MILK AND DAIRIES

1960 No. 1542

The Milk (Special Designation) Regulations, 1960

Made - - - -	23*rd August*, 1960
Laid before Parliament	30*th August*, 1960
Coming into Operation	1*st October*, 1960

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The Minister of Agriculture, Fisheries and Food and the Minister of Health acting jointly, in exercise of the powers conferred on them by section thirty-five, subsection (3) of section forty-three, and sections eighty-seven and one hundred and twenty-three of the Food and Drugs Act, 1955(a), 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 and with the Council on Tribunals in accordance with section eight of the Tribunals and Inquiries Act, 1958(b) :—

PART I

CITATION, COMMENCEMENT, INTERPRETATION AND REVOCATION OF REGULATIONS

1. These regulations may be cited as the Milk (Special Designation) Regulations, 1960 ; and shall come into operation on the 1st day of October, 1960 :

Save that in relation to licences other than producers' licences these regulations shall not have effect until the 1st day of January, 1961.

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

" atmospheric shade box " means a well ventilated box or cupboard so situated on the outside of a wall on the north side of a building or in a comparable position that it is at all times in the shade, such box or cupboard being not less than three feet above the ground at its lowest point and having inside it a maximum thermometer and a minimum thermometer of the meteorological type, accurate to within 0·5°F. ;

" atmospheric shade temperature " means the temperature inside an atmospheric shade box ;

" 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 3 of the Diseases of Animals Act, 1950(c) ;

" business " includes the business of a hospital, school or other institution whose selling of milk is incidental only to the rendering of the health, education or other services rendered by the institution ;

" 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 ;

" controlled herd " means a herd (other than an attested herd)—

(*a*) which is kept in an area that is for the time being an eradication area or an attested area for purposes connected with the control of tuberculosis by virtue of an order made under section 5 of the Diseases of Animals Act, 1950, and

(*b*) in respect of which the Minister is satisfied that every animal in the herd is free from tuberculosis ;

" dealer's licence " means a licence granted to any person to use a special designation in relation to milk sold by him, not being milk sold, or appropriate to be sold, by him in accordance with the terms of a producer's licence ; and " licensed dealer " means a person to whom a dealer's licence has been granted ;

" 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 ;

(a) 4 & 5 Eliz. 2. c. 16. (b) 6 & 7 Eliz. 2. c. 66. (c) 14 Geo. 6. c. 36.

"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 Part II of the Food and Drugs Act, 1955, and are of milk in relation to which that licence authorises the use of a special designation;

"licensing authority" means, in relation to a grant of a licence, the authority having power to grant the licence by virtue of these regulations, and, in relation to a licence which has been granted, the authority who 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;

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

"milk" means cow's milk, but does not include cream, or separated, skimmed, dried, condensed or evaporated milk, or butter milk;

"the Minister" means the Minister of Agriculture, Fisheries and Food;

"pre-packed" means packed or made up in advance in the bottle or other container in which it is to be supplied to the consumer;

"producer's licence" means a licence granted to any person owning or having control of a herd to use the special designation "Tuberculin Tested" 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;

"raw milk" means milk which has not been treated by heat;

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

"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 37 of the Food and Drugs Act, 1955, is in operation;

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

(2) The Interpretation Act, 1889(a), shall apply to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament, and as if these regulations and the regulations hereby revoked were Acts of Parliament.

3.—(1) The regulations specified in the first column of the Sixth Schedule to these regulations shall be revoked on the dates and to the extent specified in relation thereto in the second column of that Schedule.

(2) Without prejudice to the provisions of regulation 18 hereof, paragraph 3 and paragraph 4 (except the proviso thereto) of the Twelfth Schedule to the Food and Drugs Act, 1955, (which contain transitional provisions) shall apply for the purposes of these regulations as if there were substituted for the references therein to that Act, to any corresponding enactment in that Act and to any enactment repealed by that Act respectively references to these regulations, to any corresponding regulation in these regulations and to any regulation revoked by these regulations.

(3) Nothing in the provisions applied in accordance with the last foregoing paragraph or in regulation 18 hereof shall be taken as affecting the general application of section 38 of the Interpretation Act, 1889.

PART II

GENERAL PROVISIONS AS TO LICENCES

4.—(1) Subject to the provisions of paragraph (2) of this regulation, the special designations which may be used in accordance with these regulations in relation to milk are " Pasteurised ", " Sterilised " and " Tuberculin Tested ".

(2) Where milk in relation to which the special designation " Pasteurised " may be used was, immediately before pasteurisation, milk in relation to which the special designation " Tuberculin Tested " may be used, any person holding licences authorising him to use the special designations " Tuberculin Tested " and " Pasteurised " may use in relation to such milk the special designation " Pasteurised " enclosed in brackets and immediately preceded by the words " Tuberculin Tested Milk ", in which event all such wording shall be printed in block letters of an even size.

5.—(1) Any person who intends to use in relation to milk a special designation authorised by these regulations shall, unless he already holds an appropriate licence currently in force, apply in writing in accordance with the provisions of these regulations to the licensing authority for a licence to use such special designation.

(2) Every licence granted under these regulations shall be in the appropriate form contained in the Fifth Schedule to these regulations with such modifications, if any, as the circumstances may require.

(3) A licence other than a dealer's licence granted by the Minister to the Milk Marketing Board shall authorise the use of a special designation only in relation to milk sold at or from the premises mentioned in the licence.

