Milk) Regulations, 1949. The Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949, made jointly by the Minister of Health and the Minister of Food, are, therefore, concerned only with the special designations of heat-treated milk.

Pasteurised milk may be heated to a temperature between 145° F. and 150° F. for a period of 30 minutes, or to a temperature of 161° F. or above for a period of at least 15 seconds, before it is cooled to a temperature not exceeding 50° F., or it may be heated to such other temperature for such a period as may be approved by the Minister of Food. Sterilised milk is required to be filtered or clarified, homogenised and heated in bottles to a temperature not below 212° F. for such a period as to ensure that it will comply with a prescribed test. The regulations provide for the use of the special designations "Tuberculin Tested Milk (Pasteurised)" and "Tuberculin Tested Milk (Sterilised)".

From a future date to be appointed by the Minister of Food, a flow diversion device must be fitted to pasteurising plant in which the milk is heated to a temperature higher than 150° F. and bottles or other containers must be securely fastened with an overlapping cap. From 1st October, 1950, pasteurised milk may only be sold in bottles or other containers which must be filled on the premises of a person holding a licence under these regulations. From 1st October, 1954, the bottles or other containers must be filled at the pasteurising premises.

Licences in respect of pasteurising and sterilising establishments will be issued by Food and Drugs authorities but local authorities will continue to be responsible for all other licences. Fees for licences have been dispensed with.

The procedure for the suspension and revocation of licences is governed by the Milk (Special Designations) Act, 1949, and the regulations, therefore, differentiate between specified areas under that Act and other areas. The constitution of tribunals under section 11 of that Act is set out in the schedules to the regulations.

The method of taking samples and carrying out the prescribed tests are included in the schedules.

---

(4) RAW MILK

The Milk (Special Designation) (Raw Milk) Regulations, 1949

1949 No. 1590

Made - - - -	*25th August*, 1949
Laid before Parliament	*25th August*, 1949
Coming into Operation	*1st October*, 1949

The Minister of Health, the Minister of Agriculture and Fisheries and the Minister of Food acting jointly in exercise of the powers conferred on them by sections 21 and 92 of the Food and Drugs Act, 1938(a), as amended by

(a) 1 & 2 Geo. 6. c. 56.

the Food and Drugs (Milk and Dairies) Act, 1944(a), by the Transfer of Functions (Food and Drugs) Order, 1948(b), by the Milk (Special Designations) Act, 1949(c), and of all other powers enabling them in that behalf, hereby make the following regulations:—

PART I

Short Title, Commencement, Interpretation and Revocation of Regulations

1. These regulations may be cited as the Milk (Special Designation) (Raw Milk) Regulations, 1949, and shall come into operation on the first day of October, 1949.

2.—(1) In these regulations, unless the context otherwise requires—

" attested herd " means a herd on the Register of Attested Herds kept in pursuance of a scheme for the time being in force under section 20 of the Agriculture Act, 1937;

" certificate of a tuberculin test " means a certificate, in the form directed by the Minister of Agriculture and Fisheries and signed by a veterinary surgeon, of the making by him of a tuberculin test of an animal and of the result thereof;

" consumer " means any person to whom milk is supplied and who neither sells it nor uses it in the manufacture of milk products for sale;

" dealer's licence " means a licence, including a supplementary licence, granted to any person to use a special designation in relation to milk sold by him and produced from a herd not in his ownership or control or to any person owning or controlling a herd to use a special designation in relation to milk sold by him at or from premises other than those at which the herd is maintained and " licensed dealer " means any person to whom a dealer's licence has been granted;

" examination " means a clinical examination of an animal made by a veterinary surgeon in such manner as the Minister of Agriculture and Fisheries may direct;

" herd " means the milch cows in respect of whose milk any licence is applied for or granted, as the case may be, and includes any other bovine animal for the time being kept in contact with such cows;

" licence " means a licence under these regulations;

" licence held by a retailer for a specified area " means a licence authorising the use of a special designation held by a person carrying on a business which includes any sales which are sales for the purpose of which the use of a special designation is obligatory by virtue of the Milk (Special Designations) Act, 1949, and are of milk in relation to which that licence authorises the use of a special designation;

" licensing authority " means in relation to any application for the grant of a licence, the authority which has power under these regulations to grant the licence, and in relation to any licence which has already been granted, means the authority which would for the time being have power by virtue of these regulations to grant a licence by way of renewal thereof if it had expired; and " licensing area " means the area of such licensing authority;

(a) 7 & 8 Geo. 6. c. 29. (b) S.I. 1948 (No. 107) I, p. 1966.
(c) 12, 13 & 14 Geo. 6. c. 34.

" milch cow " means a cow kept for milking purposes ;

" milk " means raw milk and " raw milk " means cows' milk which has not been treated by heat but does not include cream or separated, skimmed, dried, condensed or evaporated milk or buttermilk ;

" producer's licence " means a licence granted to any person owning or having control of a herd to use a special designation in relation to milk produced from that herd and sold by him at or from the premises where the herd is maintained and " licensed producer " means any person to whom such a licence has been granted ;

" sample " means a sample taken by a person duly authorised in that behalf by the licensing authority ;

" sell " includes offer or agree to sell or expose for sale and " sale " shall be construed accordingly ;

" selling " means selling in the course of a business, and includes, in relation to milk, supplying it under arrangements for free supply or in the course of any business otherwise than under such arrangements, and references to sales and contracts of sale shall be construed accordingly ;

" selling milk by retail " means selling it—

(*a*) to any person other than a milk dealer (that is to say a person who carries on a business which consists in or comprises the selling of milk) or a manufacturer of milk products (that is to say, a person who carries on a business which consists in or comprises the making of things made from milk or of which milk is an ingredient) ; or

(*b*) to such a dealer or manufacturer otherwise than for the purposes of his business as such ;

" selling milk by wholesale " means selling milk otherwise than by retail ;

" specified area " means an area in which subsection (1) of section 1 of the Milk (Special Designations) Act, 1949, is in operation ;

" supplementary licence " means a licence authorising the use of a special designation by a licensed dealer in relation to milk sold by retail in a licensing area other than that in which the premises from which it is sold are situated ;

" tuberculin test " means a tuberculin test of an animal made by a veterinary surgeon with such tuberculin and in such manner as the Minister of Agriculture and Fisheries may direct ;

" veterinary inspector " means a veterinary inspector appointed by the Minister of Agriculture and Fisheries ;

" veterinary surgeon " means a person registered in the Register of Veterinary Surgeons ;

" veterinary surgeon's certificate " means a certificate, in the form prescribed by the Minister of Agriculture and Fisheries and signed by a veterinary surgeon, of the making of an examination by him and of the result thereof.

