent of the owner of the milk churn or milk crate or of any person authorised by the owner to give such consent.

Return of Ministry churns

14. Where a person has in his possession, whether on his own behalf or on behalf of some other person, any Ministry churn he shall, if so instructed by a Regional Milk Supply Officer or otherwise by or on behalf of the Minister, immediately on receipt of such instructions send or deliver the churn to any person or place specified in the instructions.

Damage to churns or crates

15. No person shall wilfully damage any milk churn or milk crate, or cause or permit to be wilfully damaged any milk churn or milk crate in his possession or control.

PART 9.—CONTROL OR USE OF MILK BOTTLES

Use and possession of bottles

16. No person shall—

(*a*) use for the sale, supply or delivery of milk, any milk bottle belonging to any other person ;

(*b*) obtain possession of any milk bottle belonging to any other person otherwise than for the purpose of preventing loss of or damage to the bottle or other reasonable cause ;

(*c*) use any milk bottle belonging to any other person except as a receptacle for milk ;

unless he has (or has reasonable grounds for believing that he has) the consent of the owner of the bottle or of any person authorised by the owner to give such consent:

Provided that nothing in sub-paragraph (*c*) of this Article shall prohibit the doing of any act necessary for the cleaning of any milk bottle or the maintenance thereof in good condition.

Care and return of bottles

17.—(1) A person who obtains possession or control of a milk bottle belonging to any other person—

(*a*) shall take all reasonable care to keep the bottle in a sound and clean condition ;

(*b*) shall not retain the bottle for an unreasonable time: provided that it shall be a defence for any person charged with a contravention of this sub-paragraph to prove that he has taken all necessary and reasonable steps to inform the owner or supplier thereof of the place where the bottle may be collected, and he was at all material times ready and willing to afford all reasonable facilities for the collection thereof by the owner or supplier.

(2) A person who supplies milk in bottles, shall, so far as is practicable, recover within a reasonable time any bottle in which milk is so supplied.

Destruction of or damage to bottles

18. No person shall wilfully destroy or wilfully damage any milk bottle, or cause or permit to be wilfully destroyed or wilfully damaged any milk bottle in his possession or control.

One-third pint bottles

19. No person shall sell or buy any milk in a bottle of a capacity of one-third of a pint except to, or for the purpose of resale to any person having the management of any school or any person acting under his authority, for consumption as a beverage by the pupils of that school.

PART 10.—MISCELLANEOUS

Records

20.—(1) Every person who sells milk in the course of his trade or business shall keep or cause to be kept such accounts and records as to show—

(*a*) in relation to milk purchased by him—

(i) the names and addresses of the sellers, and where the milk was delivered to him direct from the producers the names and addresses of the producers;

(ii) the daily quantities of milk of each description received from each such seller and producer and, except in the case of milk purchased from the Minister, the price paid and the amount of each and every addition to the maximum price made pursuant to this Order including any deposit in respect of a returnable container;

(*b*) in relation to milk sold or supplied by him—

(i) in the case of each sale other than a sale by retail the name and address of the purchaser, the quantity of milk of each description sold and the price charged and the amount of each and every addition to the maximum price made pursuant to this Order including any deposit in respect of a returnable container;

(ii) in the case of sales by retail the quantity of each description of milk sold during each week;

(2) For the purposes of this Article the expression "milk of each description" means milk of each description for which a separate maximum price is prescribed by this Order.

(3) The retention by any person of an invoice or copy of an invoice shall as respects the particulars mentioned in such document be a sufficient compliance by that person with the provisions of this Article.

(4) Every person who is required by this Article to keep any record shall retain the same for a period of eighteen months from the date of the transaction to which it relates.

Return of documents

21.—(1) Every document issued by or on behalf of the Minister for the purposes of this Order is and shall remain the property of the Minister.

(2) Where any person is in possession of any such document and such possession is not authorised by virtue of this Order then such person shall forthwith deliver the document to the Minister or otherwise in accordance with the directions contained in such document.