6. The licensing authority may refuse to grant a licence (whether in renewal of an existing licence or not) if they are not satisfied that the applicant's arrangements and processes for the production, handling, treatment, storage 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.

(a) 52 & 53 Vict. c. 63.

7. 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, II and III of the Second Schedule to these regulations as are applicable thereto.

PART III

PROVISIONS RELATING TO THE GRANTING OF PRODUCERS' LICENCES

8.—(1) Subject to the provisions of these regulations—

(*a*) all producers' licences granted under these regulations shall be granted by the Minister;

(*b*) application may be made by a producer for the granting of separate producer's licences as regards the use of a special designation for the purposes respectively of selling by wholesale or selling by retail. Any such separate licences may be granted subject to conditions limiting for the purpose of sale the use of the special designation to such district and to such sales as may be specified in the licence;

(*c*) all producers' licences 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 for a similar period.

(2) No producer's licence shall be granted (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 or a controlled herd.

PART IV

REFUSAL, SUSPENSION AND REVOCATION OF PRODUCERS' LICENCES AND APPEALS ARISING THEREFROM

9.—(1) The Minister shall not revoke a producer's licence being a licence to which section 43 of the Food and Drugs Act, 1955, 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 on the ground of breach of a condition thereof, unless—

(*a*) the breach in question is of a condition to which section 43 as afore said 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 36, 37 or 38 of the aforesaid Act, 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 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.

10.—(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 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 43 of the Food and Drugs Act, 1955, 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 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 that such non-compliance was not due to any act or default of himself or of his servants or agents.

(2) Where the Minister proposes to refuse to grant a producer's licence, or proposes to suspend or revoke such a licence, he shall serve on the person affected a notice informing him of the proposal and the reasons therefor, and of his right under the next succeeding paragraph.

(3) The person affected may within 14 days after the receipt of such notice make representations in writing to the Minister 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, he may within the same period request the Minister to refer the matter to a tribunal constituted in accordance with these regulations. If such request is made to the Minister as aforesaid, he shall forthwith refer the matter to a tribunal in accordance with the provisions of the Fourth Schedule to these regulations and on receipt of the tribunal's report the Minister shall send a copy thereof to the person affected.

(4) The decision of the Minister 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 notice of a proposal to refuse to grant such a licence is given by the Minister 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.

11. 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

12.—(1) Subject to the provisions of these regulations—

(*a*) each dealer's licence granted under these regulations shall be granted by the 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, for the area within which are situated the premises at or from which the milk is to be pasteurised, sterilised or sold, as the case may be :

Provided that any such licence granted—

(i) to the Milk Marketing Board in relation to milk sold by the Board otherwise than at or from any of the Board's premises where milk intended for sale or sold is handled by them ;

(ii) to a county council ; or

(iii) to a local authority ;

shall be granted by the Minister ;

(*b*) application may be made for a dealer's licence to use the special designation " Pasteurised " or " Sterilised ", as the case may be, in relation to milk pasteurised by the applicant in accordance with the provisions of Part II of the Second Schedule to these regulations or sterilised by him in accordance with the provisions of Part III of that Schedule ;

(*c*) application may be made in relation to milk—

(i) obtained by the applicant pre-packed in respect of which any of the special designations " Tuberculin Tested ", " Pasteurised " or " Sterilised " may be used by virtue of these regulations ;

(ii) pasteurised or sterilised by the applicant in accordance with the provisions of a licence granted under sub-paragraph (*b*) hereof ;

for a dealer's licence to use a special designation for the purpose of selling such milk by wholesale or by retail and such a licence may authorise the use of one or more special designations ;

(*d*) application may be made, in relation to milk obtained by the applicant in respect of which the special designation " Tuberculin Tested " may be used by virtue of these regulations, for a dealer's licence to use the special designation " Tuberculin Tested " for the purpose of re-selling such milk by wholesale or by retail.

(2) In an application for a dealer's licence, other than an application made in accordance with sub-paragraph (*b*) of paragraph (1) of this regulation, the applicant shall state the name and address of each person from whom he proposes to obtain the milk.

(3) In this regulation, the expression " local authority " has the meaning assigned to it by section 85 of the Food and Drugs Act, 1955.

13. Every dealer's licence shall, subject to the provisions of these regulations, continue in force until the expiration of the period of five years in which it comes into force, being one of the periods of five calendar years ending with the 31st day of December in the year 1965 and in any fifth succeeding year. Any such licence, unless previously revoked, may on application by the licensed dealer be renewed from time to time by the licensing authority for a period calculated in like manner.

PART VI

REFUSAL, SUSPENSION AND REVOCATION OF DEALERS' LICENCES AND APPEALS ARISING THEREFROM

14.—(1) The licensing authority shall not revoke a dealer's licence being a licence to which section 43 of the Food and Drugs Act, 1955, 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 43 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 36, 37 or 38 of the aforesaid Act, 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.

15.—(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 43 of the Food and Drugs Act, 1955, 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, 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 the 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 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 period in respect of which the licence was granted or until the determination of the appeal, whichever is the earlier.

(*f*) The Minister 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, the Minister shall refer the matter to a tribunal in accordance with the provisions of the Fourth Schedule to these regulations.

(*g*) On receipt of the tribunal's report the Minister shall send a copy thereof to the person affected and before making his decision the Minister shall consider the report.

(*h*) 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 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.