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

3. The Milk (Special Designations) Regulations, 1936 to 1948(b), in so far as they relate to raw milk, are hereby revoked.

PART II

General provisions as to licences

4.—(1) Any person who intends to use in relation to milk a special designation authorised by these regulations shall apply in accordance with the provisions of these regulations to the licensing authority for a licence to use such special designation.

(2) The special designations authorised by these regulations which may be used in relation to milk are "Tuberculin Tested" and "Accredited".

5. A licensing authority may refuse to grant a licence if it is not satisfied that the applicant's arrangements for the production, handling, storage, treatment and distribution of milk, as the case may be, are such as to comply with all relevant provisions contained in any Milk and Dairies Regulations and Milk (Special Designation) Regulations, including these regulations.

6.—(1) Every licence granted under these regulations shall be subject to the general conditions set out in the First Schedule to these regulations, and to such of the special conditions set out in Parts I and II of the Second Schedule to these regulations as are applicable thereto.

(2) Every licence granted under these regulations shall be in the form contained in the Fifth Schedule hereto or in a form substantially to the like effect.

7.—(1) A licence shall authorise the use of a special designation only in relation to milk sold at or from the premises mentioned in the licence.

(2) Subject to the restrictions on the use of the special designation "Accredited" imposed by subsection (2) of section 4 of the Milk (Special Designations) Act, 1949, a licence authorising a person to use the special designation "Tuberculin Tested" shall entitle him to use the special designation "Accredited" in relation to the milk to which that licence applies for the period of five years from the commencement of these regulations or for such shorter period as the licence may be in force.

PART III

Provisions relating to the granting of producers' licences

8.—(1) Subject to the provisions of these regulations all producers' licences granted under these regulations shall be granted by the Minister of Agriculture and Fisheries and applications for producers' licences shall be made in writing to the Minister of Agriculture and Fisheries.

(2) Subject to the provisions of these regulations, application may be made by a producer for the granting of separate producers' licences as regards the use of a special designation for the purposes respectively of selling by

(a) 52 & 53 Vict. c. 63.
(b) S.R. & O. 1936 (No. 356) I, p. 1819; 1938 (No. 218) II, p. 2163; P.R. & O. dated 9th July, 1941; S.R. & O. 1942 (No. 771) I, p. 568; 1943 (No. 1645) I, p. 287; 1946 (No. 10) I, p. 1001; and S.I. 1948 (No. 1117) I, p. 1224.

wholesale or selling by retail. Any such separate licences may be granted subject to conditions limiting for the purpose of sale the use of any special designation to such district and to such sales as may be specified in the licence.

(3) Subject to the provisions of these regulations, all producers' licences granted on or after the commencement of these regulations to use the special designation "Tuberculin Tested" in relation to milk produced from an attested herd shall be for the period of five years from the date on which the licence is granted. Any such licence unless previously revoked may on application by the licensed producer be renewed from time to time by the Minister of Agriculture and Fisheries for a similar period.

(4) Subject to the provisions of these regulations all producers' licences granted in respect of an application received before 1st October, 1951, to use the special designation "Tuberculin Tested" in relation to milk produced from a herd not being an attested herd, shall be granted for a period of five years and shall not thereafter be renewable.

(5) Subject to the provisions of these regulations, all producers' licences granted in respect of an application received after 30th September, 1951, and before 1st October, 1954, to use the special designation "Tuberculin Tested" in relation to milk produced from a herd not being an attested herd, shall be granted for a period of three years and shall not thereafter be renewable.

(6) No producer's licence, to use the special designation "Tuberculin Tested" shall be granted on an application received after 30th September, 1954 (whether in renewal of an existing licence or not) unless the herd in respect of which the licence is applied for is an attested herd.

(7) Subject to the provisions of these regulations, all producers' licences granted in respect of an application received before 1st October, 1952, to use the special designation "Accredited" in relation to milk produced from any herd shall be granted for such part as then remains of the period of five years from the commencement of these regulations and shall not thereafter be renewable.

(8) No producer's licence to use the special designation "Accredited" shall be granted on an application received after 30th September, 1952 (whether in renewal of an existing licence or not).

9. Where before 1st October, 1954, a person applies for a producer's licence to use the special designation "Tuberculin Tested" and the herd in respect of which the licence is applied for is not an attested herd, he shall furnish the Minister of Agriculture and Fisheries with—

(*a*) a certificate of a tuberculin test of every animal in the herd at the date of the application carried out not more than one month before that date and distinguishing every animal by its identification mark; and

(*b*) a veterinary surgeon's certificate of an examination of every animal in the herd at the date of the application carried out not more than one month before that date;

and shall satisfy the said Minister that any animal certified as reacting to the tuberculin test has been removed from the herd and that any animal certified as showing evidence of any disease which is likely to affect the milk injuriously has been segregated from the rest of the herd or removed from the herd as the case may require.

10. Where before 1st October, 1952, a person applies for a producer's licence to use the special designation "Accredited", he shall—

(*a*) furnish the Minister of Agriculture and Fisheries with a veterinary surgeon's certificate of an examination of the milch cows in the herd, carried out not more than one month before the date of the application; and

(*b*) satisfy the said Minister that any such cow which has been certified as showing evidence of any disease which is likely to affect the milk injuriously has been segregated from the rest of the herd or removed from the herd as the case may require.

PART IV

Refusal, suspension and revocation of producers' licences and appeals arising therefrom

11.—(1) The Minister of Agriculture and Fisheries shall not revoke a producer's licence being a licence to which section 8 of the Milk (Special Designations) Act, 1949, applies (that is to say a licence held by a retailer for a specified area) or refuse a grant of a licence by way of renewal of any such licence so held on the ground of breach of a condition thereof, unless—

(*a*) the breach in question is of a condition to which section 8 as aforesaid applies;

(*b*) the holder of the licence has been convicted of an offence under that section by virtue of the breach in question, or has been convicted within twelve months before the time of the breach in question or after the time of it, of an offence under section 1, 2 or 4 of the aforesaid Act, of an offence under section 21 of the Food and Drugs Act, 1938, or of an offence under Milk and Dairies Regulations for which a penalty is thereby imposed; and

(*c*) the decision of the licensing authority to revoke, or to refuse renewal, as the case may be, is made within twelve months from the date of the breach in question.

(2) The Minister of Agriculture and Fisheries shall not suspend a producer's licence being a licence held by a retailer for a specified area on the ground of breach of a condition thereof, by virtue of any one decision by him, for a period of more than 3 months, but the period of suspension awarded by any such decision may be extended by a subsequent such decision made in accordance with the provisions of the next succeeding regulation.

