EMERGENCY

1959 No. 1454

The Milk (Great Britain) Order, 1959

Made - - - -	14*th August*, 1959
Laid before Parliament	21*st August*, 1959
Coming into Operation	30*th August*, 1959

The Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly, in pursuance of the powers conferred upon them by Regulations 55 and 55AB of the Defence (General) Regulations, 1939, as having effect by virtue of section two of the Emergency Laws (Repeal) Act, 1959(a), and of all other powers enabling them in that behalf, hereby order as follows:—

1.—(1) This Order shall come into operation on the 30th day of August, 1959; and may be cited as the Milk (Great Britain) Order, 1959.

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

2.—(1) In this Order—

"The Ministers" means the Minister of Agriculture, Fisheries and Food and the Secretary of State acting jointly.

"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(b).

"Channel Islands milk" means, as respects England and Wales, milk—

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

(*b*) which is labelled "Channel Islands milk", "Jersey milk" or "Guernsey milk" when sold in a container.

"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".

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

"Pasteurised milk" means milk in respect of which the special designation "Pasteurised" is lawfully used pursuant to the Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949 to 1953(c), or, in relation to Scotland, is lawfully used pursuant to the Milk (Special Designations) (Scotland) Orders, 1951 and 1952.

(a) 7 & 8 Eliz. 2. c. 19. (b) S.I. 1951/644, 1952/2142 (1951 I, p. 1316; 1952 I, p. 1088).
(c) S.I. 1949/1589, 1950/409, 1953/1821 (1949 I, p. 1715; 1950 I, p. 754; 1953 I, p. 812).

" Sell " includes offer or agree to sell or expose for sale.

" South Devon milk " means milk—

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

(*b*) which is labelled " 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 to 1953, or, in relation to Scotland, is lawfully used pursuant to the Milk (Special Designations) (Scotland) Orders, 1951 and 1952.

" Tuberculin Tested milk " means milk in respect of which the special designation " Tuberculin Tested " is lawfully used pursuant to the Milk (Special Designation) (Raw Milk) Regulations, 1949 to 1954(**a**), or, in relation to Scotland, is lawfully used pursuant to the Milk (Special Designations) (Scotland) Orders, 1951 and 1952.

" Tuberculin Tested Milk (Pasteurised) " means milk in respect of which the description " Tuberculin Tested Milk (Pasteurised) " is lawfully used pursuant to the Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949 to 1953.

" Tuberculin Tested (Pasteurised) Milk " means milk in respect of which the description " 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 to 1954.

(2) References in this Order to any regulations or orders shall be construed as references thereto as amended, and as including references thereto as extended, by any subsequent regulations or order.

3.—(1) No person shall sell 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 First Schedule to this Order;

(*b*) on a sale 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 Second 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.

(3) The provisions of this Article shall not apply as respects any supply of milk (*a*) by a caterer in the course of his catering business, or (*b*) by a retailer for consumption on his retail premises.

4. During the continuance in force of this Order nothing contained in section seven of the Sale of Food (Weights and Measures) Act, 1926(**b**), shall apply as respects any sale of any milk in a bottle of a capacity of one-third

(**a**) S.I. 1949/1590, 1950/410, 1954/1267 (1949 I, p. 1733; 1950 I, p. 756; 1954 I, p. 911).
(**b**) 16 & 17 Geo. 5. c. 63.

of a pint 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.

5.—(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 Ministers, and

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

(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 Ministers; 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 Ministers, 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.

6. The Milk (Great Britain) Order, 1958(**a**), is hereby revoked but without prejudice to any proceedings in respect of any contravention thereof:

Provided that unless any contrary intention appears any licence or authorisation granted thereunder or having effect by virtue thereof, and subsisting immediately before the coming into operation of this Order, shall continue to have effect as though granted by the Ministers under this Order.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this twelfth day of August, nineteen hundred and fifty-nine.

(L.S.) *John Hare,*
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland this fourteenth day of August, nineteen hundred and fifty-nine.

