STATUTORY INSTRUMENTS

1977 No. 2054

FOOD AND DRUGS

The Milk (Great Britain) Order 1977

Made - - - -	*8th December* 1977
Laid before Parliament	*9th December* 1977
Coming into Operation	*1st January* 1978

The Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly in exercise of the powers conferred on them by section 6 (continued in force by the Milk (Extension of Period of Control of Maximum Prices) Orders 1969(**a**) and 1974(**b**)) and section 7 of the Emergency Laws (Re-enactments and Repeals) Act 1964(**c**) 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 1977, and shall come into operation on 1st January 1978.

(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, cafe, 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(**d**);

"dairy" means the premises where the milk is to be subjected to heat treatment;

"heat treatment" means any heat treatment of milk whereby the milk becomes Homogenised milk or of milk in respect of which the special designations "Pasteurised milk" "Sterilised milk" or "Ultra Heat Treated milk" may be used;

(**a**) S.I. 1969/1058 (1969 II, p. 3103).
(**b**) S.I. 1974/2139 (1974 III, p. 8399).
(**c**) 1964 c. 60.
(**d**) S.I. 1967/81 (1967 I, p. 178).

"Homogenised milk" means milk which (i) has been subjected to heat treatment, (ii) has been so processed as to break up the globules of butter-fat 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";

"human consumption" does not include use in the preparation of food for sale for human consumption;

"milk" means liquid cows' 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;

"normal delivery terms" means terms incorporated in a contract, made for a period of at least twelve months, notwithstanding any provision regarding premature termination, and under which terms the milk is delivered daily by the seller or his agent to the purchaser's dairy in bulk tankers and without undue variations of quantity from day to day;

"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 1977(**a**) and, in relation to Scotland, pursuant to the Milk (Special Designations) (Scotland) Order 1965(**b**), as amended(**c**);

"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;

"price" means the actual price paid for the milk after taking into consideration any discounts or allowances or rebates made in relation to that milk, but does not include any levy charged by the seller for publicity for milk and other related services in respect of milk;

"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 or a sale for export (other than for use as ships' stores) to any place outside the United Kingdom;

"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;

(**a**) S.I. 1977/1033 (1977 II, p. 2906). (**b**) S.I. 1965/253 (1965 I, p. 617).
(**c**) S.I. 1966/1573, 1975/1997 (1966 III, p. 4850; 1975 III, p. 7388).

"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 1977, 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 1977, 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 1977;

"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 1977;

(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 by retail 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 Arran, Bute, Coll, Gigha, Islay and The Great Cumbrae and those comprising the Islands Area of 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 thereof in accordance with the foregoing provisions of this article would include an odd fraction of a penny, other than one-half of a penny, that maximum price shall be increased to the next higher half of penny if the said fraction is less than one-half or to the next higher whole penny if the said fraction is greater than one-half.

(2) No person shall sell any raw milk for heat treatment and resale for human consumption, at a price exceeding the maximum price applicable in accordance with the provisions of Schedule 3 to this order.

(3) 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 paragraphs (1) and (2) of this article apply, enter or offer to enter into any artificial transaction or make or demand any unreasonable charge.

(4) The provisions of paragraph (1) 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.

Revocation

5. The orders specified in Schedule 4 to this order are hereby revoked: Provided that unless the contrary intention appears any licence or authorisation granted under the Milk (Great Britain) Order 1971(**a**), as amended(**b**), 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 8th December 1977.

(L.S.)

John Silkin,
Minister of Agriculture, Fisheries and Food.

Bruce Millan,
Secretary of State for Scotland.

8th December 1977.

(**a**) S.I. 1971/1038 (1971 II, p. 1038).
(**b**) S.I. 1974/1549, 1975/1664, 1977/1441 (1974 III, p. 5869; 1975 III, p. 5720; 1977 II, p. 4310).

Article 3(1)(a) SCHEDULE 1

MAXIMUM RETAIL PRICES OF MILK IN ENGLAND AND WALES

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

Milk	Maximum Price (Rate per Pint)
	p
Channel Islands milk	14½
South Devon milk	14½
Untreated Milk Farm Bottled	13½
Ultra Heat Treated milk	13
Sterilised milk	13
Homogenised milk	13
Untreated milk	12½
Pasteurised milk	12½
Milk, other than the above mentioned	12½

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 *Article 3(1)(b)*

MAXIMUM RETAIL PRICES OF MILK IN SCOTLAND

1. Subject to the provisions of this Schedule, the maximum price of milk on a sale by retail in Scotland, excluding the islands other than the islands of Arran, Bute, Coll, Gigha, Islay and The Great Cumbrae and those comprising the Islands Area of Orkney, shall be a price in accordance with the following table: —

Milk	Maximum Price (Rate per Pint)
	p
Channel Islands milk	14½
South Devon milk	14½
Premium milk	13½
Ultra Heat Treated milk	13
Sterilised milk	13
Homogenised milk	13
Standard milk	12½
Pasteurised milk	12½
Milk, other than the above mentioned	12½

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(2)

SCHEDULE 3

MAXIMUM PRICES OF RAW MILK ON SALE FOR HEAT TREATMENT AND RESALE

On a sale for heat treatment	Maximum Price (Rate per Litre)
	p
(*a*) at a dairy situated within the Metropolitan Police District, for sale by retail thereafter within that District	12·426
(*b*) at a dairy situated in England or Wales, and not falling within (*a*) above	12·840
(*c*) at a dairy situated in Scotland excluding the islands other than the islands of Arran, Bute, Coll, Gigha, Islay and The Great Cumbrae and those comprising the Islands Area of Orkney ...	12·763

1. In the case of Channel Islands or South Devon milk, a charge at the rate of 3·124p per litre may be made in addition to the appropriate maximum price specified in the above table.

2. Where the milk is sold on terms which are less or more favourable to the purchaser than normal delivery terms the appropriate maximum price shall have effect subject to a reduction or increase respectively of such amount as is appropriate in the circumstances.

3. A reasonable additional charge may be made by the seller in respect of any milk which is so treated by the purchaser as to become homogenised milk.

SCHEDULE 4 *Article 5*

Orders revoked	References
The Milk (Great Britain) Order 1971 ...	S.I. 1971/1038 (1971 II, p. 3108).
The Milk (Great Britain) (Amendment) (No. 2) Order 1974	S.I. 1974/1549 (1974 III, p. 5869).
The Milk (Great Britain) (Amendment) (No. 3) Order 1975	S.I. 1975/1664 (1975 III, p. 5720).
The Milk (Great Britain) (Amendment) (No. 2) Order 1977	S.I. 1977/1441 (1977 II, p. 4310).

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order, which comes into operation on 1st January 1978

(*a*) supersedes the Milk (Great Britain) Order 1971 as amended;

(*b*) prescribes maximum prices for the sale in Great Britain of raw milk for heat treatment;

(*c*) increases by 1p per pint the maximum retail prices of milk on sales in Great Britain.

SI 1977/2054
ISBN 0-11-072054-7