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

(3) Where the Minister 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 or board affected a notice informing them of the proposal and the reasons therefor and shall by notice afford such council or board 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 or board affected so requests, the Minister shall refer the matter to a tribunal in accordance with the provisions of the Fourth Schedule to these regulations.

(4) On receipt of the tribunal's report the Minister shall send a copy thereof to the council or board affected and before making his decision the Minister shall consider the report.

(5) 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 notice of a proposal to refuse to grant the licence is given 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 against a decision by a licensing authority, other than the 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.

16. 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

17. Where milk is brought from Scotland into England or Wales, a licence granted in pursuance of an Order made by the Secretary of State 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.

18. Notwithstanding anything in these regulations, any licence granted under the Milk (Special Designation) (Raw Milk) Regulations, 1949 to 1954(a), 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 and, unless revoked or suspended in accordance with these regulations, shall remain in force for a period of five calendar years from the date on which it was granted.

19.—(1) The provisions of section 43 of the Food and Drugs Act, 1955, (which relate to breaches of certain conditions of licences held by retailers for specified areas) shall, so far as they relate to licences under these regulations, other than licences authorising the use of a special designation in relation to raw milk by the producer thereof, or authorising the use of a special designation by a local authority, be enforced by the licensing authority.

(2) In this regulation, the expression "local authority" has the meaning assigned to it by subsection (4) of section 43 of the Food and Drugs Act, 1955.

20. 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.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this tenth day of August, nineteen hundred and sixty.

(L.S.)

Christopher Soames,
Minister of Agriculture, Fisheries and Food.

Given under the Official Seal of the Minister of Health this twenty-third day of August, nineteen hundred and sixty.

(L.S.)

J. Enoch Powell,
Minister of Health.

(a) S.I. 1949/1590, 1950/410, 1954/1267 (1949 I, p. 1733; 1950 I, p. 756; 1954 I, p. 911).

Regulation 7

FIRST SCHEDULE

General Conditions subject to which Licences are granted

1. The holder of the licence shall so maintain and operate his arrangements and processes for the production, handling, treatment, storage 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 (General) Regulations, 1959(a), 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, as the case may be;

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

(i) to inspect the arrangements and processes for the 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 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 or processes are maintained or 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.

Regulation 7

SECOND SCHEDULE

PART I.—TUBERCULIN TESTED

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

In this Part of 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;

"retail container" means a bottle (as defined above), or other suitable container which has a capacity of not less than two gallons, in which milk is to be supplied to a consumer.

(a) S.I. 1959/277 (1959 I, p. 1351).

A. *Conditions applicable to producers' licences only*

1. In respect of the examination or testing of any animal, the inoculation of any animal, the keeping of any animal or herd away from other animals, or other measures for detecting the existence of disease in animals or for preventing the contracting or spread of it, and the marking or keeping of records of animals, or other measures for identification thereof, the licensed producer shall, if the herd in relation to which the licence is granted is—

(*a*) an attested herd, comply with the requirements of any scheme relating to attested herds made by the Minister under the Diseases of Animals Act, 1950;

(*b*) a controlled herd, comply with the requirements of any order made, or having effect as if made, under the Diseases of Animals Act, 1950, for purposes connected with the control of tuberculosis and applicable to the eradication area or attested area in which the herd is kept.

2.—(1) Where an animal is certified as reacting to the tuberculin test, it shall forthwith be removed from the herd.

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

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 reason 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 except attested cattle or cattle from a controlled herd.

6. The milk in relation to which the special designation is used shall be placed by the licensed producer—

(*a*) in retail containers; or

(*b*) in unventilated containers which shall be labelled or marked in a suitable manner with the name of the licensed producer, 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 containers:

Provided that such milk may be placed by the licensed producer in a fixed tank on or near the dairy farm for subsequent transfer to a milk tanker.

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 containers other than retail containers and opens them shall—

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

(*b*) submit it forthwith to pasteurisation or sterilisation in accordance with these regulations or despatch it in milk tankers or other suitable containers, whether by way of sale or otherwise, to an establishment for pasteurisation or sterilisation in the manner aforesaid:

Provided that, in the case of milk collected in a milk tanker from the dairy farm and received by him, every licensed dealer shall, before selling any such milk under a special designation, submit it to pasteurisation or sterilisation in accordance with these regulations.

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 first container has been opened.

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 bottled by the producer at the place of production.

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 words on the cap.

2. Where a container other than a bottle is used for milk in relation to which the special designation is used, it shall be closed with a tightly fitting cover and shall be suitably labelled with the words "Tuberculin Tested Milk" and the address of the licence holder by whom the milk was put into the container, and where the container is a retail container (other than a bottle) it shall also be suitably sealed.

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 the Milk and Dairies (General) Regulations, 1959, are opened by that distributor,

shall—

(i) if the licence is a producer's licence and 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;

(ii) if the licence is a dealer's licence and 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 III of that Schedule.

PART II.—PASTEURISED

Special conditions subject to which licences to use the special designation "Pasteurised" are granted

1. The milk shall be pasteurised, that is to say,—

(*a*) retained at a temperature of not less than 145°F. and not more than 150°F. for at least thirty minutes and be immediately cooled to a temperature of not more than 50°F.; or

(*b*) retained at a temperature of not less than 161°F. for at least fifteen seconds and be immediately cooled to a temperature of not more than 50°F.; or

(*c*) retained at such temperature for such period as may be specified by the licensing authority with the approval of the Minister.

2. The whole of the apparatus in which the milk is pasteurised, including the cooler, shall be so constructed as to secure the protection of the milk from risk of atmospheric contamination by dust or otherwise.

