STATUTORY INSTRUMENTS

1983 No. 1510

FOOD

MILK AND DAIRIES

The Milk (Special Designation) (Amendment) Regulations 1983

Made - - - -	18*th October* 1983
Laid before Parliament	26*th October* 1983
Coming into Operation	16*th November* 1983

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Social Services and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 35, 43(3), 87 and 123 of the Food and Drugs Act 1955**(a)**, and now vested in them**(b)**, and of all other powers enabling them in that behalf, hereby make the following regulations, after consultation in accordance with section 123(6) of that Act with such organisations as appear to them to be representative of interests substantially affected by the regulations:—

Title and commencement

1. These regulations may be cited as the Milk (Special Designation) (Amendment) Regulations 1983 and shall come into operation on 16th November 1983.

Amendment of previous regulations

2. The Milk (Special Designation) Regulations 1977**(c)** shall be amended as follows:—

(*a*) by the substitution, in regulation 9(2)(*b*) (which lays down conditions for licences to use the special designation 'Untreated' in respect of catering sales), for the words "C.3, C.4 and C.5", in both places where they occur, of the words "C.2, C.3 and C.4";

(a) 1955 c. 16 (4 & 5 Eliz. 2); section 35 was amended by the Local Government Act 1972 (c. 70), section 199(2), section 43 was amended by the London Government Act 1963 (c. 33), Schedule 18, Part II, and by the Local Government Act 1972, section 272(2), section 87 was amended by the Weights and Measures Act 1963 (c. 31), Schedule 9, Part II, and section 123 was amended by the Weights and Measures Act 1963, Schedule 9, Part I, the Slaughterhouses Act 1974 (c. 3), Schedule 4, paragraph 4, and the Food and Drugs (Amendment) Act 1982 (c. 26), section 4.

(b) In the case of the Secretary of State for Social Services, by virtue of S.I. 1968/1699; in the case of the Secretary of State for Wales, by virtue of S.I. 1978/272.

(c) S.I. 1977/1033; relevant amending instruments are S.I. 1980/1863, 1982/1359, 1702.

(*b*) by the substitution for regulation 18 (which makes provision for milk brought from Scotland into England and Wales) of the following regulation:—

"18.—(1) Where milk is brought into England and Wales from Scotland—

(*a*) a Scottish licence (that is to say a licence granted under legislation having effect for the time being in Scotland) authorising the use, in relation to that milk, of a designation corresponding to a special designation prescribed by these regulations shall have effect as if it had been granted under these regulations, and

(*b*) so far as any conditions prescribed in these regulations for a licence authorising the use of that special designation would relate to anything to be done before that milk enters England and Wales, they shall be deemed to be satisfied if the corresponding conditions of that Scottish licence are complied with.

(2) Where milk is brought into England and Wales from Northern Ireland after heat treatment in Northern Ireland corresponding to sterilisation (as described in paragraph A2 of Part III of Schedule 2 to these regulations) or to treatment by the ultra high temperature method (as described in paragraph A1 of Part IV of Schedule 2 to these regulations)—

(*a*) a Northern Irish licence (that is to say a licence operating under legislation having effect for the time being in Northern Ireland) relating to the sale of that milk shall have effect as if it were a licence authorising the use of the special designation 'Sterilised' or 'Ultra Heat Treated' (as the case may be) in accordance with these regulations, and

(*b*) so far as any conditions prescribed in these regulations for a licence authorising the use of either of those special designations would relate to anything to be done before that milk enters England and Wales, they shall be deemed to be satisfied if the corresponding conditions of that Northern Irish licence or requirements of that legislation under which that Northern Irish licence operates are complied with.";

(*c*) by the substitution, in Schedule 3, Part II, paragraph 3(1), Part III, paragraph 4(*i*), Part IV, paragraph 3(*c*), and Part V, paragraph 2(*f*) (all of which specify apparatus for sample tests), for the words "British Standard 625:1959, nominal size 150/16", in each place where they occur, of the words "either British Standard 625:1959 or British Standard 3218:1982, nominal size 150/16".

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th October 1983.

L.S.

Michael Jopling,
Minister of Agriculture, Fisheries and Food.

Norman Fowler,
Secretary of State for Social Services.

18 October 1983.

John Stradling Thomas,
Minister of State for Wales.

11th October 1983.

EXPLANATORY NOTE

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

These regulations amend the Milk (Special Designation) Regulations 1977 by recognising Northern Irish licences as equivalent to licences granted under the 1977 regulations to use the special designations 'Sterilised' and 'Ultra Heat Treated' and by providing for an alternative test tube specification in respect of sample tests. These regulations also make an amendment in respect of conditions applicable to licences to use the special designation 'Untreated' in respect of certain catering sales, which amendment is consequential on, but was omitted from, the Milk (Special Designation) (Amendment) Regulations 1982 (S.I. 1982/1359).

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