STATUTORY INSTRUMENTS

1985 No. 530

FOOD

MILK AND DAIRIES

The Milk (Special Designation) (Amendment) Regulations 1985

Made - - - - -	27*th March* 1985
Laid before Parliament	9*th April* 1985
Coming into Operation	
All regulations except regulation 11	1*st May* 1985
regulation 11	1*st May* 1986

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 38, 45(3), 74 and 118 of the Food Act 1984(**a**), hereby make the following regulations, after consultation in accordance with section 118(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 1985 and shall come into operation—

(a) as respects all regulations except regulation 11 on 1st May 1985, and

(b) as respects regulation 11 on 1st May 1986.

Interpretation

2. In these regulations—

(a) "the principal regulations" means the Milk (Special Designation) Regulations 1977(**b**), and

(b) except in this regulation, regulation 1 above and regulation 3 below, any reference to a numbered regulation or schedule shall be construed as a reference to the regulation or schedule so numbered in the principal regulations.

Amendment of principal regulations

3. The principal regulations shall be further amended in accordance with regulations 4 to 11 below.

(**a**) 1984 c. 30.
(**b**) S.I. 1977/1033; relevant amending instruments are S.I. 1980/1863, 1982/1359, 1702, 1983/1510.

Amendment of regulation 6

4. Regulation 6 (which deals with licences) shall be amended by the substitution, for paragraph (1) thereof, of the following paragraphs:

"(1) Subject to paragraph (1A) of this regulation, every licence shall be subject to the general conditions set out in Schedule 1 to these regulations and to such of the special conditions set out in—

(a) Part 1 (in the case of licences to use the special designation "Untreated" taking effect on or before 31st October 1985),

(b) Part 1A (in the case of licences to use the special designation "Untreated" taking effect after 31st October 1985),

(c) Part II (in the case of licences to use the special designation "Pasteurised"),

(d) Part III (in the case of licences to use the special designation "Sterilised"),

(e) Part IV (in the case of licences to use the special designation "Ultra Heat Treated"), and

(f) Part V (in the case of all licences to use special designations)— of Schedule 2 to these regulations as are applicable thereto.

(1A) Paragraph (1) of this regulation shall not apply in relation to the licence granted by regulation 9 of these regulations.".

Amendment of regulation 8(1)

5. Regulation 8(1) (which deals with untreated milk producers' licences) shall be amended by the substitution, for subparagraphs *(b)*, *(c)* and *(d)* thereof, of the following subparagraphs:

"*(b)* every producer's licence taking effect on or before 31st October 1985 shall continue in effect only until the end of that day;

(c) every producer's licence taking effect after 31st October 1985 shall continue in effect until the expiration of the period of three years in which it takes effect, being one of the periods of three years ending with 31st October in 1988 or in any third succeeding year;".

Insertion of regulation 9(5)

6. At the end of regulation 9 (which deals with catering sales of untreated milk) there shall be inserted the following paragraph:

"(5) This regulation, and all licences granted under it, shall cease to have effect on 31st October 1985".

Amendment of regulation 14A(1)(b)

7. Regulation 14A(1)*(b)* (which deals with applications for untreated milk distributors licences) shall be amended by the substitution, for the words "by retail only" of the words "to the ultimate consumer (as defined in Part V of Schedule 2 to these regulations) only".

Substitution of regulation 14B

8. For regulation 14B (which deals with untreated milk distributors' licences) there shall be substituted the following regulation:

" **14B.**— (1) Every untreated milk distributor's licence taking effect on or before 31st October 1985 shall, subject to the provisions of these regulations, continue in effect only until the end of that day.

(2) Every untreated milk distributor's licence taking effect after 31st October 1985 shall, subject to the provisions of these regulations, continue in effect until the expiration of the period of three years in which it takes effect, being one of the periods of three years ending with 31st October in 1988 or in any third succeeding year.

(3) Any untreated milk distributor's licence, unless previously revoked, may, on application by the licensed untreated milk distributor, be renewed from time to time by the licensing authority for a period calculated in the manner set out in this regulation.".

Amendment of heading to Schedule 2, Part I

9. The heading of Part I of Schedule 2 (which deals with licences to use special designations) shall be amended by the insertion, after the words "the special designation "Untreated", of the words "taking effect on or before 31st October 1985".

Insertion of Schedule 2, Part IA

10. After Part I of Schedule 2 there shall be inserted Part IA set out in the Schedule to these regulations.

Amendment of Schedule 2, Part V, paragraph 1

11. Paragraph 1 of Part V of Schedule 2 (which deals with labelling) shall be amended—

(a) by the substitution, for the words "Condition C1 of Part I", of the words "Condition C1 of Parts I and IA", and

(b) by the substitution, for subparagraph *(c)* thereof, of the following subparagraph:

"*(c)* in the case of milk in relation to which the special designation "Untreated" is used—

(i) the name and address of the licensed producer,

(ii) if the container is marked or labelled with the name of the licensed untreated milk distributor, the words "distributed by" immediately preceeding that name,

(iii) if the container is marked or labelled with the address (but not the name) of the licensed untreated milk distributor, the words "distributed from" immediately preceeding that address—

and, in all other cases, the name or business name and an

address or registered office of the producer or packer, or of a seller established in the European Economic Community;".

