Firth, or in the counties of Orkney and Zetland, the maximum price may be increased by a sum not exceeding ¼d. per lb., and where such premises are situated on any of the Islands of the West of Scotland other than those of the Firth of Clyde, by a sum not exceeding ½d. per lb.;

(*b*) the maximum price on a sale by retail of any canned corned meat so sold and delivered may be increased by ¼d. or ½d. per lb. as the case may be.

EXPLANATORY NOTE

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

This Order replaces the Canned Corned Meat (Prices) Order, 1953.

The principal changes are:

(1) The maximum retail price of canned corned meat is increased.

(2) Maximum prices are prescribed for sales by first-hand distributors and by wholesalers.

1953 No. 726

The Milk (Great Britain) Order, 1953

Made - - - -	*28th April*, 1953
Laid before Parliament	*29th April*, 1953
Coming into Operation	*1st May*, 1953

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, 1952(**d**)), and of all other powers him enabling in that behalf, hereby orders as follows:—

PART I.—COMMENCEMENT, CITATION, EXTENT AND INTERPRETATION

1.—(1) This Order shall come into operation on the 1st day of May, 1953, and may be cited as the Milk (Great Britain) Order, 1953.

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

2.—(1) In this Order—

"The Minister" means the Minister of Food.

"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) Orders, 1951 and 1952(**e**).

(**a**) 9 & 10 Geo. 6. c. 10: and S.R. & O. 1945/1611, 1618; 1945 II, pp. 39, 48.
(**b**) 10 & 11 Geo. 6. c. 55. (**c**) 14 & 15 Geo. 6. c. 25.
(**d**) S.I. 1952/2094; 1952 III, p. 3006.
(**e**) S.I. 1951/644; 1952/2142: 1951 I, p. 1316; 1952 I, p. 1088.

" Channel Islands milk " means milk—

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

(*b*) 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

(*c*) which is labelled " Channel Islands milk ", " Jersey milk " or " Guernsey 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.

" 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 ".

" 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 retailer for re-sale for ships' stores ; and

(*b*) a sale to a retailer during any week during which the total purchases of milk of all kinds (except sterilised milk) by the retailer from the seller, excluding any milk purchased for re-sale for ships' stores, does not exceed 84 gallons ;

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.

" Kedassia milk Farm Bottled " means Kedassia milk which has been bottled at the place of production and which when sold in a container is labelled " Kedassia milk Farm Bottled ".

" 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.

(**a**) S.I. 1948/368, 2584; 1948 II, pp. 404–7.

" 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, Kedassia milk Farm Bottled, South Devon milk, sterilised milk, Tuberculin Tested milk and Tuberculin Tested milk Farm Bottled.

" 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, 1953(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 any sale other than a sale by retail or an intermediate sale ;

(ii) 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.

" South Devon milk " means milk—

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

(*b*) 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

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

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

" Tuberculin Tested milk " means milk in respect of which the description " Tuberculin Tested Milk " or " Tuberculin Tested Milk (Pasteurised) " is lawfully used pursuant to the Milk (Special Designation) (Raw Milk) Regulations, 1949 and 1950(c), or the Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949 and 1950, respectively ; or, in relation to Scotland, the description " Tuberculin Tested Milk " or " Tuberculin Tested (Pasteurised) Milk " is lawfully used pursuant to the Milk (Special Designations) (Scotland) Orders, 1951 and 1952.

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

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

(2) 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.

(a) S.I. 1953/725, p. 2197 below.
(b) S.I. 1949/1589; 1950/409: 1949 I, p. 1715; 1950 I, p. 754.
(c) S.I. 1949/1590; 1950/410: 1949 I, p. 1733; 1950 I, p. 756.

PART 2.—SALE OF MILK BY THE MINISTER

Terms and conditions of sale of milk by the Minister

3. 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.—CONTROL OF PURCHASES BY RETAILERS

Control of purchases

4.—(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:

Provided that nothing in this paragraph shall apply in relation to certified milk, Channel Islands Tuberculin Tested milk Farm Bottled, South Devon Tuberculin Tested milk Farm Bottled, Tuberculin Tested milk Farm Bottled, Kedassia milk Farm Bottled or sterilised milk, or in relation to any milk on an intermediate sale.

(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.

PART 4.—MAXIMUM PRICES

5.—(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.

6. No person shall sell—

(*a*) any Channel Islands or South Devon milk at a price exceeding the maximum price for ordinary milk, or

(*b*) any Channel Islands Tuberculin Tested milk or South Devon Tuberculin Tested milk at a price exceeding the maximum price for tuberculin tested milk, or

(*c*) any Channel Islands Tuberculin Tested milk Farm Bottled, or South Devon Tuberculin Tested milk Farm Bottled, at a price exceeding the maximum price for Tuberculin Tested milk Farm Bottled,

unless the milk sold has a butterfat content of not less than 4 per cent. ; so however that where a person against whom proceedings are brought in respect of a contravention of any provision of this Article proves to the satisfaction of the Court that he has used all due diligence to secure that the provision in question was complied with and that the contravention was due to the act or default of some other person, the first mentioned person shall be acquitted of the offence.