(3) Any person to whom any such document has been issued or who is in possession of any such document shall if requested so to do by or on behalf of the Minister produce such document or deliver it to such person or to a person of such class or description as may be specified in the request.

Validity of documents

22.—(1) Any document issued by or on behalf of the Minister for the purposes of this Order or having effect for such purposes shall continue to be valid for such purposes only if and so long as—

(*a*) subject as in this Order otherwise provided, when used or retained by or on behalf of the person in respect of whom it is issued and for the purpose of obtaining milk on his behalf, and while such person is living and is in Great Britain or on board any ship, other than a foreign-going ship;

(*b*) it is used in accordance with any instructions or conditions specified thereon or on any document issued in connection therewith.

(2) For the purposes of this Article the expression "foreign-going ship" means a ship for which rationed foods within the meaning of the Food Rationing Orders, 1951, are authorised by the proper officer of Customs and Excise to be obtained under the provisions of the Ships' Stores (No. 2) Order, 1950.

Offences

23.—(1) No person shall—

(*a*) in furnishing any information for the purposes of this Order make any statement which he knows to be false in a material particular or recklessly make any statement which is false in a material particular;

(*b*) except when required so to do by or under this Order or any other Order or direction of the Minister, alter any document issued or authorised to be used for the purposes of this Order or make or alter any entry therein or deface any such document;

(*c*) personate or falsely represent himself to be the person to whom any such document has been issued or applies;

(*d*) except where he is required or authorised so to do by or under this Order or any other Order or direction of the Minister, obtain, use or retain or attempt to obtain, use or retain any such document other than a document issued to him;

(*e*) with intent to deceive, forge or use or lend to or allow to be used by any other person any such document;

(*f*) with intent to deceive, make or cause to be made or have in his possession any document so closely resembling any such document as to be calculated to deceive;

(*g*) use or dispose of any such document otherwise than for the purposes and in accordance with the provisions of this Order or any other Order or direction of the Minister;

(*h*) obtain or represent himself as entitled to receive a priority supply of milk unless he is duly entitled thereto under this Order, or is lawfully obtaining the milk on behalf of a person so entitled.

(2) In this Article the expression "forge" has in the application thereof to England and Wales, the same meaning as in the Forgery Act, 1913(**a**).

Exemptions; Milk Marketing Board, caterers and retailers

24.—(1) The provisions of this Order with the exception of Parts 8 and 9 shall not apply (*a*) to the sale of milk to a Milk Marketing Board (*b*) to the supply of milk by a caterer in the course of his catering business or (*c*) to the supply of milk by a retailer for consumption on his retail premises.

Scottish Islands (except Bute)

(2) The provisions of Parts 3, 5 and 7 of this Order shall not apply to any of the islands of Scotland with the exception of the islands in the County of Bute.

(**a**) 3 & 4 Geo. 5. c. 27.

Revocation

25.—(1) The Milk (Control and Maximum Prices) (Great Britain) Order, 1947, as amended(**a**) (and, consequentially, the Milk (Great Britain) (General Licence No. 3) Order, 1950(**b**), made thereunder) and the Milk (Great Britain) (Directions) Order, 1950(**c**), are hereby revoked but without prejudice to any proceedings in respect of any contravention thereof:

Provided that unless a contrary intention appears any licence (with the exception of the said Milk (Great Britain) (General Licence No. 3) Order, 1950) or other document issued for the purposes of the said Milk (Control and Maximum Prices) (Great Britain) Order, 1947, as amended, and subsisting at the commencement of this Order shall continue to have effect as if it had been granted under the corresponding provisions of this Order and unless the context otherwise requires any reference therein to that Order shall be construed as a reference to this Order.

(2) Every person shall notwithstanding the revocation of the said Orders retain any record required to be kept by him thereunder until the expiration of eighteen months from the date of the transaction to which it relates.

Infringements

26. Infringements of this Order are offences against the Defence (General) Regulations, 1939.

Licences, authorisations, and directions

27.—(1) The provisions of this Order are subject to—

(*a*) any direction which may at any time be given by or on behalf of the Minister, and

(*b*) any licence or authorisation which may be granted under this Order by or on behalf of the Minister.