12.—(1) Subject, as respects the suspension or revocation of a producer's licence which is a licence held by a retailer for a specified area, to the provisions of the preceding regulation, the Minister of Agriculture and Fisheries may suspend or revoke a producer's licence on the ground of any breach of condition thereof being a breach by virtue of which the producer has been convicted of an offence under section 8 of the Milk (Special Designations) Act, 1949, or which, not being such a breach as aforesaid, is proved (in a case referred to a tribunal by virtue of the subsequent provisions of these regulations) by the finding of the tribunal, or (in any other case) to the satisfaction of that Minister:

Provided that a licence shall not be suspended or revoked by reason only of the producer's milk being found not to comply with the conditions of the licence after it has left his custody and control, if he shows to the satisfaction of the Minister of Agriculture and Fisheries that such non-compliance was not due to any act or default of himself or of his servants or agents.

(2) Where the Minister of Agriculture and Fisheries proposes to refuse to grant a producer's licence, or proposes to suspend or revoke such a licence he shall serve notice of his proposal on the person affected in accordance with these regulations.

(3) Any such notice as aforesaid shall state the reasons for the proposed decision and inform the person served therewith that he may within 14 days after the receipt thereof make representations in writing to the Minister of Agriculture and Fisheries in respect of all or any of the reasons stated therein, and where the issue is as to revocation or suspension of a producer's licence being a licence held by a retailer for a specified area, or refusal of a grant of a licence by way of renewal of such a licence, shall inform the person affected that he may within 14 days as aforesaid request the Minister of Agriculture and Fisheries to refer the matter to a tribunal constituted in accordance with these regulations. If within that 14 days such request is made to that Minister as aforesaid, he shall forthwith refer the matter to a tribunal in accordance with the provisions of the Fourth Schedule to these regulations.

(4) The decision of the Minister of Agriculture and Fisheries to refuse to grant, or to suspend, or to revoke, a producer's licence shall be final, but before making his decision he shall consider any representations made under the preceding paragraph and, where the matter has been referred to a tribunal, the report of the tribunal.

(5) Where before the end of the period for which a producer's licence was granted, the holder of that licence applies for a licence in renewal thereof and his application is not finally determined before the end of the said period, the existing licence shall, subject to any suspension under these regulations, remain in force until his application is so determined, and where the grant of the licence is refused by the Minister of Agriculture and Fisheries during the currency of a period when representations may be made against his proposed decision to suspend or revoke the existing licence, or in the case of a retailer for a specified area reference to a tribunal in respect of the matter may be requested, such representations or reference shall be deemed to include representations or reference in respect of such refusal.

13. Where under this Part of these regulations any issue is referred to a tribunal the constitution and procedure of the tribunal shall conform with the provisions of the Fourth Schedule to these regulations.

Part V

Provisions relating to the granting of dealers' licences

14.—(1) Subject to the provisions of these regulations, all dealers' licences granted under these regulations shall be granted by the local authority, within the meaning of section 64 of the Food and Drugs Act, 1938, of the district within which the premises at or from which the milk is to be sold, are situated:

Provided that any such licence granted to a county council or to a local authority shall be granted by the Minister of Food.

(2) Application for a dealer's licence shall be made in writing to the licensing authority and except in the case of an application for the renewal of an existing licence the applicant shall state the name and address of each person from whom he proposes to obtain the milk.

15.—(1) A dealer's licence shall, except in the case of milk sold by wholesale, authorise the use of a special designation in relation only to milk sold within the licensing area of the licensing authority.

(2) Where the holder of a dealer's licence authorising him to use a special designation in relation to milk sold by him at or from premises in one licensing area proposes to sell the milk by retail in another licensing area the licensing authority of the second licensing area may grant him a supplementary licence authorising him during the period of operation of the first mentioned licence to use the special designation in relation to milk so sold in their licensing area, but in that event nothing in these regulations shall authorise that authority either before the grant or during the period of operation of the supplementary licence to exercise any powers under these regulations outside their licensing area.

16. Subject to the provisions of these regulations every dealer's licence shall continue in force until the 31st day of December in the year in respect of which it is granted.

PART VI

Refusal, suspension and revocation of dealers' licences and appeals arising therefrom

17.—(1) The licensing authority shall not revoke a dealer's licence being a licence to which section 8 of the Milk (Special Designations) Act, 1949, applies (that is to say a licence held by a retailer for a specified area) or refuse a grant of a dealer's licence by way of renewal of any such licence on the ground of breach of a condition thereof unless—

(*a*) the breach in question is of a condition to which section 8 as aforesaid applies ;

(*b*) the holder of the dealer's licence has been convicted of an offence under that section by virtue of the breach in question, or has been convicted within twelve months before the time of the breach in question or after the time of it, of an offence under section 1, 2 or 4 of the aforesaid Act, of an offence under section 21 of the Food and Drugs Act, 1938, or of an offence under Milk and Dairies Regulations for which a penalty is thereby imposed ; and

(*c*) the decision of the licensing authority to revoke, or to refuse renewal, as the case may be, is made within twelve months from the date of the breach in question.

(2) The licensing authority shall not suspend a dealer's licence being a licence held by a retailer for a specified area on the ground of breach of a condition thereof, by virtue of any one decision by the licensing authority, for a period of more than 3 months, but the period of suspension awarded by any such decision may be extended by a subsequent such decision made in accordance with the provisions of the next succeeding regulation.

18.—(1) Subject, as respects suspension or revocation of a dealer's licence which is a licence held by a retailer for a specified area, to the provisions of the preceding regulation, the licensing authority may suspend or revoke a dealer's licence on the ground of any breach of condition thereof being a breach by virtue of which the holder has been convicted of an offence under section 8 of the Milk (Special Designations) Act, 1949, or which, not being such a breach as aforesaid, is proved (in a case referred to a tribunal by

virtue of the subsequent provisions of these regulations) by the finding of the tribunal, or (in any other case) to the satisfaction of the licensing authority.

(2) The following provisions shall apply where a licensing authority, other than the Minister of Food, propose to suspend or revoke a dealer's licence or to refuse to grant such a licence:—

(*a*) The authority shall serve on the person affected a notice informing him of their proposal and the reasons therefor, and of his right under the next succeeding sub-paragraph.

(*b*) The person affected may within 14 days after the receipt of such a notice require the authority to afford him an opportunity of being heard by the appropriate committee of the authority and the authority shall comply with any such requirement before making their decision.

(*c*) Any such hearing by a committee shall be in public and the person affected shall be entitled to be heard by himself or by counsel or a solicitor or other representative as he may elect, and he or his representative shall be entitled to call witnesses and to cross-examine witnesses called by another.