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 27th March 1985.

L.S.

Michael Jopling,
Minister of Agriculture,
Fisheries and Food.

Norman Fowler,
Secretary of State for
Social Services.

25th March 1985.

Nicholas Edwards,
Secretary of State for Wales.

25th March 1985.

Regulation 10

SCHEDULE

NEW PART IA OF SCHEDULE 2 TO THE MILK AND DAIRIES (SPECIAL DESIGNATION) REGULATIONS 1977

Part IA—Untreated: Special conditions subject to which licences to use the special designation "Untreated" taking effect after 31st October 1985 are granted

A. CONDITIONS APPLICABLE TO PRODUCERS' LICENCES ONLY

1. Where an animal shows evidence of any disease which is likely to affect the milk injuriously, it shall be segregated from the rest of the herd or removed from the herd, as the case may require, and while segregated or after removal the special designation shall not be used in relation to its milk.

2. A record shall be kept of all animals segregated from the rest of the herd or removed from the herd in pursuance of the foregoing condition showing the reason for the segregation or removal, and, in the case of removal, the manner in which the animal has been disposed of.

3. The milk in relation to which the special designation is used shall be placed by the licensed producer in containers at the place of production and shall be sold in those containers.

4. Every container of milk in relation to which the special designation is used shall be tightly closed and securely fastened—

(a) in the case of a bottle, with a cap overlapping the lip of the bottle or in some other suitable manner approved by the licensing authority, and

(b) in the case of a container other than a bottle, in a suitable manner approved by the licensing authority.

5. The licensed producer shall not sell the milk otherwise than—

(a) to a licensed untreated milk distributor in whose licence he is named, or

(b) to an ultimate consumer as defined in Part V of this Schedule—

and shall, on any sale of the milk, sell it in a container with a capacity not exceeding 2 pints.

B. CONDITIONS APPLICABLE TO UNTREATED MILK DISTRIBUTORS' LICENCES ONLY

1. Every licensed untreated milk distributor shall sell milk received only from any licensed producer named in the untreated milk distributor's licence and prepacked by the producer in containers which have a capacity not exceeding 2 pints.

2. Every licensed untreated milk distributor shall sell the milk in the containers in which he receives it with the bottle caps or other fastenings unbroken.

3. The licensed untreated milk distributor shall not sell the milk otherwise than to an ultimate consumer as defined in Part V of this Schedule and shall not use any shop for the sale of that milk.

C. CONDITIONS APPLICABLE TO PRODUCERS' LICENCES AND UNTREATED MILK DISTRIBUTORS' LICENCES

1. Every container of milk shall be marked or labelled with the particulars specified in Part V of this Schedule unless the milk is intended for export to any place outside the United Kingdom.

2. The milk in relation to which the special designation is used shall come from an accredited herd.

3. The milk in relation to which the special designation is used shall not at any stage have been treated by heat or in any manner likely to affect its nature or qualities.

4. The milk shall be produced, handled, treated, stored and distributed, as the case may be, under such conditions that—

(a) any sample of milk in relation to which the special designation is used, and

(b) any sample of milk from the herd in respect of which a licence authorising the use of the special designation is in force (whether the designation is used in relation to that milk or not), if the sample is taken before the milk has been placed in containers for delivery to the consumer or while it is in the possession of the producer,

shall if the sample has been taken, transported and kept in accordance with Part I of Schedule 3 to these regulations, satisfy the test prescribed in Part II of that Schedule.

5. Every container in which milk is sold to consumers shall be of a type approved by the licensing authority, and be closed and fastened in a manner satisfactory to that authority.

6. On a sale to the ultimate consumer (as defined in Part V of this Schedule) the presentation of the milk shall not be such that a purchaser is likely to be misled to a material degree as to the nature, substance or quality of the milk.

7. The milk shall not be sold as, or as part of, a meal or refreshments.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations further amend the Milk (Special Designation) Regulations 1977, which apply to England and Wales only, by—

(1) extending producers' and distributors' licences to use the special designation "Untreated" to 31st October 1985, and

(2) limiting such licences taking effect after that date to—

(a) a period not exceeding three years (instead of five) before renewal, and

(b) the use of the special designation in relation to milk sale of which complies with the following conditions:

(i) it must not be sold in a shop (other than the producer's shop),

(ii) it must not be sold as, or as part of, a meal or refreshments,

(iii) it must be sold (unless the sale is from the producer to the distributor) to the ultimate consumer, and

(iv) it must be sold in a retail container of a capacity not exceeding 2 pints.

The regulations come into effect on 1st May 1985 with the exception of regulation 11, (amendments to provisions dealing with labelling), which comes into operation on 1st May 1986.

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