STATUTORY INSTRUMENTS

1971 No. 1038

FOOD AND DRUGS

MILK AND DAIRIES

The Milk (Great Britain) Order 1971

Made - - -	22*nd June* 1971
Laid before Parliament	30*th June* 1971
Coming into Operation	4*th July* 1971

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly in exercise of the powers conferred on them by sections 6 and 7 of the Emergency Laws (Re-enactments and Repeals) Act 1964(a) and of all other powers enabling them in that behalf, hereby make the following order:—

Citation, commencement and extent

1.—(1) This order may be cited as the Milk (Great Britain) Order 1971, and shall come into operation on 4th July 1971.

(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, staff dining room or canteen, or of any school feeding centre, school premises or other educational establishment where milk is provided for pupils; and "caterer" shall be construed accordingly;

"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 1967(b);

(a) 1964 c. 60.

(b) S.I. 1967/81 (1967 I, p. 178).

"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;

"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, in relation to England and Wales, pursuant to the Milk (Special Designation) Regulations 1963(**a**), as amended (**b**), and, in relation to Scotland, pursuant to the Milk (Special Designations) (Scotland) Order 1965(**c**), as amended (**d**);

"Premium milk" means milk in respect of which the special designation "Premium" is lawfully used pursuant to the Milk (Special Designations) (Scotland) Order 1965, as amended;

"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 1967;

"Standard milk" means milk in respect of which the special designation "Standard" is lawfully used pursuant to the Milk (Special Designations) (Scotland) Order 1965, as amended;

"Sterilised milk" means milk in respect of which the special designation "Sterilised" is lawfully used, in relation to England and Wales, pursuant to the Milk (Special Designation) Regulations 1963, as amended, and, in relation to Scotland, pursuant to the Milk (Special Designations) (Scotland) Order 1965, as amended;

"Ultra Heat Treated milk" means milk in respect of which the special designation "Ultra Heat Treated" is lawfully used, in relation to England and Wales, pursuant to the Milk (Special Designation) Regulations 1963, as amended, and, in relation to Scotland, pursuant to the Milk (Special Designations) (Scotland) Order 1965, as amended;

"Untreated milk" means milk in respect of which the special designation "Untreated" is lawfully used pursuant to the Milk (Special Designation) Regulations 1963, as amended;

"Untreated Milk Farm Bottled" means untreated milk which has been bottled at the place of production and in respect of which the description "Untreated Milk Farm Bottled" is lawfully used pursuant to the Milk (Special Designation) Regulations 1963, as amended.

(**a**) S.I. 1963/1571 (1963 III, p. 2937).
(**b**) S.I. 1965/1555 (1965 II, p. 4543).
(**c**) S.I. 1965/253 (1965 I, p. 617).
(**d**) S.I. 1966/1573 (1966 III, p. 4850).

(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.

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;

(*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 one-third of a pint or half a pint and, in either case, the maximum price therefor in accordance with the foregoing provisions of this article would include an odd fraction of a new penny, other than one-half of a new penny, that maximum price shall be increased to the next higher half of a new penny if the said fraction is less than one-half or to the next higher whole new penny if the said fraction is greater than one-half.

(2) No person shall in connection with the sale or disposition or proposed sale or disposition of any milk, in any area to which the provisions of paragraph (1) of this article apply, 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.

Licences or authorisations

4.—(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.

Revocations

5. The Milk (Great Britain) Order 1967(**a**), the Milk (Great Britain) (Amendment) Order 1969(**b**) and the Milk (Great Britain) (Amendment) Order 1970(**c**) are hereby revoked:

(**a**) S.I. 1967/455 (1967 I, p. 1398). (**b**) S.I. 1969/972 (1969 II, p. 2855).
(**c**) S.I. 1970/1078 (1970 II, p. 3338).

Provided that unless any contrary intention appears any licence or authorisation granted under the Milk (Great Britain) Order 1967, as amended, 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.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 22nd June 1971.

(L.S.)

J. M. L. Prior,
Minister of Agriculture, Fisheries and Food.

Gordon Campbell,
Secretary of State for Scotland.

22nd June 1971.

Article 3(1)(*a*)

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)
	p
Channel Islands milk	6½
South Devon milk	6½
Untreated Milk Farm Bottled	6½
Ultra Heat Treated milk	6
Sterilised milk	6
Homogenised milk	6
Untreated milk	5½
Pasteurised milk	5½
Milk other than the above mentioned...	5½

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.

Article 3(1)(*b*)

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)
	p
Channel Islands milk	6½
South Devon milk	6½
Premium milk	6½
Ultra Heat Treated milk	6
Sterilised milk	6
Homogenised milk	6
Standard milk	5½
Pasteurised milk	5½
Milk other than the above mentioned...	5½

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.)

This order, which comes into operation on 4th July 1971,—

(*a*) supersedes the Milk (Great Britain) Order 1967 as amended ;

(*b*) prescribes new maximum prices for milk on sales in Great Britain ;

(*c*) extends the definition of "catering business" to cover school premises or other educational establishments where milk is provided for pupils ;

(*d*) permits the maximum price of one-third of a pint of milk to be rounded up to the nearest new halfpenny or new penny, as the case may be, if that maximum price would otherwise include an odd fraction of a new penny other than a new halfpenny.