(*d*) Where the decision of the authority is adverse to the person affected that person may within 14 days after being notified of that decision appeal to the Minister of Food and the authority shall give notice of such right together with notice of their decision.

(*e*) A decision of the licensing authority to suspend or revoke a dealer's licence shall not have effect until 14 days after the receipt by the person affected of notice thereof and in the event of an appeal against the decision until the end of the year in respect of which the licence was granted or until the determination of the appeal whichever is the earlier.

(*f*) The Minister of Food on any such appeal, before making his decision, shall, by notice, afford to the person affected an opportunity of making representations within a period of 14 days, and where the issue is as to revocation or suspension of a dealer's licence held by a retailer for a specified area or refusal of a grant of a licence by way of renewal of such a licence and the person affected so requests, that Minister shall refer the matter to a tribunal in accordance with the provisions of the Fourth Schedule to these regulations and shall consider the report of that tribunal before making his decision.

(*g*) In any such appeal any reference in these regulations to anything being done to the satisfaction of the licensing authority shall be treated as if the reference were to the satisfaction of the Minister of Food who in determining any such appeal may, if he thinks fit, take into consideration any change of circumstances brought about since the date of the licensing authority's decision.

(*h*) The decision of the Minister of Food on any such appeal shall be final and the licensing authority shall comply therewith.

(3) Where the Minister of Food acting as a licensing authority proposes to revoke or suspend a dealer's licence or to refuse to grant such a licence he shall serve on the council affected a notice informing them of his proposal and the reasons therefor and shall by notice afford such council an opportunity of making representations within a period of 14 days, and where the issue is as to revocation or suspension of a dealer's licence held by a retailer for a specified area or refusal of a grant of a licence by way of renewal of such a licence and the council affected so requests, that Minister shall refer

the matter to a tribunal in accordance with the provisions of the Fourth Schedule to these regulations and shall consider the report of that tribunal before making his decision.

(4) Where before the end of the period for which a dealer's licence was granted the holder of the dealer's licence applies for a grant of a licence in renewal thereof and his application is not finally determined before the end of the said period, the existing dealer's licence shall, subject to any suspension under these regulations, remain in force until his application is so determined, and where the application is refused by the licensing authority—

(*a*) during the currency of a period when representations may be made against the licensing authority's proposed decision to suspend or revoke the existing dealer's licence ;

(*b*) during the currency of an appeal to the Minister of Food against a decision by a licensing authority, other than that Minister, to suspend or revoke the existing licence ; or

(*c*) in the case of a retailer for a specified area, after he has requested a reference to a tribunal and before the consideration of that reference by the tribunal ;

such representations, appeal or reference, as the case may be, shall be deemed to include representations, an appeal or reference in respect of such refusal.

19. Where under this part of these regulations any issue is referred to a tribunal the constitution and procedure of the tribunal shall conform with the provisions of the Fourth Schedule to these regulations.

PART VII

Miscellaneous Provisions

20. Where milk is brought from Scotland into England or Wales, a licence granted in pursuance of an Order made by the Secretary of State for Scotland and authorising the use of a special designation, corresponding to a special designation prescribed by these regulations, in relation to that milk shall have effect as if it had been granted under these regulations and so far as any conditions prescribed in these regulations for a licence authorising the use of that designation would relate to anything to be done before the milk enters England or Wales, they shall be deemed to be satisfied if the corresponding conditions of the Scottish Order are complied with.

21. Notwithstanding the revocation by these regulations of the Milk (Special Designations) Regulations, 1936 to 1948, in so far as they relate to raw milk (in this regulation referred to as " the 1936-48 regulations ") and without prejudice to section 38 of the Interpretation Act, 1889—

(*a*) any licence granted under the 1936-48 regulations to a producer, and in force immediately before the commencement of these regulations, shall continue in force and have effect as if it were a producer's licence granted under and subject to the provisions of these regulations for the period ending 30th September, 1954:

Provided that the Minister of Agriculture and Fisheries may with the agreement of the licensed producer substitute for any licence referred to in this paragraph, two separate licences for the purposes respectively of selling by wholesale or selling by retail and thereupon the foregoing provisions of this paragraph shall apply to each such separate licence as though it had been operative under the 1936-48 regulations ;

(*b*) any licence granted under the 1936-48 regulations to a person other than a producer, and in force immediately before the commencement of these regulations, shall, in so far as it relates to raw milk, continue in force and have effect as if it were a licence granted by the appropriate licensing authority under and subject to the provisions of these regulations for the period ending on 31st December, 1949.

22. Any decisions, proceedings in connection with appeals, and other things made, taken or done in relation to a licence before the date of coming into operation of these regulations, or pending at that date, shall continue and have effect as if they had been made, taken or done for the purposes of these regulations.

23. The provisions of section 8 of the Milk (Special Designations) Act, 1949 (which relate to breaches of certain conditions* of licences held by retailers for specified areas), shall, so far as they relate to a dealer's licence under these regulations, other than a dealer's licence authorising the use of a special designation by a local authority, be enforced by the licensing authority.

24. Every licensing authority shall give such assistance and information to any other licensing authority as that other licensing authority may reasonably require for the purpose of carrying out their duties under these regulations.

FIRST SCHEDULE

General conditions subject to which licences are granted

1. The holder of the licence shall so maintain and operate his arrangements for the production, handling, storage, treatment and distribution of milk as to comply with all relevant provisions contained in any Milk and Dairies Regulations and Milk (Special Designation) Regulations, including these regulations.

2. The holder of the licence shall take such measures as are adequate to ensure that the milk to which the licence applies is kept apart from all other milk at all times except when it is in separate sealed containers. In particular, he shall ensure that any vessel or apparatus which has been used for any other milk whether raw milk or not shall be cleansed in accordance with the provisions of the Milk and Dairies Regulations, 1949, on each occasion before it is used for the milk to which the licence applies: provided that such cleansing may be dispensed with in any case where, having regard to the special designation next to be used, the licensing authority so permits.

3. Subject to the provisions of these regulations, the holder of the licence shall not for the purpose of the sale or advertisement of the milk to which the licence applies refer to it by any such description (other than the special designation authorised by the licence) as is likely to suggest that it is tested, approved or graded by any competent person.

4. The holder of the licence shall—

(*a*) keep accurate records of the quantities of the milk produced, purchased and sold, as the case may be, and of the names and addresses of the persons from whom the milk was purchased and to whom it was sold otherwise than by retail;

(*b*) retain such records for a period of twelve months from the date of production or the date of the transaction to which the record relates;

* The conditions to which section 8 applies are conditions as to any such matters as are specified in the Schedule to the Milk (Special Designations) Act, 1949.

