STATUTORY INSTRUMENTS

1974 No. 62

FOOD AND DRUGS

MILK AND DAIRIES

The Milk (Special Designation) (Amendment) Regulations 1974

Made - - - -	11*th January* 1974
Laid before Parliament	25*th January* 1974
Coming into Operation	1*st April* 1974

The Minister of Agriculture, Fisheries and Food and the Secretary of State for Social Services, acting jointly, in exercise of the powers conferred on them by sections 35, 43(3), 87 and 123 of the Food and Drugs Act 1955**(a)**, as read with the Secretary of State for Social Services Order 1968**(b)**, and of all other powers enabling them in that behalf, hereby make the following regulations after consultation with such organisations as appear to them to be representative of interests substantially affected by the regulations:—

Citation and commencement

1. These regulations may be cited as the Milk (Special Designation) (Amendment) Regulations 1974, and shall come into operation on 1st April 1974.

Interpretation

2.—(1) In these regulations "the principal regulations" means the Milk (Special Designation) Regulations 1963**(c)**, as amended **(d)**.

(2) The Interpretation Act 1889**(e)** applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Amendment of the principal regulations

3. The principal regulations shall be further amended as follows:—

(*a*) by substituting in regulation 13(1)(*a*) thereof for the words "county council or local authority, as the case may be, which is the food and drugs authority, within the meaning of section 83 of the Food and Drugs Act 1955" the words "local authority";

(*b*) by inserting immediately before paragraph 1 of Part III of Schedule 2 thereto the following words:—

"*A. Conditions applicable when the milk is heated in bottles or by a continuous-flow method*";

(*c*) by adding at the end of the said Part III the conditions set out in the Schedule to these regulations.

(a) 4 & 5 Eliz. 2. c. 16.
(b) S.I. 1968/1699 (1968 III, p. 4585).
(c) S.I. 1963/1571 (1963 III, p. 2937).
(d) S.I. 1965/1555, 1972/1117 (1965 II, p. 4543; 1972 II, p. 3322).
(e) 1889 c. 63.

Transitional provisions

4. Anything done under the principal regulations, including in particular but without prejudice to the generality of this regulation any application made or notice given, before the 1st April 1974 by, to or before the council who were then the licensing authority in respect of the grant or renewal of a dealer's licence shall have effect for the purposes of the principal regulations as amended by these regulations as if done by, to or before the council who on that date become the licensing authority; and any proceedings under the principal regulations pursuant to a notice proposing the suspension, revocation or refusal of a dealer's licence or under section 43 of the Food and Drugs Act 1955 which on that date were pending by the first mentioned council may be continued by the second mentioned council under the principal regulations as amended by these regulations, and shall not abate by reason of the change in the council.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 9th January 1974.

(L.S.)

Joseph Godber,
Minister of Agriculture, Fisheries and Food.

11th January 1974.

Keith Joseph,
Secretary of State for Social Services.

SCHEDULE Regulation 3(*c*)

B. Additional conditions applicable when the milk is heated by a continuous-flow method

1. Notwithstanding the provision in paragraph A2 of this Part of this Schedule that the milk shall be heated as aforesaid in bottles and in such a manner that on or before completion of the treatment the bottles shall be sealed with an airtight seal, the milk may alternatively, if the additional conditions set out in the following paragraphs of this Part of this Schedule are complied with, be heated as aforesaid by a continuous-flow method.

2. Immediately after heating as aforesaid by a continuous-flow method the milk shall be put into the sterile bottles in which it is to be supplied to the consumer. Such bottles shall be filled and sealed at the premises at which the treatment has been carried out with such aseptic precautions as will ensure the protection of the milk from the risk of contamination.

3. The records of such recording thermometers as the licensing authority shall reasonably consider necessary to be installed in suitable places in the apparatus in which the milk is to be heated as aforesaid by a continuous-flow method shall be marked with graduations adequately spaced to give clear readings, and they shall be dated and shall be preserved for a period of not less than three months.

4. Any apparatus in which the milk is to be heated as aforesaid by a continuous-flow method shall be provided with a device which shall automatically divert the flow of any milk which is not raised to the authorised temperature.

5. A sample of the milk heated as aforesaid by a continuous-flow method which is taken in accordance with Part I of Schedule 3 to these regulations after treatment and before delivery to the consumer shall satisfy the colony count test prescribed in Part V of that Schedule.

6. Every bottle in which the milk heated as aforesaid by a continuous-flow method is transported, exposed or offered for sale shall be so closed and securly fastened that it is airtight.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations, which amend the Milk (Special Designation) Regulations 1963 as amended, come into operation on 1st April 1974. They—

(*a*) transfer to local authorities within the meaning of section 85 of the Food and Drugs Act 1955, as amended in particular by section 199(5) of the Local Government Act 1972 (c.70), the responsibility of food and drugs authorities within the meaning of section 83 of the 1955 Act, for the granting of dealers' licences to use special designations in relation to milk (Regulation 3(*a*));

(*b*) prescribe additional conditions subject to which licences are granted to use the special designation "sterilised" in relation to milk heated by a continuous-flow method (Regulation 3(*b*) and (*c*) and the Schedule);

(*c*) make transitional provision to continue the operation of things done, and to prevent the abatement of proceedings commenced, before the date of transfer referred to in paragraph (*a*) above (Regulation 4).

SI 1974/62 M
ISBN 0-11-040062-3

