STATUTORY INSTRUMENTS

1975 No. 1997 (S. 274)

FOOD AND DRUGS

MILK AND DAIRIES, SCOTLAND

The Milk (Special Designations) (Scotland) Amendment Order 1975

Made - - - -	*2nd December* 1975
Laid before Parliament	*11th December* 1975
Coming into Operation	*1st January* 1976

In exercise of the powers conferred by Section 3 of the Milk and Dairies (Amendment) Act 1922**(a)**, as enacted in Section 10 of the Milk Act 1934**(b)**, and by Section 6 of the Milk and Dairies (Amendment) Act 1922, and now vested in me **(c)** and of all other powers enabling me in that behalf, I hereby make the following order.

Citation and commencement

1. This order may be cited as the Milk (Special Designations) (Scotland) Amendment Order 1975, and shall come into operation on 1st January 1976.

Interpretation

2.—(1) In this order "the principal order" means the Milk (Special Designations) (Scotland) Order 1965**(d)** as amended**(e)**.

(2) The Interpretation Act 1889**(f)** applies for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

Amendment of Milk (Special Designations) (Scotland) Order 1965, *as amended*

3. The principal order shall be amended as follows:—

(*a*) In article 2(1)—

(i) there shall be added the following definitions:—

" 'accredited herd' means a herd of cattle in Scotland which to the satisfaction of the Secretary of State—

(*a*) has been found to be free from brucellosis by means of a series of diagnostic tests carried out by him or on his behalf and has been, since the date of commencement of such tests, the subject of adequate precautions against the

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(a) 1922 c. 54.
(b) 1934 c. 51.
(c) 1928 c. 34.
(d) S.I. 1965/253 (1965 I, p. 617).
(e) S.I. 1966/1573 (1966 III, p. 4850).
(f) 1889 c. 63.

introduction or re-introduction and consequent spreading of brucellosis; or

(*b*) has been wholly constituted by the transfer of animals from other accredited herds in Scotland or from such similar herds outside Scotland as the Secretary of State may either generally or in any special case allow, and has been, since being so constituted, the subject of such precautions as aforesaid."

" 'brucellosis' means the disease caused by 'brucella abortus' ".

(ii) in the definition of "local authority" for the words "the council of a county or of a large burgh", there shall be substituted the words "an islands or district council".

(iii) the definition of "large burgh" and "small burgh" shall be deleted.

(*b*) Paragraph (2) of article 2 shall be deleted.

(*c*) After paragraph 1 of Schedule 2 Part I there shall be added the following paragraph:—

"1A On and after 1st August 1977, the herd must be an accredited herd."

(*d*) In paragraph 1 of Schedule 2 Part III, after the words "Paragraphs 1", there shall be inserted ", 1A".

(*e*) In Schedule 3, Part III:—

(i) in head A, at the end, (after the word "method") there shall be added the words "whether or not the treatment includes the direct application of steam".

(ii) after paragraph 7 there shall be inserted the head and paragraphs set out in Schedule 1 to this order.

4. In Schedule 7 to the principal order (which specifies appropriate forms for licences authorising the use of special designations):—

(*a*) Any reference to the Milk (Special Designations) (Scotland) Order 1965 shall be deemed to be a reference to that order as amended;

(*b*) Any reference to the Town Council of a Burgh or the County Council of a County shall be deemed to be a reference to an Islands Council or as the case may be a District Council; and

(*c*) Any reference to a Town Clerk or a County Clerk shall be deemed to be a reference to the proper officer of an Islands Council or as the case may be of a District Council.

5. After Schedule 7 to the principal order there shall be added, as Schedule 8 to the principal order, Schedule 2 to this order.

William Ross.
One of Her Majesty's Principal Secretaries of State.

New St. Andrew's House,
Edinburgh.
2nd December 1975.

Article 3(*e*)

SCHEDULE 1

AA. *Additional conditions applicable when the treatment of the milk includes the direct application of steam*

7A. In the following paragraphs of this Schedule—

"input temperature" means the temperature of the milk immediately before the application of the steam;

"local authority" means the local authority issuing the licence to treat milk by the ultra high temperature method.