(*c*) permit any person duly authorised by the licensing authority—

(i) to inspect the processes of production, handling, treatment, storage and distribution of the milk at any place at which the milk is under the control of the holder of the licence;

(ii) to take samples of the milk free of charge at any such place; and

(iii) to inspect any records which the holder is required to keep by the conditions subject to which the licence was granted.

For the purposes of this sub-paragraph the expression "licensing authority" means the licensing authority for the licensing area in which the said arrangements are maintained and operated or in which the said records are kept, and, for the purpose of taking samples of any milk which is received from a licensed producer at any premises to which a dealer's licence relates, includes the Minister of Agriculture and Fisheries.

SECOND SCHEDULE

Interpretation

In this Schedule—

"bottle" means any container which has a capacity of not more than one quart and is of a type approved by the licensing authority and is closed and fastened in a manner satisfactory to that authority;

"bulk container" means any container (other than a bottle) sealed by a licensed producer;

"retail container" means a bottle (as defined above) or other suitable container which has a capacity of not less than two gallons and which is sealed by a licensed dealer.

PART I.—TUBERCULIN TESTED

Special conditions subject to which licences authorising the use of the special designation "Tuberculin Tested" are granted

A. Conditions applicable to producers' licences only

1.—(*a*) If the herd at the time the licence is granted is an attested herd or if during the currency of the licence the herd becomes an attested herd it shall continue to be an attested herd, and the licensed producer shall comply with the conditions prescribed in any scheme relating to attested herds made by the Minister of Agriculture and Fisheries.

(*b*) If the herd at the time the licence is granted is not an attested herd, every animal in the herd shall be submitted to a tuberculin test by a veterinary inspector at such times as may be required by the Minister of Agriculture and Fisheries. No animal shall be added to the herd unless it has passed a tuberculin test within fourteen days before it is so added, or, in the case of an animal taken directly from an attested herd or a herd in respect of which a licence authorising the use of the special designation "Tuberculin Tested" is in operation on the occasion of the last test in that herd. Within seven days after the addition of an animal other than an animal taken from any such herd, the certificate of a tuberculin test shall be sent to the Minister of Agriculture and Fisheries together with a notification of the date of the addition. The animal shall be segregated from the rest of the herd until it has been submitted to a tuberculin test by a veterinary inspector not earlier than 60 days after the date of its addition.

(*c*) No animal in the herd shall be injected with tuberculin otherwise than by a veterinary inspector acting under the direction of the Minister of Agriculture and Fisheries, except with the consent of that Minister. No such animal shall be inoculated with live *Brucella abortus* except with a vaccine approved by the Minister of Agriculture and Fisheries.

(*d*) Where an animal is certified as reacting to the tuberculin test it shall forthwith be removed from the herd.

(*e*) All animals in the herd shall be suitably marked for the purposes of identification and a complete register of such animals shall be kept.

2. Every animal in the herd shall be submitted to an examination by a veterinary inspector at such times as may be required by the Minister of Agriculture and Fisheries.

3. 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.

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

5. The herd shall be completely isolated from all other cattle.

6. The licensed producer shall give to a veterinary inspector any assistance which the veterinary inspector may reasonably request him to give for the purpose of a tuberculin test or an examination of animals.

7. The milk in relation to which the special designation is used shall—

(*a*) be placed in bottles by the licensed producer and the conditions of paragraph C.1 of this part of this Schedule shall apply; or

(*b*) be placed by the licensed producer in unventilated bulk containers which shall be labelled or marked in a suitable manner with the address of the dairy farm, the day of production (with the word "morning" or "evening" or "mixed milk" added according to the time of milking) and the words "Tuberculin Tested Milk";

and shall be sold in such bottles or bulk containers.

B. Conditions applicable to dealers' licences only

1. Every licensed dealer who receives the milk in retail containers shall sell it in those containers with the seals or other fastenings unbroken.

2. Every licensed dealer who receives the milk in bulk containers and breaks the seals thereof shall—

(*a*) transfer it to retail containers for sale therein; or

(*b*) submit it forthwith to pasteurisation or despatch it in milk tankers or other suitable containers of not less capacity than two gallons, whether by way of sale or otherwise to an establishment for pasteurisation in accordance with the Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949.

3. When in accordance with the last preceding condition milk is transferred from one container to another, it shall be so transferred as soon as practicable after the breaking of the seal of the first container and the other container shall be sealed forthwith upon the completion of the transfer.

C. Conditions applicable to producers' licences and dealers' licences

1. Every bottle containing the milk in relation to which the special designation is used shall be tightly closed and shall be securely fastened either with a cap overlapping the lip of the bottle or in some other suitable manner approved by the licensing authority. The cap shall bear the address of the premises at which the milk is bottled and the words "Tuberculin Tested Milk" and it may also bear—

(*a*) the day of production, with or without the word "morning" or "evening" according to the time of production;

(*b*) the name of the licence holder by whom the milk was bottled;

(*c*) the words "Produced from cows which have passed the tuberculin test"; and

(*d*) subject to the approval of the licensing authority, the words "Farm Bottled", if the milk has been produced and bottled by the producer at the premises mentioned in the licence.

Except with the consent of the licensing authority, the cap shall bear no other words.

If there is no cap on which the wording can suitably be placed, it shall be placed within a surrounding line in a prominent position elsewhere upon the bottle, and the foregoing provisions shall apply to the words within the surrounding line in the same way as they apply to the words on the cap.

2. Where a container other than a bottle is used, it shall be closed with a tightly fitting cover and shall be suitably sealed and labelled.

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 bottles or other containers for delivery to the consumer or while it is in the possession of the producer or before the containers in which it is consigned to a distributor as defined in Milk and Dairies Regulations, 1949, are opened by that distributor,

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

PART II.—ACCREDITED

Special conditions subject to which licences authorising the use of special designation "Accredited" are granted

A. Conditions applicable to producers' licences only

1. Every milch cow belonging to the herd shall be submitted to an examination by a veterinary inspector at such times as may be required by the Minister of Agriculture and Fisheries, and the licensed producer shall give to the veterinary inspector any assistance which the veterinary inspector may reasonably request him to give for the purpose of any such examination.

2. 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. A record shall be kept of all animals so segregated or removed showing the reasons for the segregation or removal, and in the case of removal, the manner in which the animal has been disposed of.

3. The herd shall not at any time contain any animal which to the knowledge of the licensed producer had, before its introduction into the herd, been tested with tuberculin and had re-acted to the test.

4. All milch cows belonging to the herd shall be suitably marked for purposes of identification and a complete register of such cows shall be kept.