3. Any apparatus in which the milk is to be heated to and maintained at a temperature of more than 150°F. shall be provided with a device which shall automatically divert the flow of any milk which is not raised to the authorised temperature:

Provided that this paragraph shall only apply when the milk is heated by a continuous-flow method and is pasteurised in accordance with—

(*a*) the provisions of sub-paragraph (*b*) of paragraph 1 of this Part of this Schedule; or

(*b*) a method approved by the Minister under sub-paragraph (*c*) of paragraph 1 hereof.

4.—(1) Such indicating and recording thermometers as the licensing authority shall reasonably consider necessary shall be installed in suitable places in the apparatus in which the milk is pasteurised so as to indicate the temperatures at which the milk is retained and to which the milk is cooled.

(2) The records of recording thermometers shall be marked with graduations of 1°F. adequately spaced to give clear readings, and they shall be dated and shall be preserved for a period of not less than one month.

5.—(1) A sample of the milk taken in accordance with Part I of the Third Schedule to these regulations after pasteurisation and before delivery to the consumer shall satisfy the phosphatase test prescribed in Part IV of that Schedule.

(2) A sample of the milk taken in accordance with Part I of the Third Schedule to these regulations after pasteurisation and on the day of but before delivery to the consumer shall, if it is kept in an insulated container without artificial cooling until it reaches the laboratory, satisfy the methylene blue test prescribed in Part III of that Schedule.

6.—(1) Milk which is pasteurised in bottles shall be supplied to the consumer in those bottles, and milk which is pasteurised in containers other than bottles shall be put into the containers in which it is to be supplied to the consumer at the premises at which it is pasteurised, and as soon as possible after pasteurisation.

(2) Every container in which the milk is transported, exposed or offered for sale shall be tightly closed and securely fastened with a cap or cover overlapping the lip of the container or in some other suitable manner approved by the licensing authority. Where churns are used they shall also be suitably sealed.

(3) Every container in which the milk is transported, exposed or offered for sale shall be conspicuously and legibly labelled or marked with the words "Pasteurised Milk" or "Tuberculin Tested Milk (Pasteurised)", as the case may be.

PART III.—STERILISED

Special conditions subject to which licences to use the special designation "Sterilised" are granted

1. In this Part of this Schedule, "bottle" means any container which has a capacity of not more than one gallon and is of a type approved by the licensing authority.

2. The milk shall be sterilised, that is to say, filtered or clarified, homogenised and thereafter heated to and maintained at such a temperature, not less than 212°F., for such a period as to ensure that it will comply with the turbidity test prescribed in Part V of the Third Schedule to these regulations. 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.

3. Such thermometers and pressure gauges as the licensing authority shall reasonably consider necessary shall be installed in suitable places in the apparatus so as to indicate the temperature or pressure to which the milk is raised or subjected, as the case may be.

4. A sample of the milk taken in accordance with Part I of the Third Schedule to these regulations after treatment and before delivery to the consumer shall satisfy the turbidity test prescribed in Part V of that Schedule.

5. Every bottle in which the milk is transported, exposed or offered for sale shall be conspicuously and legibly labelled or marked with the words " Sterilised Milk ".

Second Schedule

THIRD SCHEDULE

PART I.—PROVISIONS AS TO SAMPLING

Taking of sample

1. A sample 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 or the pasteuriser or the steriliser, as the case may be;

(*b*) when the milk is in the possession of the licensed dealer and the special designation is used or to be 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, the sample shall consist of not less than two fluid ounces of the milk. The milk shall be thoroughly stirred before sampling and the sample shall be taken from well below the surface of the milk. The instruments used for stirring and sampling shall be sterile and 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. Where the person taking the sample breaks the seal on a container he shall, after taking the sample, re-seal the container and attach to it a label certifying that it has been opened and re-sealed by him.

Identification of sample

4. For the purpose of identification in the testing laboratory, the person taking the sample shall mark the container of the sample with a number or other suitable identification mark at the time of sampling and shall 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*) in the case of a sample to which the clot-on-boiling test is to be applied, the date of milking and whether the sample comprises milk of the morning or evening milking or mixed milk, if known; and for this purpose milk produced before 12 noon on any day shall be treated as morning milk and milk produced at or after 12 noon on any day shall be treated as evening milk.

Transport of sample

5. The bottle or container containing any sample of milk shall be transferred forthwith to an insulated container, which shall not be artificially cooled, for transport to the testing laboratory. The sample shall be transported to the testing laboratory with the least possible delay. Any sample which does not

arrive at the testing laboratory on the day on which it is taken shall be discarded.

PART II.—THE CLOT-ON-BOILING TEST FOR TUBERCULIN TESTED MILK

Treatment of sample

1. On arrival at the testing laboratory the sample of milk shall be treated as follows:—

(*a*) Evening milk or mixed milk from two or more milkings on one and the same day sampled on the day of production.

The sample shall be removed from the insulated container and placed in the cold store or refrigerator at 3-5°C. until 9.0 a.m. on the following morning when it shall be removed and stored in the atmospheric shade box until immediately before the beginning of the incubation period which shall be at 4.0 p.m. on the day following sampling.

(*b*) Evening milk sampled on the day following production and morning milk sampled on the day of production.

The sample shall be removed from the insulated container and stored in the atmospheric shade box until immediately before the beginning of the incubation period which shall be at 4.0 p.m. on the day of sampling.

