STATUTORY INSTRUMENTS

1988 No. 1816 (S.168)

FOOD

MILK AND DAIRIES

The Milk (Special Designations) (Scotland) Amendment Order 1988

Made - - - -	*13th October 1988*
Laid before Parliament	*26th October 1988*
Coming into force	*16th November 1988*

The Secretary of State, in exercise of the powers conferred on him by sections 3 and 6 of the Milk and Dairies (Amendment) Act 1922(**a**), and now vested in him(**b**), and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Milk (Special Designations) (Scotland) Amendment Order 1988, and shall come into force on 16th November 1988.

(2) In this Order, "the principal Order" means the Milk (Special Designations) (Scotland) Order 1980(**c**).

Amendment of the principal Order

2. In article 2(1) of the principal Order–

(a) the following definition shall be inserted after the definition of "bulk container":–

""bulk milk" means milk which is not pre-packed;";

(b) the following definition shall be inserted after the definition of "pasteuriser's licence":–

""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;";

(c) the following definition shall be inserted after the definition of "Proper Officer":–

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

3. The following paragraphs shall be inserted after paragraph 8 of Schedule 1 to the principal Order:–

"9. Every licence holder who receives raw milk or bulk milk which has already been heat treated shall forthwith submit it to heat treatment in accordance with this Order or despatch it in milk tankers or other suitable containers, whether by sale or otherwise, to an establishment for heat treatment.

(**a**) 1922 c.54; section 3 was substituted by the Milk Act 1934 (c.51), section 10, and amended by S.R.&O. 1939/782 and by the Milk (Special Designations) Act 1949 (c.34), section 11(3).

(**b**) By the Reorganisation of Offices (Scotland) Act 1928 (c.34) and the Reorganisation of Offices (Scotland) Act 1939 (c.20).

(**c**) S.I. 1980/1866, as amended by S.I. 1983/1527 and 1986/788.

10.—(1) Where bulk milk which has, for the purposes of transportation, been heat treated in another heat treatment establishment is to be subjected to further heat treatment in accordance with this Order, the additional conditions specified in the following sub-paragraphs shall apply.

(2) Milk shall not be accepted for further heat treatment unless it has a temperature not exceeding 6C on admission to the heat treatment establishment and is retained at such a temperature until that further treatment.

(3) Milk which has been heat treated in another member state of the European Economic Community shall not be accepted for further heat treatment unless it is accompanied by a certificate prescribed by the Importation of Milk (Scotland) Regulations 1988(**a**).

(4) The holder of the licence shall check and record the temperature of the milk on admission to the heat treatment establishment and immediately before further heat treatment.

(5) For purposes of identifying sources of supply which consistently exceed a colony count of 100,000 per ml, in order to exclude such milk from further heat treatment in accordance with this Order, the holder of the licence shall–

(a) before further heat treatment take a sample of the milk in accordance with Schedule 4 to this Order;

(b) submit it to the test for bacterial count and coliform bacteria prescribed in Part I of Schedule 5 to this Order;

(c) record the result.

(6) The holder of the licence shall retain for a period of not less than three months–

(a) from the date of further heat treatment, the certificate referred to in sub-paragraph (3) above;

(b) the records made in compliance with sub-paragraphs (4) and (5) above.".

4. In Schedule 3 to the principal Order, the following shall be deleted:–

(a) in paragraph 4 of Part I, the words from "and shall" to the end of that paragraph;

(b) in paragraph 4 of Part III, the words from "and shall" to the end of that paragraph;

(c) paragraph 5 of Part III.

5. In Part I of Schedule 5 to the principal Order, the words "and "Pasteurised" milk" shall be inserted after the words ""Standard" milk" in each of paragraph 6(a) and 7(a).

Sanderson of Bowden
Minister of State,
Scottish Office

St. Andrew's House, Edinburgh
13th October 1988

(**a**) S.I. 1988/1814.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Milk (Special Designations) (Scotland) Order 1980 by making provision for the further heat treatment of bulk milk (including any such milk imported under the Importation of Milk (Scotland) Regulations 1988) which has already been heat treated for the purposes of transportation in another heat treatment establishment. This Order also revokes the existing provisions which banned milk being heat treated for a second time.