5. The cows in milk belonging to the herd shall be kept separate from all other cows in milk.

6. The milk in relation to which the special designation is used shall—

(*a*) be placed in bottles by the licensed producer and the conditions of paragraph B. 2 of this part of this Schedule shall apply; or

(*b*) be placed by the licensed producer in unventilated bulk containers which shall be labelled or marked in a suitable manner with the address of the dairy farm, the day of production (with the word "morning" or "evening" or "mixed milk" added according to the time of milking) and the words "Accredited Milk";

and shall be sold in such bottles or bulk containers.

B. Conditions applicable to producers' licences and dealers' licences

1. The milk in relation to which the special designation is used, unless it is delivered to the consumer in the containers in which it is received, with the seals unbroken, shall be delivered either in bottles or in other suitable containers of not less capacity than two gallons.

2. Every bottle containing the milk in relation to which the special designation is used shall be tightly closed and shall be securely fastened either with a cap overlapping the lip of the bottle, or in some other suitable manner approved by the licensing authority. The cap shall bear the address of the premises at which the milk is bottled and the words "Accredited Milk" and it may also bear—

(*a*) the day of production, with or without the word "morning" or "evening" according to the time of production; and

(*b*) the name of the licence holder by whom the milk was bottled.

Except with the consent of the licensing authority the cap shall bear no other words.

If there is no cap on which the wording can suitably be placed, it shall be placed within a surrounding line in a prominent position elsewhere upon the container, and the foregoing provisions shall apply to the words within the surrounding line in the same way as they apply to the words on the cap.

3. Where a container other than a bottle is used, it shall be closed with a tightly fitting cover and shall be suitably sealed and labelled.

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

5. 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 bottles or other containers for delivery to the consumer or while it is in the possession of the licensed producer or before the containers in which it is consigned to a distributor as defined in Milk and Dairies Regulations, 1949, are opened by that distributor,

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

THIRD SCHEDULE

PART I.—PROVISIONS AS TO SAMPLING

Taking of Samples

1. Samples shall be taken at any time—

(*a*) when the milk (whether the special designation is used in relation to that milk or not) is in the possession of the licensed producer;

(*b*) when the milk is in the possession of the licensed dealer and the special designation is being used in relation to that milk by him.

2. When the milk is in containers not exceeding one quart in capacity the sample shall consist of one such container which shall be delivered intact to the testing laboratory.

3. When the milk is in containers exceeding one quart in capacity it shall be thoroughly stirred before sampling. The sample shall be taken from well below the surface of the milk. The instruments used for stirring and sampling shall be sterile.

4. The sample shall be poured into a sterile bottle which shall thereupon be immediately stoppered. The part of the stopper which may come into contact with the milk shall be sterile.

Transport and Keeping of Samples

5.—(*a*) The bottle or container containing any sample of milk to which sub-paragraph C. 4 (*b*) of Part I or sub-paragraph B. 5 (*b*) of Part II of the Second Schedule applies, shall be transferred forthwith to an insulated container, which shall not be artificially cooled, for transport to the laboratory. The sample shall be transported to the testing laboratory with the least possible delay. Upon arrival at the laboratory the sample shall be kept at atmospheric shade temperature until 6 p.m. on the day of production where the sample is from a morning milking, or until 10 a.m. on the day following production where the sample is from an evening milking: provided that for this purpose a sample of mixed milk from a morning milking and the evening milking of the previous day shall be regarded as a sample from the morning milking, and a sample of mixed milk from two milkings on one and the same day shall be regarded as a sample from the evening milking.

(*b*) Where the test of a sample to which this paragraph refers cannot be immediately begun at the end of the period for which the sample is to be kept the sample shall be cooled to and kept at a temperature between 32°F. and 40°F. for a further period not exceeding 24 hours and the test shall be begun at the end of that period.

6.—(*a*) The bottle or container containing any sample of milk other than a sample to which the preceding paragraph refers shall, save where the testing laboratory is situated on the premises where the sample is taken, be transferred forthwith to an insulated container, which shall not be artificially cooled, for transport to the testing laboratory: provided that unless the sample is to be delivered to the testing laboratory within two hours of the time of sampling, the sample shall be well packed in ice in a carrying box for transport to that laboratory. Samples shall be transported to the testing laboratory with the least possible delay.

(*b*) On arrival at the testing laboratory any such sample of milk shall be removed from the insulated container or iced carrying box, as the case may be, and, if the test is not then immediately begun, the milk shall be cooled to and kept at a temperature between 32°F. and 40°F. for a period not exceeding 24 hours and the test shall be begun at the end of that period. Where any such sample does not arrive at the testing laboratory on the day on which it is taken it shall be discarded unless—

(i) the licensing authority deal with the sample in accordance with the foregoing requirements as though it had arrived at that laboratory on the day on which it was taken and

(ii) the sample is delivered to the testing laboratory on the day following that on which it was taken.

Identification of Samples

7. For the purpose of the identification of the sample in the laboratory the person taking the sample shall mark it with a number or other suitable identification mark and shall at the time of sampling enter in a book or on a paper, which shall accompany the sample, the following particulars:—

(*a*) the identification number or mark;

(*b*) the name and address of the holder of the licence by whom the milk was consigned, or by whom it was being delivered, or on whose premises the sample was taken;

(*c*) if known, the date of milking and whether milk of the morning or evening milking or mixed milk and for this purpose milk produced before 12 noon on any day shall be treated as morning milk; milk produced at or after 12 noon on any day shall be treated as evening milk.

PART II.—METHYLENE BLUE REDUCTION TEST

Reagent

1. Methylene Blue tablets manufactured under arrangements made by the Minister of Food shall be used for the test. A solution shall be prepared by adding one tablet to 200 ml. of cold, sterile, glass-distilled water in a sterile flask, and by shaking until the tablet is completely dissolved and making up the solution to 800 ml. with cold, glass-distilled water. The resultant solution shall be stored in a stoppered flask in a cool, dark place, and shall not be used if—

(*a*) it has been exposed to sunlight; or

(*b*) a period of two months has elapsed since the date of preparation.

2. The amount of methylene blue required for a day's work shall be poured off from the stock bottle into a suitable glass container. The pipette used for transferring the methylene blue solution to the tubes of milk shall not be introduced into the stock bottle.

Apparatus

3.—(*a*) Test tubes shall conform to the British Standard Specification No. 625 (1935) 152/16 Nominal 6in. by $\frac{5}{8}$in., having an internal diameter of 13.5 $\pm$ 0.5 mm., and being accurately marked at 10 ml. They shall be plugged with cotton wool, or covered with closely fitting aluminium caps, or stored in such other way as may prevent contamination.