(*c*) Mixed milk from a morning milking and the evening milking of the previous day and milk insufficiently labelled to enable the milking to be identified.

The sample shall be removed from the insulated container and stored in the atmospheric shade box until immediately before the beginning of the incubation period which shall be at 4.0 p.m. on the day of sampling.

2. Where any sample referred to in sub-paragraph (*b*) or (*c*) of the last preceding paragraph does not arrive at the testing laboratory before 4.0 p.m. on the day on which it is taken, it shall be discarded.

Apparatus

3.—(1) The bottle used for the incubation of the sample at 22°C. shall conform to British Standard 809:1949.

(2) Test tubes shall conform to British Standard 625:1959, nominal size 150/16, and shall be accurately marked at 5 ml. They shall be plugged with cotton wool or covered with closely fitting aluminium caps or stored in such a way as to prevent contamination.

(3) Glassware and rubber stoppers shall be sterile immediately before use.

(4) The water bath shall be fitted with a reliable automatic thermo-regulator and shall be capable of maintaining the water at a temperature of 22°C. ± 0·5°C. and returning it to that temperature as soon as possible after the addition of a sample.

(5) The maximum thermometer referred to in paragraph 5 of this Part of this Schedule shall be of the clinical type.

Incubation of sample

4.—(1) Immediately before the time specified in paragraph 1 of this Part of this Schedule as the beginning of the incubation period, the sample shall be removed from the atmospheric shade box and shall be mixed thoroughly by inverting and shaking. Where the sample is in a 3 oz. bottle, sufficient milk shall be poured out to leave approximately 2 oz. in the bottle for testing. Where the sample is in a container of larger capacity than 3 oz., approximately 2 oz. shall be transferred to a sterile 3 oz. bottle which shall immediately be stoppered. Aseptic precautions shall be taken in carrying out all these operations.

(2) At 4.0 p.m. the 3 oz. sample bottle containing the 2 oz. test portion shall be transferred to the water bath. The water in the bath shall be kept at least ½ in. above the level of the milk in the bottle and at least ½ in. below the rim of the bottle. The temperature in the water bath shall be restored as soon as possible to, and thereafter maintained at, 22°C. ± 0·5°C. by means of the automatic thermo-regulator. The duration of incubation of the sample at 22°C. ± 0·5°C. shall be determined by the mean atmospheric shade temperature between

9.0 a.m. and 4.0 p.m. on the day on which the incubation of the sample was begun.

5. If during the period of incubation the temperature as indicated by a maximum thermometer placed in a 3 oz. sample bottle containing 2 oz. of water stored in the bath with the sample exceeds 22·5°C., the test shall be void.

Mean atmospheric shade temperature

6. The mean atmospheric shade temperature shall be the arithmetic mean of the maximum and minimum temperatures in the atmospheric shade box between 9.0 a.m. and 4.0 p.m. on the day incubation is begun. The maximum thermometer and minimum thermometer shall be set at 9.0 a.m. each day and the thermometers shall remain in the atmospheric shade box until 4.0 p.m. on the same day when the maximum and minimum temperatures shall be read to the nearest degree and the arithmetic mean calculated. A permanent record of the daily maximum and minimum temperatures and of the arithmetic mean of the two readings shall be kept in the laboratory.

Time of applying the test

7. The time of applying the test and the duration of incubation of the sample at 22°C. ± 0·5°C. shall be determined by the mean atmospheric shade temperature as follows:—

Mean atmospheric shade temperature between 9.0 a.m. and 4.0 p.m. on day incubation of test samples is begun	Time of applying the Clot-on-Boiling test on following day
67·6°F. and above	9.30 a.m.
64·6°F. to 67·5°F.	10.30 a.m.
60·6°F. to 64·5°F.	11.30 a.m.
55·6°F. to 60·5°F.	12.30 p.m.
50·6°F. to 55·5°F.	1.30 p.m.
43·6°F. to 50·5°F.	2.30 p.m.
Under 43·6°F.	3.30 p.m.

Method of carrying out the test

8. The sample shall be removed from the water bath just before the time of test, allowing only sufficient time to mix and pour it. If the sample is found to have clotted, the result of the test shall be recorded as positive (+). If the sample has not obviously clotted, it shall be mixed thoroughly by inverting and shaking the sample bottle, and 5 ml. of the milk to be tested shall be poured into a clean test tube marked at 5 ml. The tube shall be placed in a bath of boiling water for 5 minutes, care being taken that the level of the water is at least ½ in. above the level of the milk in the test tube and that the water is kept boiling.

After being in the boiling water for 5 minutes the tube shall be removed and tilted almost horizontally to expose a thin film of milk for observation. When the whole of the milk clots or when discrete particles are seen to be adhering to the side of the tube when it is returned to the vertical, the result shall be recorded as positive (+). If clots or discrete particles are absent or if there is any doubt as to their presence, the result shall be recorded as negative (−).

Interpretation

9. A sample shall be regarded as satisfying the Clot-on-Boiling test when a negative result is obtained after boiling for 5 minutes in accordance with the last preceding paragraph.

Part III.—The Methylene Blue Test for Tuberculin Tested Milk and Pasteurised Milk

Treatment of sample

1.—(1) On arrival at the testing laboratory the sample of milk shall at once be removed from the insulated container. Thereafter it shall be stored as follows:—

(*a*) a sample taken at any time during the period from 1st May to 31st October, inclusive, in any year shall be kept at atmospheric shade temperature until 9.30 a.m. on the following day.

