STATUTORY INSTRUMENTS

1980 No. 49

FOOD AND DRUGS

The Milk (Northern Ireland) Order 1980

Made - - - -	17*th January* 1980
Laid before Parliament	24*th January* 1980
Coming into Operation	1*st February* 1980

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by sections 6, 7 and 22(3) of the Emergency Laws (Re-enactments and Repeals) Act 1964 (**a**) and of all other powers enabling him in that behalf, hereby makes the following order:—

Citation, commencement and extent

1.—(1) This order may be cited as the Milk (Northern Ireland) Order 1980, and shall come into operation on 1st February 1980.

(2) This order shall apply only to Northern Ireland.

Interpretation

2. In this order unless the context otherwise requires—

"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;

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

"the Department" means the Department of Agriculture for Northern Ireland;

"farm bottled milk" means any milk described in section 1(3) (a) of the Milk Act (Northern Ireland) 1950(**b**);

"heat treatment" means any heat treatment of milk whereby the milk becomes pasteurised milk;

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

(**a**) 1964 c. 60; section 6 is continued in force by the Milk (Extension of Period of Control of Maximum Prices) Orders 1969, 1974 and 1979—S.I. 1969/1058, 1974/2139 and 1979/1602.

(**b**) 1950 c. 31 (N.I.); sections 1 and 3 respectively were amended by the Milk (Amendment) Act (Northern Ireland) 1963 (c. 11 (N.I.)), sections 1 and 2, and by the Agriculture (Miscellaneous Provisions) Act (Northern Ireland) 1967 (c. 15 (N.I.)), sections 9 and 10.

"milk" means liquid cows' milk but does not include separated milk, skimmed milk, condensed milk or evaporated milk;

"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 the milk is delivered daily by the vendor to the purchaser's dairy in bulk tankers and without undue variations of quantity from day to day;

"pasteurised milk" means any milk which is of a designation prescribed under section 3(1) of the Milk Act (Northern Ireland) 1950 and has been pasteurised in accordance with such requirements as may be so prescribed;

"price" means the actual price paid for 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.

Maximum prices and exemptions

3.—(1) No person shall sell by retail any milk at a price exceeding the maximum price specified in relation thereto in Schedule 1 to this order:

Provided that where any milk is sold—

(*a*) in a quantity of one-third of a pint or half a pint or a multiple of half a pint, or

(*b*) in a quantity measured in millilitres which is less than a litre or is a multiple of 500 millilitres,

and 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 a 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 2 to this order.

(3) No person shall, in connection with the sale or disposition or proposed sale or disposition of any milk in relation to which in accordance with the provisions of paragraphs (1) and (2) of this article a maximum price applies, enter or offer to enter into any artificial transaction or make or demand any unreasonable charge.

(4) The provision 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, or (b) from any 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 the Department.

(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 Department; 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 Department, 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 Milk (Northern Ireland) Order 1977(**a**), the Milk (Northern Ireland) (Amendment) Order 1979(**b**) and the Milk (Northern Ireland) (Amendment) (No. 2) Order 1979 (**c**) are hereby revoked:

Provided that unless the contrary intention appears any licence or authorisation granted under the Milk (Northern Ireland) Order 1977, 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 Department 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 17th January 1980.

(L.S.)

Peter Walker,
Minister of Agriculture, Fisheries and Food.

Article 3 (1)

SCHEDULE 1
MAXIMUM RETAIL PRICES OF MILK

Milk	Maximum Price			
	From 1st February, 1980, to 16th February, 1980, inclusive		On and after 17th February, 1980	
	Rate per Pint	Rate per Litre	Rate per Pint	Rate per Litre
	p	p	p	p
Farm bottled milk ...	15	26½	16½	29
Pasteurised milk	15	26½	16½	29

(a) S.I. 1977/2055. (b) S.I. 1979/600. (c) S.I. 1979/1289.

Article 3 (2)

SCHEDULE 2

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 following districts, for sale by retail thereafter within those districts: (i) the wards of Ballyrobin and Templepatrick in the local government district of Antrim; (ii) the wards of Ballygowan, Central, Comber North, Comber South, Scrabo and Ulsterville and the townlands of Corporation North and Movilla in the local government district of Ards Borough; (iii) the local government district of Belfast City; (iv) the wards of Boney Before, Castle, Clipperstown, Knockagh, Love Lane, Lower Greenisland, Middle Greenisland, Northland, Sunnylands, Trooperslane and Victoria in the local government district of Carrickfergus Borough; (v) the local government district of Castlereagh; (vi) the wards of Ballymacbrennan, Blaris, Collin, Derryaghy, Drumbo, Dunmurry, Hilden, Hillhall, Knockmore, Lagan Valley, Lambeg, Lisnagarvy, Magheralave, Old Warren, Seymour Hill, Tallyrusk and Tonagh in the local government district of Lisburn Borough; (vii) the wards of Ballyhenry, Bradan, Carnmoney, Cloughfern, Coole, Dunanney, Glengormley, Hopefield, Jordanstown, Mallusk, Monkstown, Mossgrove, Mossley, Rostulla, Whiteabbey, Whitehouse, and Whitewell in the local government district of Newtownabbey; (viii) the wards of Craigavad, Cultra, Holywood Demesne, Holywood Priory and Loughview in the local government district of North Down Borough.	15·726
(*b*) At a dairy situated outside the above districts, for sale by retail thereafter within those districts provided that the milk shall have been delivered to a depot with a cold store, situated within those districts prior to its sale by retail.	15·726
(*c*) At a dairy situated in Northern Ireland, and not falling within (*a*) or (*b*) above.	15·817

1. Where 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.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which comes into operation on 1st February 1980—

(*a*) supersedes the Milk (Northern Ireland) Order 1977 as amended;

(*b*) increases by 1.11p per litre the maximum prices for the sale in Northern Ireland of raw milk for heat treatment, with effect from 1st February 1980;

(*c*) increases by 1½p per pint the maximum retail prices of milk on sales in Northern Ireland, with effect from 17th February 1980;

(*d*) prescribes the maximum retail prices for the sale in Northern Ireland of milk in metric units as well as in non-metric units as required by the provisions of Council Directive No. 75/106/EEC (OJ No. L42, 15.2.1975, p.1) on the approximation of the laws of the Member States relating to the making-up by volume of certain prepackaged liquids.