(*b*) Pipettes shall be 1.0 ml. straight-sided blow out delivery pipettes and shall be plugged with cotton wool at the upper end.

(*c*) Glassware, and rubber stoppers, shall be sterile before use.

Method of Carrying out the Test

4. The sample of milk shall be thoroughly mixed by inverting and shaking the sample bottle and the milk shall then be poured into a test tube up to the 10 ml. mark, leaving one side of the interior unwetted with milk. 1 ml. of methylene blue solution shall be added without letting the pipette come into contact with the milk in the tube or with the wetted side of the interior of the tube. After a lapse of 3 seconds, the solution remaining in the tip of the pipette shall be blown out. The tube shall be closed with a rubber stopper with aseptic precautions. The tube shall then be slowly inverted twice so that the whole column of contained air rises above the level of the milk, and placed within 5 minutes in a water bath. The water in the bath shall be kept above the level of the milk in the test tubes, and its temperature, which shall be between 37°C. and 38°C., shall be maintained as nearly uniform as possible by means of a reliable automatic thermo-regulator. The interior of the bath shall be kept completely dark.

5. To indicate when decolourisation is commencing, and when it is complete, two control tubes shall be used for comparison with each batch of tubes containing the milk under test. One control tube shall be prepared by immersing in boiling water for not less than three minutes a properly plugged test tube containing 1 ml. of tap-water and 10 ml. of a mixture of milk having a fat content and colour similar to that of the milk being tested, and a second control tube shall be prepared by immersing in boiling water for not less than three minutes a properly plugged test tube containing 1 ml. of methylene blue solution and 10 ml. of a mixture of milk having a fat content and a colour similar to that of the milk being tested.

6. The tubes containing the milk under test and the control tubes shall be inspected at half-hourly intervals. At these inspections—

(*a*) any tube in which the milk has become decolourised shall be removed from the water bath;

(*b*) any tube in which decolourisation has begun shall remain without inversion in the water bath until decolourisation is complete; and

(*c*) all other tubes in the water bath shall be inverted once and replaced.

7. The time, within the limits of 4½ hours or 5½ hours, as the case may be, at which decolourisation is observed, shall be recorded.

8. The milk shall be regarded as decolourised when the whole column of milk is completely decolourised or is decolourised up to within 5 mm. of the surface. A trace of colour at the bottom of the tube may be ignored provided that it does not extend upwards for more than 5 mm.

Interpretation

9. A sample shall be regarded as satisfying the methylene blue reduction test if, between 1st May and 31st October, it fails to decolourise the methylene blue in 4½ hours or if, between 1st November and 30th April, it fails to decolourise the methylene blue in 5½ hours.

FOURTH SCHEDULE

PART I

Constitution of tribunals under the provisions of section 11 of the Milk (Special Designations) Act, 1949

1. A tribunal shall consist of a chairman and two other members.

2.—(1) Where the issue referred to the tribunal is in respect of a producer's licence—

(*a*) the chairman shall be an independent person appointed by the Minister of Agriculture and Fisheries;

(*b*) one member shall be a person appointed by the Minister of Agriculture and Fisheries from a panel nominated jointly by the National Farmers' Union and the Milk Marketing Board;

(*c*) one member shall be a person appointed by the Minister of Agriculture and Fisheries, after consultation with the Minister of Health and the Minister of Food, as being representative of the consumers' interest.

(2) Where the issue referred to the tribunal is in respect of a dealer's licence or is in respect of a dealer's licence and there is outstanding a reference to a tribunal under the Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949, of an issue in respect of a licence thereunder and the person or council affected is the same—

(*a*) the chairman shall be an independent person appointed by the Minister of Food;

(*b*) one member shall be a person appointed by the Minister of Food as representative of the milk distributive trade;

(*c*) one member shall be a person appointed by the Minister of Food, after consultation with the Minister of Health, as being representative of the consumers' interest.

(3) Where the issue referred to the tribunal is in respect of a producer's licence, and there is outstanding a reference to a tribunal under any Milk (Special Designation) Regulations (including these regulations) of an issue in respect of any other licence which relates to the same premises and the person or council affected is the same—

(*a*) the chairman shall be an independent person appointed jointly by the Minister of Agriculture and Fisheries and the Minister of Food;

(*b*) one member shall be a person appointed jointly by the Minister of Agriculture and Fisheries and the Minister of Food, as being representative of producers and distributors of milk;

(*c*) one member shall be a person appointed jointly by the Minister of Agriculture and Fisheries and the Minister of Food, after consultation with the Minister of Health, as being representative of the consumers' interest.

3.—(1) A chairman shall hold office for three years, and a chairman whose term of office expires shall be eligible to be re-appointed as chairman.

(2) A chairman may resign his office by notice in writing served on the Minister or Ministers appointing him.

(3) If the Minister or Ministers appointing him are satisfied that the chairman is incapacitated by infirmity of mind or body from discharging the duties of his office, or is adjudged bankrupt or makes a composition or arrangement with his creditors, he or they, as the case may be, may revoke the appointment of chairman.

(4) If the Minister or Ministers appointing him are satisfied that the chairman is prevented by sickness or any other reason from acting on any reference to the tribunal, he or they, as the case may be, may appoint an independent person to act in place of the chairman on that reference.

PART II

Procedure

1. Where in accordance with these regulations any issue as to the revocation or suspension of a licence or refusal of grant of a licence by way of renewal of such a licence is required to be referred to a tribunal by a Minister that Minister shall forthwith inform the chairman of the tribunal of the reference to the tribunal, and of the name and address of the person or council affected. He shall send to the chairman and to the members of the tribunal copies of his notice of proposed decision to refuse, suspend, or revoke the licence, as the case may be, and of any representations made by the person or council affected.

2. The chairman on being informed of the reference to the tribunal shall fix a convenient date and place for the hearing of the reference.

3.—(1) The person or council affected shall have the right to be heard by the tribunal by himself or by counsel or a solicitor or other representative as he or the council may elect.

(2) The licensing authority or the Minister may be represented by any person instructed in that behalf.

4.—(1) At the hearing of the reference the tribunal shall give an opportunity to the person or council affected, or to the representative thereof to address the tribunal and to call witnesses. The representative of the licensing authority or the Minister may cross-examine the person affected if he elects to give evidence, and any witness called by him or by the council affected.

(2) The tribunal shall give the representative of the licensing authority and the Minister an opportunity to address the tribunal and to call witnesses. The person or council affected or the representative thereof may cross-examine any witness called by another person.