(2) Every person holding a licence or authorisation granted under this Order shall comply with every condition imposed by such licence or authorisation.

(3) Every licence or authorisation granted under this Order is and shall remain the property of the Minister; and the licensee or any person in possession of any such licence or authorisation shall, if requested to do so by or on behalf of the Minister, produce or deliver it to such person or to a person of such class or description, and within such time, as may be specified in the request.

Commencement, Citation and Extent

28.—(1) This Order shall, subject as hereinafter provided, come into operation on the 1st day of July, 1951:

Provided that Articles 4 and 5 in Part 3 thereof, relating to control of sales by retailers, shall not come into operation until such date as the Minister may by Order appoint and Part 5 thereof, relating to registration of consumers and control of supplies to establishments, shall have effect only in relation to the supply of milk in accordance with the provisions of Article 2 of the Welfare Foods Order, 1947, as amended, to consumers as beneficiaries for the purposes of that Article.

(a) S.R. & O. 1947 (No. 2032) II, p. 892; S.I. 1948 (No. 2198) II, p. 736; 1950 (Nos. 848, 1693 and 1800) III, pp. 693, 691 and 692; and 1951 No. 138.
(b) S.I. 1950 (No. 1456) III, p. 694. (c) S.I. 1950 (No. 848) III, p. 693.

(2) This Order may be cited as the Milk (Control and Maximum Prices) (Great Britain) Order, 1951.

(3) This Order shall not extend to Northern Ireland.

By Order of the Minister of Food.

F. T. Willey,
Parliamentary Secretary.

Dated the 28th day of June, 1951.

THE FIRST SCHEDULE

Terms and Conditions Applicable to the Sale of Milk by the Minister in England and Wales

1. The buyer shall buy daily such quantities of milk as, by arrangement between the Minister and the buyer, are delivered to him at his dairy premises, railway station or other place of delivery as may generally or in any particular case be fixed by the Minister and notified to the buyer, such milk being delivered from producers notified to the buyer from time to time by the Minister.

2.—(1) The price to be paid by the buyer shall be the price from time to time determined by the Minister and notified to the buyer.

(2) For the purpose of calculating the amount payable, one gallon of milk shall be deemed to weigh 10.32 lb.

3.—(1) The price shall be paid by the buyer to the Minister at the Ministry of Food, Thames Ditton, Surrey, or such other place as the Minister may from time to time direct.

(2) Unless otherwise agreed in writing between the buyer and the Minister the buyer shall pay for each month's deliveries of milk on or before the tenth day of the ensuing month, provided that if the Minister at any time requires the buyer to pay weekly the buyer shall pay for each week's deliveries of milk on or before the Tuesday of the ensuing week.

4. The property and risk in the milk shall pass to the buyer at the place of delivery fixed by the Minister under paragraph 1 hereof—

(*a*) in the case of milk which is transported to such place by rail, at the time when it is made available by the Railway Company for collection by the buyer; and

(*b*) in any other case at the time when the milk is unloaded from the road vehicle by which it is transported to such place:

Provided that where the milk is re-forwarded by the buyer from the place fixed by the Minister under paragraph 1 hereof and accordingly is not unloaded from the road vehicle at such place or as the case may be is not made available there by the Railway Company for collection by the buyer, then in that case the property and risk shall be deemed to have passed to the buyer when the milk arrived at such place.

5.—(1) If any milk sold to the buyer by the Minister is used by the buyer or any sub-buyer for making milk products then subject to the Manufacturing Rebate Conditions for the time being applicable (copies thereof may be obtained from the Minister of Food), the buyer shall be entitled, in respect of every gallon of milk which he proves to the satisfaction of the Minister was so used to a rebate of such a sum as will reduce the price payable by him to the appropriate manufacturing price as determined by the Minister from time to time.

(2) The buyer shall not claim or be entitled to any such rebate unless the Manufacturing Rebate Conditions have been complied with up to the date on which the claim is made.