(*b*) A sample taken at any time during the period from 1st November to 30th April, inclusive, in any year shall be kept in its original container or in a sterile 3 oz. sample bottle at atmospheric shade temperature until 5.0 p.m. on the day of sampling and thereafter at a constant temperature at 65°F. ± 2°F. until 9.30 a.m. on the following day.

(2) If during the period of storage at atmospheric shade temperature to which a sample is subjected this temperature at any time exceeds 70°F., the test shall not be applied.

(3) The test shall be begun between 9.30 and 10.0 a.m. on the day after the sample is taken.

Reagent—Methylene Blue

2.—(1) Tablets manufactured under arrangements made by the Minister shall be used for the test. A solution shall be prepared aseptically by adding one tablet to 200 ml. of cold, sterile, glass-distilled water in a sterile flask, shaking until the tablet is completely dissolved, and making up the solution to 800 ml. with cold, sterile, glass-distilled water. The resultant solution shall be stored in a stoppered sterile 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.—(1) Test tubes shall conform to British Standard 625:1959, nominal size 150/16, and shall be accurately marked at 10 ml. They shall be plugged with cotton wool or covered with closely fitting aluminium caps or stored in such a way as to prevent contamination.

(2) Pipettes shall be 1·0 ml. straight-sided blow out delivery pipettes, and shall be plugged with cotton wool at the upper end.

(3) Glassware and rubber stoppers shall be sterile immediately before use.

(4) The water bath shall be fitted with a reliable automatic thermo-regulator capable of maintaining the water at a temperature of 37·5°C. ± 0·5°C.

Method of carrying out the test

4.—(1) The sample shall be mixed thoroughly by inverting and shaking and the milk shall be transferred to a test tube up to the 10 ml. mark in such a manner that one side of the interior of the test tube is not wetted 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 test tube shall be closed with a rubber stopper, aseptic precautions being taken, and shall then be inverted twice slowly, so that the whole column of contained air rises above the level of the milk. Within a period of 5 minutes the test tube shall be placed in a water bath. The water in the bath shall be kept above the level of the milk in the test tube, 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.

(2) A control tube shall be used for comparison with each batch of experimental tubes to indicate when decolourisation is complete. The control tube shall be prepared by immersing in boiling water for 3 minutes a stoppered test tube containing 1 ml. of tap water and 10 ml. of mixed milk having a fat content and colour similar to that of the milk being tested.

(3) 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

5. The test shall be deemed to be satisfied by milk which fails to decolourise methylene blue in 30 minutes.

PART IV.—THE PHOSPHATASE TEST FOR PASTEURISED MILK

Examination of sample

1. The sample of milk shall be examined as soon as possible after arrival at the testing laboratory. If it is not examined immediately on arrival at the testing laboratory, it shall be kept at a temperature of between 3°C. and 5°C. until examined. The sample shall be raised to room temperature immediately before being tested.

Precautions

2. The following precautions shall be taken:—

(*a*) A sample which shows evidence of taint or souring shall not be tested.

(*b*) All glassware shall be clean immediately before use.

(*c*) A fresh pipette shall be used for each sample of milk. Pipettes shall not be contaminated with saliva.

(*d*) The test shall not be carried out in direct sunlight.

(*e*) Distilled water shall be used throughout.

Reagents

3.—(1) Whenever possible, reagents of analytical quality shall be used.

(2) The buffer-substrate solution shall be prepared as follows:—

(*a*) Buffer solution: 3·5 g. of anhydrous sodium carbonate and 1·5 g. of sodium bicarbonate shall be dissolved in distilled water, and made up to one litre.

(*b*) Substrate: Disodium p-nitrophenyl phosphate. The solid substrate shall be kept in a refrigerator.

(*c*) Buffer-substrate solution: 0·15 g. of the substrate shall be placed in a 100 ml. measuring cylinder, and made up to 100 ml. with the buffer solution. The solution shall be stored in a refrigerater and protected from light. It shall give a reading of less than the standard marked 10 on the comparator disc A.P.T.W. or A.P.T.W.7 when viewed in transmitted light through a 25 mm. cell in the "all purposes" comparator, distilled water being used for comparison. The solution shall not be used for more than one week.

Apparatus

4. The following apparatus shall be used:—

(*a*) A Lovibond "all purposes" comparator complete with stand for work in reflected light.

(*b*) A Lovibond comparator disc A.P.T.W. or A.P.T.W.7.

(*c*) Two fused glass cells, 25 mm. depth.

(*d*) A water bath or incubator capable of being maintained at 37·5°C. ± 0·5°C.

(*e*) A pipette to deliver 5·0 ml.

(*f*) A supply of 1·0 ml. straight-sided pipettes of an accuracy equal to that of N.P.L. grade B.

(*g*) A 1000 ml. graduated flask.

(*h*) A 100 ml. measuring cylinder.

(*i*) A supply of test tubes conforming to British Standard 625:1959, nominal size 150/16, with rubber stoppers to fit.

Care of apparatus

5.—(1) After use, each test tube shall be emptied, rinsed in water, well washed in hot water containing soda, rinsed in warm water, rinsed in distilled water and finally dried.

(2) If after treatment in accordance with sub-paragraph (1) hereof a test tube does not appear to be clean, the treatment shall be repeated with the addition that after being rinsed in warm water it shall be soaked in 50 per cent. commercial hydrochloric acid and then rinsed again in warm water before being rinsed in distilled water and finally dried.