PART 5.—CONTROL OF USE OF MILK CHURNS, CRATES AND BOTTLES

Use and possession of churns and crates

7.—(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

8. 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

9. 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.

One-third pint bottles

10. 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 6.—MISCELLANEOUS

Records

11.—(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

12.—(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

13.—(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, 1952, are authorised by the proper officer of Customs and Excise to be obtained under the provisions of the Ships' Stores (No. 2) Order, 1950(**a**) as amended(**b**).

(**a**) S.I. 1950/1462; 1950 III, p. 471. (**b**) S.I. 1952/1776; 1953/550.

Offences

14.—(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.

(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

15.—(1) The provisions of this Order with the exception of Part 5 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 Part 3 of this Order shall not apply to any of the islands of Scotland with the exception of the islands in the County of Bute.

Revocation

16.—(1) The Milk (Control and Maximum Prices) (Great Britain) Order, 1951(**b**) as amended (**c**), is hereby revoked but without prejudice to any proceedings in respect of any contravention thereof:

Provided that unless a contrary intention appears any licence or other document issued for the purposes of the said Milk (Control and Maximum Prices) (Great Britain) Order, 1951, 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.

(a) 3 & 4 Geo. 5. c. 27. (b) S.I. 1951/1157; 1951 III, p. 360.
(c) S.I. 1951/2311; 1952/1239, 1588, 2020; 1953/551: 1951 III, p. 379.

Licences, authorisations, and directions

17.—(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.

G. Lloyd-George,
Minister of Food.

Dated the 28th day of April, 1953.

THE FIRST SCHEDULE

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

1.—(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) All milk bought from the Minister, save where the contract is for the sale of specific goods, is sold by the description " milk " and not otherwise.

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.—(1) 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.

This express warranty is in substitution for, and to the exclusion of all other express and implied conditions and warranties statutory or otherwise whatsoever, including any conditions which might otherwise be implied by virtue of the Sale of Goods Act, 1893(a).

(2) 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.

(a) 56 & 57 Vict. c. 71.

THE SECOND SCHEDULE

PART I.—MAXIMUM PRICES OF MILK IN ENGLAND AND WALES ON A SALE BY WHOLESALE

The maximum prices of milk on a sale by wholesale in England and Wales shall be a price in accordance with the following scale:—

Milk	Maximum Price (Rate per Gallon)			
	From 1st May, 1953, to 30th June, 1953 (inclusive)	From 1st July, 1953, to 31st July, 1953 (inclusive)	From 1st August, 1953, to 31st October, 1953 (inclusive)	On and after 1st November, 1953
	s. d.	s. d.	s. d.	s. d.
Channel Islands milk and Channel Islands Tuberculin Tested milk ...	3 6	3 10	4 2	3 10
South Devon milk and South Devon Tuberculin Tested milk	3 6	3 10	4 2	3 10
Other Tuberculin Tested milk	3 1½	3 5½	3 9½	3 5½
Homogenised milk ...	3 0½	3 4½	3 8½	3 4½
Kosher milk	3 3½	3 7½	3 11½	3 7½
Ordinary milk	2 11½	3 3½	3 7½	3 3½

1. Nothing in this Part of this Schedule shall apply in relation to Channel Islands Tuberculin Tested milk Farm Bottled, South Devon Tuberculin Tested milk Farm Bottled, Tuberculin Tested milk Farm Bottled, Kedassia milk Farm Bottled, or Sterilised milk.

2. The maximum price on a sale by wholesale includes all costs and charges of and incidental to (*a*) the provision of containers, and (*b*) the delivery of the milk at the buyer's premises, or where the milk is delivered by rail at the nearest railway station to such premises; and no additional charge may be made by the seller in respect thereof.

Provided that—

(i) where with the consent of the buyer milk is delivered by the seller in bottles (with caps) or other pre-packed containers each containing not more than one quart of milk and being suitable for sale direct to consumers an additional sum not exceeding 2d. per gallon may be charged and paid;

(ii) the seller may charge a reasonable sum in respect of the provision by him of a returnable container, on the terms that the sum so charged shall be repaid by the seller to the buyer on the re-delivery of the container to the seller in such condition as is reasonable having regard to its condition when supplied and to ordinary wear and tear, but that if the container is not so re-delivered the said sum shall be forfeited to the seller; and

(iii) where, with the consent of the buyer and in accordance with the provisions of Article 10 of this Order milk is delivered by the seller in bottles (with caps) of a capacity of one-third of a pint an additional sum not exceeding 4d. per gallon (in place of the addition permitted by sub-paragraph (i) of this proviso) may be charged and paid for the provision of such bottles by the seller.