6.—(1) The Minister will arrange for there to be attached to each churn of milk consigned by each producer thereof a label (to be supplied by the buyer in the form required by the Minister) signed by the producer stating the date, quantity of milk in the churn to which the label is attached, number of churns and total quantity of milk in the consignment and warranting such milk to be pure new milk, sweet, clean and marketable, with all its cream and without the addition of any preservative.

(2) The quantity stated on the label shall be deemed to be the quantity of milk delivered unless the contrary is proved, provided that no claim shall be made in respect of any alleged deficiency of half a gallon or more unless the buyer shall have despatched to the producer of the milk a notification in writing of the alleged deficiency on the same day as the consignment arrives at the place of delivery or when milk arrives after 4.00 p.m. at the place of delivery, by noon on the following day. If in either case the appropriate date is not a working day the note may be despatched on the next following working day.

(3) The buyer shall comply with such invoicing and accounting procedure as the Minister may from time to time direct, but in the absence of directions to the contrary then the following procedure shall apply—

(*a*) at the end of every month the Minister will cause each producer whose milk is supplied to the buyer to send to the buyer two copies of a record of milk deliveries showing the daily quantities delivered during the month, and upon receipt of the aforementioned record the buyer shall forthwith return one copy thereof to the producer certified as correct after showing thereon any shortages, sourages and other deductions which he may be entitled to claim;

(*b*) if the buyer having received the record omits within seven days after the end of the month, or within three working days of receipt, to return the record to the producer certified as aforesaid then the Minister shall be entitled to regard such record as final and conclusive.

(4) Nothing in this paragraph shall affect or limit the obligation of the buyer to pay the amount due upon the due date.

7. Unless otherwise agreed the buyer shall be responsible for supplying, at the place of delivery, empty churns thoroughly cleansed and suitable and sufficient for the conveyance of the estimated quantities of the next consignment of milk to be delivered.

8. The Minister warrants that each and every consignment of the milk is at the time the property therein passes to the buyer, pure new milk, sweet, clean and marketable, with all its cream and without the addition of any preservative. The buyer shall not be entitled to reject any milk on the ground of any breach of warranty save in the event of milk being unmarketable.

9.—(1) Subject to paragraph 10 hereof, if any milk is unmarketable for any reason whatever, the buyer may, notwithstanding the provisions of paragraph 4, reject the same, provided that there shall be no right to reject any milk unless a written note claiming the right to reject is despatched to the producer of the milk on the day the consignment arrives at the place of delivery or when the milk arrives at the place of delivery after 4.00 p.m. by noon on the following day. If in either case the appropriate date is not a working day the note may be despatched on the next following working day.

(2) A consignment or part of a consignment of milk shall be deemed to be unmarketable for the purposes of these terms and conditions, only if it is of such quality or in such a condition as at the time of delivery to the buyer to be unsuitable for sale for human consumption as liquid milk and having due regard to available manufacturing facilities is not capable of being used for the manufacture of any product suitable for human food.

10. In any case where, as a result of arrangements made by the buyer, milk from any producer is delivered at some place other than the place fixed by the Minister under paragraph 1 hereof without the consent of the Minister given in

writing (or given orally and subsequently confirmed in writing), the buyer shall not be entitled to reject or make any claim in respect of the milk on the grounds of any defect in its keeping properties, or in respect of any other defect unless it be proved that such other defect was present when the milk left the producer's farm.

11. The buyer will not—

(*a*) add separated milk or any substance whatever to milk intended for sale as whole milk ;

(*b*) extract any butter fat from milk intended for sale as whole milk ;

(*c*) make for sale reconstituted milk or any colourable imitation of whole milk ;

(*d*) sell as liquid milk any milk from which any part of the milk fat or other milk solids has been abstracted or milk to which water, separated milk, or any other substance has been wilfully added by the buyer or by his agents or servants ;

(*e*) knowingly sell any whole or separated milk whatsoever to any person using, or permitting to be used, any separated milk obtained or made from time to time, for any of the purposes mentioned in paragraphs (*a*), (*b*) or (*c*) of this paragraph.