(3) New glassware shall be cleaned by soaking in chromic acid solution prepared as follows—

5 volumes of 8 per cent. W/V potassium bichromate

4 volumes of concentrated sulphuric acid. This should be added slowly and carefully to the mixture of bichromate and water.

The solution shall be kept covered and shall be discarded when it becomes green. After cleaning in chromic acid solution, new glassware shall be rinsed in warm water, rinsed in distilled water and finally dried.

(4) Pipettes shall be well rinsed in cold water and then cleaned by soaking for 24 hours in chromic acid solution in a 250 ml. glass cylinder or other suitable container. The pipettes shall then be well rinsed in warm water, rinsed in distilled water and finally dried.

(5) Glassware used for the test shall not be used for any other purpose and shall be kept apart from all other apparatus in the laboratory.

Method of carrying out the test

6. 5 ml. of the buffer-substrate solution shall be transferred to a test tube using a pipette and the test tube shall be stoppered and brought to a temperature of 37°C. 1 ml. of the milk to be tested shall be added, the test tube stopper replaced and the contents well mixed by shaking. The test tube shall then be incubated for exactly 2 hours at 37°C. One blank prepared from boiled milk of the same type as those undergoing the test shall be incubated with each series of samples. (Where the sample consists of highly coloured milk, such as homogenised milk or milk from Channel Island cows, a separate blank of such milk shall be prepared.) After incubation the test tube shall be removed from the water bath and its contents shall be well mixed. The blank shall be placed on the left hand ramp of the stand and the test sample on the right. Readings shall be taken in reflected light by looking down on to the two apertures with the comparator facing a good source of daylight (preferably north light). If artificial light is needed for matching, a "daylight" type of illumination must be used. The disc shall be revolved until the test sample is matched. Readings falling between two standards shall be recorded by affixing a plus or minus sign to the figure for the nearest standard.

Interpretation

7. The test shall be deemed to be satisfied by milk which gives a reading of 10 μg. or less of p-nitrophenol/ml. of milk.

PART V.—THE TURBIDITY TEST FOR STERILISED MILK

Examination of sample

1. The sample of milk may be examined at any time after delivery to the testing laboratory but shall be at room temperature when the test is begun.

Reagent

2. Ammonium sulphate A.R. shall be used.

Apparatus

3. The following apparatus shall be used:—

(*a*) Conical flasks of 50 ml. capacity.

(*b*) Graduated cylinders of 25 ml. capacity.

(*c*) Test tubes conforming to British Standard 625:1959, nominal size 150/16.

(*d*) Filter funnels of 6 cm. diameter.

(*e*) Beakers of 400 ml. capacity.

(*f*) 12·5 cm. No. 12 Whatman folded filter papers.

Method of carrying out the test

4. $4 \pm 0{\cdot}1$ g. of ammonium sulphate shall be weighed into a 50 ml. conical flask. $20 \pm 0{\cdot}5$ ml. of the milk sample shall be measured out and poured into the conical flask, the flask being shaken for 1 minute to ensure that the ammonium sulphate dissolves. The mixture shall be left for not less than 5 minutes and then filtered through a folded filter paper into a test tube. When not less than 5 ml. of a clear filtrate have collected, the tube shall be placed in a beaker of water, which has been kept boiling, and kept therein for 5 minutes. The tube shall be transferred to a beaker of cold water, and when the tube is cool, the contents shall be examined for turbidity by moving the tube in front of an electric light shaded from the eyes of the observer.

Interpretation

5. The test shall be deemed to be satisfied when a sample of milk treated as in paragraph 4 hereof gives a filtrate showing no sign of turbidity.

Regulations 10, 11, 15 and 16.

FOURTH SCHEDULE

TRIBUNALS

PART I.—CONSTITUTION

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;

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

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

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

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

(*c*) one member shall be a person appointed by the Minister, 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 in respect of a dealer's licence, or where the issue referred to the tribunal is in respect of a dealer's licence and there is outstanding a reference to a tribunal in respect of a producer's licence, and where both references relate to the same premises and the person or council affected is the same—

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

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

(*c*) one member shall be a person appointed by the Minister, 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.

(3) If the Minister is 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 may revoke the appointment of the chairman.

(4) If the Minister is satisfied that the chairman is prevented by sickness or any other reason from acting on any reference to the tribunal, he 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 licence is required to be referred to a tribunal by the Minister, he 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 the notice of decision or 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 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 witnesses called by him or by the council affected.

(2) The tribunal shall give the representative of the licensing authority or 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 witnesses called by another person.

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

6.—(1) It shall be the duty of the tribunal on any reference to report 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 43 of the Food and Drugs Act, 1955, to find and report whether the breach was in fact committed.

(2) The report of the tribunal, which shall be in writing, shall include the reasons for the findings and the chairman shall submit the report to the Minister without delay.

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 hearing shall be open to the public.

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

Regulation 5

FIFTH SCHEDULE

FORM A

Milk (Special Designation) Regulations, 1960

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

The Minister of Agriculture, Fisheries and Food 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) Regulations, 1960, 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, Fisheries and Food.

* Strike out if inapplicable.

FORM B

Milk (Special Designation) Regulations, 1960

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

The ..... hereby authorise ..... of ..... (referred to herein as the dealer) to use the special designation "Tuberculin Tested" in relation to milk which is obtained by the dealer as "Tuberculin Tested" from premises 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) Regulations, 1960, and, unless suspended or revoked, will operate until .....