5. The tribunal may if they wish, visit and inspect any premises to which the reference relates.

6. The tribunal shall in respect of any reference, report to the Minister by whom the issue was referred, their findings on any questions of fact appearing to them to be relevant, and in particular where the issue is as to revocation or suspension on the ground of a breach of condition not being one by virtue of which the holder of the licence has been convicted of an offence under section 8 of the Milk (Special Designations) Act, 1949, shall find and report whether the breach was in fact committed.

7. The tribunal may take notice of the circumstances existing at the date of the hearing, where there has been any change of circumstances since the date of the notice issued by the licensing authority.

8. The tribunal may adjourn the hearing from time to time if for any reason it appears to them necessary or desirable so to do.

9. In the event of a difference of opinion amongst the members of the tribunal the determination of the majority of them shall be the determination of the tribunal.

10. The chairman shall report in writing the findings of the tribunal to the Minister or Ministers appointing him.

11. The hearing shall be open to the public.

12. Save as in this Schedule expressly provided, the tribunal shall have power to regulate their own procedure.

FIFTH SCHEDULE

FORM A*

Milk (Special Designation) (Raw Milk) Regulations, 1949

Producer's Licence authorising the use of the special designation "Tuberculin Tested"

The Minister of Agriculture and Fisheries hereby authorises .... of ..... to use the special designation "Tuberculin Tested" in relation to milk produced from a herd at ..... in accordance with the conditions prescribed in the Milk (Special Designation) (Raw Milk) Regulations, 1949, for the purpose of selling (*a*) by wholesale† (*b*) by retail.†

This licence is not transferable and is subject to the conditions prescribed in the above-named regulations, and unless suspended or revoked will operate until .....

Dated this ..... day of ..... 19 .....

For and on behalf of the Minister of Agriculture and Fisheries.

†Strike out if inapplicable.

FORM B*

Milk (Special Designation) (Raw Milk) Regulations, 1949

Dealer's Licence authorising the use of the special designation "Tuberculin Tested"

The ..... hereby authorise ..... of ..... (referred to herein as the licensed dealer) to use the special designation "Tuberculin Tested" in relation to milk which is obtained by the licensed dealer as "Tuberculin Tested" from an establishment in respect of which a licence authorising the use of that designation in relation to it is in force and is sold or intended for sale at or from .....

This licence is not transferable and is subject to the conditions prescribed in the Milk (Special Designation) (Raw Milk) Regulations, 1949, and unless suspended or revoked will operate until the ..... day of ..... 19 .....

This licence does not authorise the holder to use the above named designation in relation to milk sold outside the area of the licensing authority except in relation to milk sold by wholesale.

Dated this ..... day of ..... 19 .....

Clerk to the ..... Council.

---

*A similar form with appropriate modifications is to be used for licences for the use of the special designation "Accredited".

FORM C*

Milk (Special Designation) (Raw Milk) Regulations, 1949

Supplementary Licence authorising the use of the special designation "Tuberculin Tested"

The ..... hereby authorise ..... of ..... being the holder of the licence (referred to herein as the principal licence) dated ..... and granted by .... to which this supplementary licence is appended† to use the special designation "Tuberculin Tested" in the licensing area of .....‡ in relation to milk to which the principal licence applies and which is sold by retail from the premises specified in that licence.

This supplementary licence is subject to the conditions prescribed in the Milk (Special Designation) (Raw Milk) Regulations, 1949, and unless suspended or revoked will operate during the period of operation of the principal licence.

Dated this ..... day of ..... 19 .....

Clerk to the ..... Council.

*A similar form with appropriate modifications is to be used for supplementary licences for the use of the special designation "Accredited".
†If preferred the licence may be endorsed on the principal licence.
‡Insert name of the licensing area for which this licence is valid.

Given under the respective Official Seals of the Minister of Health, the Minister of Agriculture and Fisheries and the Minister of Food this twenty-fifth day of August, nineteen hundred and forty-nine.

(L.S.) *Arthur Blenkinsop,*
Parliamentary Secretary,
Ministry of Health.

(L.S.) *T. Williams,*
Minister of Agriculture
and Fisheries.

(L.S.) *John Strachey,*
Minister of Food.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations re-enact with amendments the Milk (Special Designations) Regulations, 1936 to 1948, so far as they relate to raw milk.

In accordance with the Food and Drugs (Milk and Dairies) Act, 1944, and the Transfer of Functions (Food and Drugs) Order, 1948, these regulations which now apply solely to raw milk as distinct from heat treated milk, are made jointly by the Minister of Health, the Minister of Agriculture and Fisheries and the Minister of Food. They provide that licences to producers of raw milk to use any special designation shall be granted by the Minister of Agriculture and Fisheries, while the local authorities will continue to grant licences to dealers to use special designations in respect of such milk. The conditions subject to which the designations may be used are laid down in these regulations, and where certain conditions cannot be or are not

being complied with there are provisions for the revocation, suspension and refusal of licences. Where a proposal to refuse, suspend, or revoke a licence gives a right to appeal or to make representations to a Minister, or a right to have the matter referred to a fact finding tribunal, the regulations provide for the consideration of the appeal or representations and for the reference to, and the constitution and procedure of, the tribunal.

After 1st October, 1957, the special designation "Tuberculin Tested" may only be used in respect of milk from a herd which is on the Register of Attested Herds kept by the Minister of Agriculture and Fisheries and no application to use that designation will be granted after 30th September, 1954, unless the herd is registered as an Attested Herd.

After 1st October, 1954, the special designation "Accredited" will no longer be permitted to be used and no new application to use that designation will be granted after 30th September, 1952.

The regulations provide that milk sold under a special designation shall satisfy a prescribed test. There are some minor amendments in the procedure for the granting of licences and in the conditions subject to which licences may be granted.

---

2. WHALEMEAT

(1) *England.* | (2) *Scotland, p.* 1760.

(1) ENGLAND

The Food and Drugs (Whalemeat) Regulations, 1949

1949 No. 404

Made - - - -	*8th March,* 1949
Laid before Parliament	*9th March,* 1949
Coming into Operation	*20th March,* 1949

In exercise of the powers conferred upon them by sections 8 and 92 of the Food and Drugs Act, 1938(a) and by the Transfer of Functions (Food and Drugs) Order, 1948(b) and of all other powers them enabling, the Minister of Food and the Minister of Health hereby jointly make the following regulations:—

PART I

General

1.—(1) In these regulations unless the context otherwise requires—

"the Minister" means the Minister of Food;

"the Act" means the Food and Drugs Act, 1938;

"authority" means an authority charged with the duty of enforcing and executing these regulations;

"authorised officer" means, as respects any authority, the medical officer of health, sanitary inspector, or any other officer of the authority,

(a) 1 & 2 Geo. 6. c. 56. (b) S.I. 1948 (No. 107) I, p. 1966.