12. The Minister shall be under no obligation to sell or deliver any milk to the buyer and without prejudice to the Minister's right to withhold supplies at any time without reason assigned, supplies may be withheld—

(*a*) if the buyer fails within a period of seven days after the due date for payment to pay any sum due for milk supplied ;

(*b*) if the buyer has a receiving Order made against him or makes any arrangement or composition with his creditors or any execution is levied on or at his dairy premises, or being a Company enters into liquidation.

13. The buyer will upon request by a haulier responsible for the transport of the milk to the buyer supply to such haulier within 24 hours of each delivery by such haulier a certificate showing the quantity of milk received from each producer at each such delivery.

14. In these terms and conditions the expression " working day " means any day other than a Sunday or a Bank Holiday.

THE SECOND SCHEDULE

[New Second Schedule substituted by S.I. 1951 No. 2065, *see* p. 376 below.]

THE THIRD SCHEDULE

[New Third Schedule substituted by S.I. 1951 No. 2065, *see* p. 376 below.]

THE FOURTH SCHEDULE

The London Area

(For the purposes of the definition of " Intermediate sale " contained in Article 1 hereof.)

The following area in the County of Buckingham : —

The parish of Denham in the rural district of Eton.

The following areas in the County of Essex : —

The county boroughs of East Ham and West Ham, the boroughs of Barking, Chingford, Dagenham, Ilford, Leyton, Walthamstow and Wanstead and Woodford, and the urban districts of Chigwell, Hornchurch, Romford and Waltham Holy Cross.

The following areas in the County of Hertford:—

The borough of Watford, the urban districts of Barnet, Bushey, Cheshunt, East Barnet and Rickmansworth, the rural districts of Watford and Elstree and the parishes of Northaw and North Mimms in the rural district of Hatfield.

The following areas in the County of Kent:—

The boroughs of Beckenham, Bexley, Bromley, Dartford and Erith and the urban districts of Chislehurst and Sidcup, Crayford, Orpington and Penge, and that part of the Civil Parish of Stone which lies north of Watling Street.

The Administrative County of London.

The County of Middlesex.

The following areas in the County of Surrey:—

The county borough of Croydon, the boroughs of Barnes, Beddington and Wallington, Epsom and Ewell, Kingston-on-Thames, Malden and Coombe, Mitcham, Richmond, Surbiton, Sutton and Cheam and Wimbledon, the urban districts of Banstead, Carshalton, Caterham and Warlingham, Coulsdon and Purley, Esher, Merton and Morden and Walton and Weybridge.

EXPLANATORY NOTE

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

This Order consolidates with amendments The Milk (Control and Maximum Prices) (Great Britain) Order, 1947, as amended. The principal changes are as follows:—

1. The maximum prices chargeable on wholesale, intermediate and retail sales calculated in accordance with the provisions of the Order are increased by 4d. per gallon.
2. As respects England and Wales the Order prescribes maximum wholesale, intermediate and retail prices for South Devon milk (as defined) and South Devon Tuberculin Tested milk, and a maximum retail price for South Devon Tuberculin Tested (Farm Bottled) milk.
3. The definition of a sale by retail is amended to include a sale to a manufacturer for the purposes of his manufacturing business.
4. The definitions of Channel Islands milk, Homogenised milk, Kosher milk, Kedassia milk and South Devon milk include a requirement that where sold in containers these milks should be appropriately labelled.
5. The provisions relating to the control of sales by retailers (Articles 4 and 5) remain in abeyance. The provisions relating to registration of consumers (Part 5) have been slightly modified but (save as regards the obtaining of allowances of free or cheap milk by beneficiaries under the Welfare Foods Service) also remain in abeyance.
6. The general authority permitting the supply of milk to any manufacturer for use by him in the preparation or manufacture of food is now withdrawn.
7. Milk retailers are excluded from the maximum price control in respect of sales of milk for consumption on their retail premises.