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

Clerk to the..... Council.

FORM C

Milk (Special Designation) Regulations, 1960

Dealer's (Pasteuriser's) Licence authorising the use of the special designation "Pasteurised"

The ..... hereby authorise ..... of .... to use the special designation "Pasteurised" in relation to milk which has been pasteurised at .... in accordance with the conditions prescribed in the Milk (Special Designation) Regulations, 1960, for the purpose of sale.

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 .....

Clerk to the..... Council.

FORM D

Milk (Special Designation) Regulations, 1960

Dealer's (Steriliser's) Licence authorising the use of the special designation "Sterilised"

The .....
hereby authorise ..... of .....
..... to use the special designation "Sterilised"
in relation to milk treated by the sterilising process at .....
..... in accordance with the conditions prescribed in the Milk (Special Designation) Regulations, 1960, for the purpose of sale.

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 .....

Clerk to the..... Council.

FORM E

Milk (Special Designation) Regulations, 1960

Dealer's (Pre-packed Milk) Licence authorising the use of the special designation(s) (a) "Tuberculin Tested" (b) "Pasteurised"* (c) "Sterilised"**

The .....
hereby authorise ..... of .....
..... (referred to herein as the dealer) to use the special designation (*a*) "Tuberculin Tested"* (*b*) "Pasteurised"* (*c*) "Sterilised"* in relation to milk which is

(i) obtained by the dealer pre-packed as (*a*) "Tuberculin Tested"* (*b*) "Pasteurised"* (*c*) "Sterilised"*, as the case may be, from

(ii) pasteurised or sterilised by the dealer in accordance with the conditions prescribed in the Milk (Special Designation) Regulations, 1960, at

premises in respect of which a licence authorising the use of the appropriate designation in relation to the milk 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 above-named regulations, and, unless suspended or revoked, will operate until .....

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

Clerk to the ..... Council.

* Strike out if inapplicable.

Regulation 3

SIXTH SCHEDULE

REGULATIONS REVOKED

Regulations	Date and Extent of Revocation
The Milk (Special Designation) (Raw Milk) Regulations, 1949.	1st October, 1960, insofar as they relate to producers' licences.
The Milk (Special Designation) (Raw Milk) (Amendment) Regulations, 1950.	
The Milk (Special Designation) (Raw Milk) (Amendment) Regulations, 1954.	1st January, 1961, insofar as they relate to licences other than producers' licences.
The Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949 (a).	1st January, 1961; the whole regulations.
The Milk (Special Designation) (Pasteurised and Sterilised Milk) (Amendment) Regulations, 1950 (b).	
The Milk (Special Designation) (Pasteurised and Sterilised Milk) (Amendment) Regulations, 1953 (c).	

EXPLANATORY NOTE

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

These regulations consolidate and re-enact with amendments the Milk (Special Designation) (Raw Milk) Regulations, 1949 to 1954, and the Milk (Special Designation) (Pasteurised and Sterilised Milk) Regulations, 1949 to 1953. The principal changes are:—

(*a*) dealers' licences, except for a few kinds which will be granted by the Minister of Agriculture, Fisheries and Food, will be granted by the food and drugs authority for the area within which are situated the premises at or from which the milk is to be pasteurised, sterilised or sold, as the case may be; dealers' licences will permit sales outside as well as inside the area of the licensing authority and supplementary licences are to be discontinued (regulation 12 (1) (*a*));

(*b*) a dealer's (pre-packed milk) licence is introduced to permit the sale of all three kinds of specially designated milk where the milk is obtained by the dealer in the container in which it is to be supplied to the consumer, or is pasteurised or sterilised by the dealer (regulation 12 (1) (*c*));

(*c*) the period for which a dealer's licence will be granted is extended from one year to five years (regulation 13);

(a) S.I. 1949/1589 (1949 I, p. 1715). (b) S.I. 1950/409 (1950 I, p. 754).
(c) S.I. 1953/1821 (1953 I, p. 812).

(*d*) a licence holder is no longer required to allow samples of milk to be taken free of charge (First Schedule, paragraph 4);

(*e*) a herd in respect of which a producer's licence is held is allowed to run with other attested cattle or cattle from a controlled herd (Second Schedule, Part I, paragraph A.5.);

(*f*) the storage of tuberculin tested milk in a fixed tank at the farm and subsequent collection in a milk tanker is permitted, but such milk is required to be pasteurised or sterilised before sale (Second Schedule, Part I, paragraphs A.6. and B.2.);

(*g*) the sealing of containers (other than retail containers) of tuberculin tested milk is no longer obligatory (Second Schedule, Part I, paragraphs C.1. and C.2.);

(*h*) the Clot-on-Boiling test has been introduced for tuberculin tested milk to which a producer's licence relates (Second Schedule, Part I, paragraph C.4.);

(*i*) when, for the purpose of taking a sample of milk, a person breaks the seal on a container, he must re-seal the container and attach to it a label certifying that it has been opened and re-sealed (Third Schedule, Part I, paragraph 3);

(*j*) the conditions of the Methylene Blue test for tuberculin tested milk and pasteurised milk are modified (Third Schedule, Part III) and a different Phosphatase test for pasteurised milk has been prescribed (Third Schedule, Part IV).

These regulations will come into operation on 1st October, 1960, insofar as they relate to producers' licences and on 1st January, 1961, insofar as they relate to dealers' licences.