(L.S.) *John S. Maclay,*
Secretary of State for Scotland.

(**a**) S.I. 1958/708 (1958 II, p. 2252).

THE FIRST SCHEDULE

Maximum Prices of Milk in England and Wales

1. Subject to the provisions of this Schedule, the maximum price of milk on a sale in England and Wales shall be a price in accordance with the following Tables:—

Table A

Milk (Other than any Channel Islands or South Devon milk specified in Table B below)	Maximum Price (Rate per Pint)	
	From 30th August, 1959, to 26th September, 1959, inclusive	On and after 27th September, 1959
	Pence	Pence
Tuberculin Tested Milk Farm Bottled ...	9	9½
Tuberculin Tested milk	8	8½
Tuberculin Tested Milk (Pasteurised) ...	8	8½
Pasteurised milk	7½	8
Homogenised milk	7¾	8¼
Sterilised milk	8	8½
Ordinary milk (that is to say, other than specified above or in Table B below) ...	7½	8

Table B

Channel Islands and South Devon Milk	Maximum Price (Rate per Pint)
	On and after 30th August, 1959
	Pence
Channel Islands Tuberculin Tested Milk Farm Bottled ...	10
Other Channel Islands milk	9½
South Devon Tuberculin Tested Milk Farm Bottled ...	10
Other South Devon milk	9½

2. A reasonable charge may be made by the seller in addition to the appropriate maximum price specified in the above Tables for milk sold by him as Kosher milk or Kedassia milk if—

(*a*) such milk is sold in a container distinctly labelled " Kosher " or " Kedassia ", as the case may be; and

(*b*) such milk has been prepared for consumption in accordance with the appropriate Jewish practice relating thereto.

THE SECOND SCHEDULE

MAXIMUM PRICES OF MILK ON A SALE IN SCOTLAND

1. Subject to the provisions of this Schedule, the maximum price of milk on a sale 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, shall be a price in accordance with the following Table:—

Milk	Maximum Price (Rate per Pint)	
	From 30th August, 1959, to 26th September, 1959, inclusive	On and after 27th September, 1959
	Pence	Pence
Tuberculin Tested milk	8	8½
Tuberculin Tested (Pasteurised) Milk ...	8	8½
Certified milk	9	9½
Pasteurised milk	7½	8
Sterilised milk	8	8½
Ordinary milk (that is to say, milk other than the above mentioned)	7½	8

2. A reasonable charge may be made by the seller in addition to the appropriate maximum price specified in the above Table for milk sold by him as Kosher milk or Kedassia milk if—

(*a*) such milk is sold in a container distinctly labelled " Kosher " or " Kedassia ", as the case may be; and

(*b*) such milk has been prepared for consumption in accordance with the appropriate Jewish practice relating thereto.

3. Where any milk to which this Schedule applies is lawfully sold as Channel Islands milk in accordance with the Milk and Dairies (Channel Islands and South Devon Milk) (Scotland) Regulations, 1958(a), the seller may, in addition to the appropriate maximum price specified in respect of that milk in the Table set out in paragraph 1 of this Schedule, make a charge of ½d. per pint for it.

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 (Great Britain) Order, 1958. The principal changes are as follows:—

1. Maximum prices of all grades of milk, other than Channel Islands and South Devon milk in England and Wales, have been increased by ½d. per pint from 27th September, 1959.
2. The maximum price of Channel Islands and South Devon Tuberculin Tested Milk Farm Bottled has been increased by ½d. per pint from 30th August, 1959, in England and Wales.
3. The maximum price of Channel Islands and South Devon milk (other than Farm Bottled) has been increased by 1d. per pint from 30th August, 1959, in England and Wales.
4. The provisions of the Milk (Great Britain) Order, 1958, relating to the sale of milk in containers of a capacity of one-third of a pint have been replaced by a limited provision to continue to allow the sale of school milk in containers of that capacity.

(a) S.I. 1958/2229 (1958 I, p. 1192).