PART 2.—MAXIMUM PRICES OF MILK IN ENGLAND AND WALES ON A SALE BY RETAIL

The maximum prices of milk on a sale by retail in England and Wales shall be a price in accordance with the following scale:—

Milk	Maximum Price (Rate per Gallon)			
	From 1st May, 1953, to 30th June, 1953 (inclusive)	From 1st July, 1953, to 31st July, 1953 (inclusive)	From 1st August, 1953, to 31st October, 1953 (inclusive)	On and after 1st November, 1953
	s. d.	s. d.	s. d.	s. d.
Channel Islands Tuberculin Tested milk Farm Bottled	5 4	5 8	6 0	5 8
South Devon Tuberculin Tested milk Farm Bottled	5 4	5 8	6 0	5 8
Other Tuberculin Tested milk Farm Bottled ...	5 0	5 4	5 8	5 4
Channel Islands milk and Channel Islands Tuberculin Tested milk ...	4 8	5 0	5 4	5 0
South Devon milk and South Devon Tuberculin Tested milk	4 8	5 0	5 4	5 0
Other Tuberculin Tested milk	4 4	4 8	5 0	4 8
Homogenised milk ...	4 2	4 6	4 10	4 6
Kosher and Kedassia milk	4 4	4 8	5 0	4 8
Ordinary milk	4 0	4 4	4 8	4 4
Sterilised milk	4 4	4 8	5 0	4 8
Kedassia milk Farm Bottled	5 0	5 4	5 8	5 4

THE THIRD SCHEDULE

MAXIMUM PRICES OF MILK ON A SALE BY RETAIL IN SCOTLAND

The maximum prices of milk on a sale by retail on the mainland of Scotland, in Islay, Coll and Gigha, in the County of Orkney and in the islands of the County of Bute shall be a price in accordance with the following scale:—

Milk	Maximum Price (Rate per Gallon)			
	From 1st May, 1953, to 30th June, 1953 (inclusive)	From 1st July, 1953, to 31st July, 1953 (inclusive)	From 1st August, 1953, to 31st October, 1953 (inclusive)	On and after 1st November, 1953
	s. d.	s. d.	s. d.	s. d.
Milk (other than Tuberculin Tested, Sterilised or Certified)	4 0	4 4	4 8	4 4
Tuberculin Tested milk, Sterilised milk	4 4	4 8	5 0	4 8
Certified milk	5 0	5 4	5 8	5 4

EXPLANATORY NOTE

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

This Order replaces with amendments the Milk (Control and Maximum Prices) (Great Britain) Order, 1951 as amended. The principal changes are as follows:—

(1) " Intermediate sale " is redefined so as to extend to the London area the 84 gallons maximum weekly sales qualification which previously applied only outside the London area.

(2) Maximum prices are no longer prescribed for intermediate sales or for wholesale sales of sterilised milk.

(3) Retailers are freed from the requirement to nominate suppliers in respect of Certified milk, Kedassia milk Farm Bottled, Sterilised milk, all types of Tuberculin Tested milk Farm Bottled, and any milk on an intermediate sale.

(4) The provisions relating to the control of sales by retailers and the registration of consumers have been omitted. These provisions have been in abeyance save as regards registration by beneficiaries obtaining free or cheap milk under the Welfare Foods Service. These registration provisions have now been transferred to the Welfare Foods Order, 1953.

(5) Seasonal prices, operative from 1st May, 1953, have been introduced.

(6) The provisions relating to priority supplies and the control or use of milk bottles, other than one-third pint bottles, have been omitted.

(7) The requirements relating to the butterfat content of Channel Islands and South Devon milk have been replaced by a separate Article in Part 4 of the Order and a special defence has been provided.

(8) The terms and conditions applicable on the sale of milk by the Minister have been modified as respects the warranty given and the description by which milk is sold.

1953 No. 1436

The Milk (Great Britain) (Amendment) Order, 1953

Made - - - -	*28th September*, 1953
Laid before Parliament	*29th September*, 1953
Coming into Operation	*1st October*, 1953

The Minister of Food, in pursuance of the powers conferred upon him by Regulations 55 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, 1952(d)), and of all other powers him enabling in that behalf, hereby orders as follows:—

1. This Order shall come into operation on the 1st day of October, 1953, and may be cited as the Milk (Great Britain) (Amendment) Order, 1953.

(a) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945/1611, 1618; 1945 II, pp. 39, 48.
(b) 10 & 11 Geo. 6. c. 55. (c) 14 & 15 Geo. 6. c. 25.
(d) S.I. 1952/2094; 1952 III, p. 3006.