"operational change" means any change in the site, layout or construction of equipment for treating milk by the ultra high temperature method by the direct application of steam, or any change in the steam supply or in the particular temperature used for treating the milk as aforesaid;

"output temperature" means the temperature of the vapour or of the milk in either case at the point of leaving the evaporative cooling expansion vessel.

7B. Any treatment of milk by the ultra high temperature method by the direct application of steam shall be so carried out that both the percentage of the milk consisting of milk fat and the percentage of the milk consisting of milk solids other than milk fat are the same after that treatment as before it.

7C.—(1) Any equipment for treating milk as aforesaid shall be provided with control apparatus which, when calibrated as required by sub-paragraph (2) of this paragraph, will ensure compliance with the last preceding paragraph providing no operational change is made or takes place.

(2) Before the equipment is used for treating milk as aforesaid either initially or after any operational change is made or takes place, the control apparatus shall be calibrated in relation to the particular temperature to be used for treating milk as aforesaid so as to determine the control temperatures (being the input temperature, the output temperature and the difference between them which, if respectively maintained, will ensure compliance with the last preceding paragraph providing no operational change is made or takes place).

(3) A note of the control temperatures currently applying and of the particular temperature used for treating milk as aforesaid when those control temperatures were determined shall be kept with such equipment and be available at all reasonable times for inspection by any person duly authorised in that behalf.

7D. The holder of the licence shall forthwith notify the local authority of any operational change which is made or takes place.

7E.—(1) For each occasion on which such equipment is in operation—

(*a*) the input temperature and the output temperature shall be indicated by indicating thermometers; and

(*b*) either both of these temperatures or one of them and the difference between them shall be continuously recorded on charts marked with graduations at intervals of 0·5 F or 0·5°C adequately spaced to give clear readings.

(2) The records on such charts shall be dated and shall be preserved for a period of not less than three months.

7F. Any treatment of milk as aforesaid or calibration of control apparatus in compliance with sub-paragraph (2) of paragraph 7C of this Schedule shall be carried out only with dry saturated steam.

7G. In connection with treatment of milk as aforesaid, apparatus shall be provided

which automatically and continuously ensures that water is separated from the steam and does not enter the milk heating equipment.

7H. The treatment shall be so carried out as to secure that no foreign matter other than steam enters the milk and that there is no adulteration of the milk at the commencement or termination of the treatment or at any time when the treatment is interrupted.

7I. The water used for generating the steam which is to be applied to the milk—

(*a*) shall be wholesome; and

(*b*) may be treated with any water treatment compound necessary to make it wholesome and with any boiler feed water treatment compound specified in Schedule 8 to this order, but otherwise shall not be treated with any water treatment compound.

7J. The equipment for treating the milk shall be so constructed that the steam can be sampled immediately before it is applied to the milk and the holder of the licence shall permit any person duly authorised by the local authority so to sample the steam.

Article 5

SCHEDULE 2

Permitted Boiler Feed Water Treatment Compounds

Potassium alginate
Sodium alginate
Potassium carbonate
Sodium carbonate
Sodium hydroxide
Monosodium dihydrogen orthophosphate
Disodium monohydrogen orthophosphate
Trisodium orthophosphate
Sodium tripolyphosphate
Sodium hexametaphosphate
Tetrasodium pyrophosphate
Sodium silicate
Sodium metasilicate
Sodium sulphate
Magnesium sulphate
Neutral or alkaline sodium sulphite
Unmodified starch
Sodium aluminate
Polyoxyethylene glycol (minimum molecular weight, 1000)

EXPLANATORY NOTE

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

This Order, which further amends the Milk (Special Designations) (Scotland) Order 1965, comes into operation on 1st January 1976. It prescribes as a condition of licence to use the special designations "Premium" and "Standard" from 1st August 1977 that the dairy herd shall be brucellosis accredited. It also prescribes additional conditions subject to which licences are granted to use the special designation "Ultra Heat Treated" in relation to milk which has been treated by the ultra high temperature method by the direct application of steam and amends the references in the 1965 Order to local authorities to take account of local government reorganisation.

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