STATUTORY INSTRUMENTS

1962 No. 1786

EMERGENCY POWERS

The Milk (Great Britain) Order 1962

Made - - - -	*13th August* 1962
Laid before Parliament	*20th August* 1962
Coming into Operation	*2nd September* 1962

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 2 of the Emergency Laws (Repeal) Act 1959(a) and of all other powers enabling them in that behalf, hereby order as follows:—

Commencement, citation and extent

1.—(1) This order shall come into operation on 2nd September 1962; and may be cited as the Milk (Great Britain) Order 1962.

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

Interpretation

2.—(1) In this order—

"catering business" means the business or undertaking of an inn, public-house, hotel, restaurant, café, tea-shop, buffet, coffee-stall or any place of refreshment open to the public, or of a club, boarding house, apartment house, refreshment contractor, school feeding centre, staff dining room or canteen; and "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—

(*a*) as respects England and Wales, milk which is produced from cows of the Channel Islands breeds and which is labelled "Channel Islands milk", "Jersey milk" or "Guernsey milk" when sold in a container;

(*b*) as respects Scotland, milk which is lawfully sold as Channel Islands milk pursuant to the Milk and Dairies (Channel Islands and South Devon Milk) (Scotland) Regulations 1958(c);

"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;

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

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

"Pasteurised milk" means milk in respect of which the special designation "Pasteurised" is lawfully used pursuant to the Milk (Special Designation) Regulations 1960(a) or, in relation to Scotland, is lawfully used pursuant to the Milk (Special Designations) (Scotland) Orders 1951 and 1952;

"sell" includes offer or agree to sell or expose for sale;

"South Devon milk" means—

(*a*) as respects England and Wales, milk which is produced from cows of the South Devon breed and which is labelled "South Devon milk" when sold in a container;

(*b*) as respects Scotland, milk which is lawfully sold as South Devon milk pursuant to the Milk and Dairies (Channel Islands and South Devon Milk) (Scotland) Regulations 1958;

"Sterilised milk" means milk in respect of which the special designation "Sterilised" is lawfully used pursuant to the Milk (Special Designation) Regulations 1960 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) Regulations 1960 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) Regulations 1960;

"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) Regulations 1960.

(2) Any reference in this order to any regulations or other order shall be construed as a reference to such regulations or order as amended by any subsequent regulations or order, and if any regulations or order referred to in this order are or is replaced by any subsequent regulations or order, the reference shall be construed as a reference to such subsequent regulations or order, as the case may be.

Maximum prices and exemptions

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 Schedule 1 to this order;

(a) S.I. 1960/1542 (1960 II, p. 1529).

(*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 Schedule 2 to this order;

Provided that where any milk is sold in a quantity of half a pint and the maximum price therefor in accordance with the foregoing provisions of this article would include an odd quarter of a penny, that maximum price shall be increased by one quarter of a penny.

(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, (*b*) by a retailer for consumption on his retail premises, or (*c*) from an automatic vending machine.

One-third pint bottles

4. During the continuance in force of this order nothing contained in section 7 of the Sale of Food (Weights and Measures) Act 1926(**a**) shall apply as respects any sale of any milk in a bottle of a capacity of one-third 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.

Licences or authorisations

5.—(1) The provisions of this order are subject to 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.

Revocation

6. The Milk (Great Britain) Order 1959(**b**), the Milk (Great Britain) (Amendment) Order 1960(**c**) and the Milk (Great Britain) (Amendment No. 2) Order 1960(**d**) are 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 under the Milk (Great Britain) Order 1959 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 the corresponding provision of this order.

(**a**) 16 & 17 Geo. 5. c. 63.
(**b**) S.I. 1959/1454 (1959 I, p. 1212).
(**c**) S.I. 1960/554 (1960 I, p. 1358).
(**d**) S.I. 1960/2251 (1960 I, p. 1361).

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 13th August 1962.

(L.S.) *Christopher Soames,*
Minister of Agriculture, Fisheries and Food.

Given under the Seal of the Secretary of State for Scotland on 13th August 1962.

(L.S.) *Michael Noble,*
Secretary of State for Scotland.

SCHEDULE 1

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 table:—

Milk	Maximum Price (Rate per Pint)
	Pence
Channel Islands Tuberculin Tested Milk Farm Bottled	10½
Other Channel Islands milk	10
South Devon Tuberculin Tested Milk Farm Bottled	10½
Other South Devon milk	10
Tuberculin Tested Milk Farm Bottled ...	10
Tuberculin Tested milk	9
Tuberculin Tested Milk (Pasteurised) ...	9
Sterilised milk	9
Homogenised milk	9
Pasteurised milk	8½
Ordinary milk (that is to say, milk other than the above mentioned)	8½

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.

SCHEDULE 2

MAXIMUM PRICES OF MILK 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)
	Pence
Channel Islands Certified milk	10½
Other Channel Islands milk	10
South Devon Certified milk	10½
Other South Devon milk	10
Certified milk	10
Tuberculin Tested milk	9
Tuberculin Tested (Pasteurised) Milk ...	9
Sterilised milk	9
Homogenised milk	9
Pasteurised milk	8½
Ordinary milk (that is to say, milk other than the above mentioned)	8½

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.

EXPLANATORY NOTE

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

This order, which comes into operation on 2nd September 1962,—

(*a*) substantially re-enacts in a consolidated and revised form the Milk (Great Britain) Order 1959, as amended;

(*b*) increases generally by ½d. per pint the maximum prices of milk on sales in Great Britain;

(*c*) prescribes in the case of sales of milk in Scotland maximum prices for Channel Islands milk and South Devon milk corresponding to those in England and Wales.