on production of a certificate by the Board or Council to whose Roll she has been admitted, to the effect that her name appears on such Roll, be entitled to be admitted to the Roll."

Framed by the Central Midwives Board for Scotland this twenty-second day of January, 1951.

R. W. JOHNSTONE,
Chairman.

D. THOMSON,
Secretary.

Central Midwives Board for Scotland,
18 Nicolson Street,
Edinburgh, 8.

EXPLANATORY NOTE

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

Rule B44 enables certified midwives in England and Northern Ireland to be admitted to the Roll in Scotland.

MILK AND DAIRIES, SCOTLAND

The Milk (Special Designations) (Scotland) Order, 1951

1951 No. 644 (S. 31)

Made - - - -	11*th April*, 1951
Laid before Parliament	12*th April*, 1951
Coming into Operation	1*st June*, 1951

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In exercise of the powers conferred on me 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 sections 10 and 11 of the Milk (Special Designations) Act, 1949(c), and of all other powers enabling me in that behalf I hereby make the following order:—

PART I—INTERPRETATION, SHORT TITLE, ETC.

1. This Order may be cited as the Milk (Special Designations) (Scotland) Order, 1951, and shall come into operation on the first day of June, 1951.

2.—(1) In this Order unless the context otherwise requires—

"the Act of 1949" means the Milk (Special Designations) Act, 1949;

"attested herd" means a herd which is registered in 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(d), or which is kept in an area which is for the time being an eradication area or an attested area by virtue of an order made under Section 5 of that Act;

"bulk container" means any container, other than a retail container, which is of a type satisfactory to the Secretary of State;

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

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

(a) 12 & 13 Geo. 5. c. 54. (b) 24 & 25 Geo. 5. c. 51. (c) 12, 13 & 14 Geo. 6. c. 34.
(d) 14 Geo. 6. c. 36.

" dealer " means a person who carries on a business which consists in or comprises the selling of milk but does not include—

(*a*) a producer who sells the milk produced from the herd which he owns or controls by wholesale only and only at or from the premises where the herd is kept and who sells no other milk ;

(*b*) a holder of a pasteuriser's licence who sells the milk pasteurised by him by wholesale only and only at or from the premises where the milk is pasteurised and who sells no other milk ;

(*c*) a holder of a heat treater's licence who sells the milk heat treated by him by wholesale only and only at or from the premises where the milk is heat treated and who sells no other milk ;

(*d*) a holder of a steriliser's licence who sells the milk sterilised by him by wholesale only and only at or from the premises where the milk is sterilised and who sells no other milk ;

" dealer's licence " means a licence authorising a dealer to use a special designation in relation to milk sold by him ;

" dealer's supplementary licence " means a licence granted to a dealer authorising the use by him of a special designation in relation to milk sold by him by retail in the area of a local authority other than the authority in whose area the premises from which the milk is sold are situated ;

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

" existing licence " means a licence which is in force when the holder thereof applies for a licence by way of renewal thereof ;

" heat treater's licence " means a licence authorising the holder thereof to use the special designation " heat treated " in relation to milk heat treated by him in accordance with the provisions of Part II of the Third Schedule to this Order, and sold by him by wholesale at or from the premises where it is heat treated ;

" herd " means the milk cows in respect of the milk of which any licence is applied for or has been granted and includes any other bovine animal for the time being kept in contact with such cows ;

" large burgh " and " small burgh " have the like meanings as in the Local Government (Scotland) Act, 1947(a) ;

" licence " means a licence granted in accordance with the provisions of this Order ;

" licence held by a retailer for a specified area " has the meaning assigned to it by subsection (2) of section 8 of the Act of 1949 ;

" local authority " means the council of a county or of a large burgh ;

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

" pasteuriser's licence " means a licence authorising the holder thereof to use the special designation " pasteurised " in relation to milk pasteurised by him in accordance with the provisions of Part I of the Third Schedule to this Order and sold by him by wholesale at or from the premises where it is pasteurised ;

" producer " means a person owning or having control of a herd ;

" producer's licence " means a licence authorising a producer to use a special designation in relation to milk produced from a herd owned or controlled by him and sold by him by wholesale at or from the premises where the herd is kept ;

(a) 10 & 11 Geo. 6. c. 43.

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

"retail container" means a bottle, or other container, which has a capacity of not more than one quart and is of a type satisfactory to the local authority;

"retailer for a specified area" means the holder of a licence to which section 8 of the Act of 1949 applies;

"sample" means a sample of milk taken, identified and transported in accordance with the provisions of the Fourth Schedule to this Order;

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

"selling milk by retail" has the meaning assigned to it by sub-section (4) of section 1 of the Act of 1949; and "milk sold by retail" shall be construed accordingly;

"selling milk by wholesale" means selling milk otherwise than by retail; and "milk sold by wholesale" shall be construed accordingly;

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

"steriliser's licence" means a licence authorising the holder thereof to use the special designation "sterilised" in relation to milk sterilised by him in accordance with the provisions of Part III of the Third Schedule to this Order and sold by him by wholesale at or from the premises where it is sterilised;

"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 of Agriculture and Fisheries may direct;

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

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

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

(2) A small burgh shall for the purposes of this Order be deemed to be included in the county in the area of which it is situated.

(3) For the purposes of this Order—

(*a*) the person having the right under a bowing contract to sell the milk produced from the herd to which the contract relates shall be deemed to be the person who owns or controls the herd;

(*b*) a person shall be deemed not to be selling milk otherwise than by wholesale if the only persons to whom he sells milk by retail are persons employed by him in or in connection with the production of such milk or employed by him otherwise in agriculture.

(4) References in this Order to any enactment, order, regulations, byelaw or scheme shall be construed as including references to that enactment, order, regulation, byelaw or scheme as amended by any subsequent enactment, order, regulation, byelaw or scheme.

(5) The Interpretation Act, 1889(a) applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

(6) The Milk (Special Designations) (Scotland) Orders, 1936 to 1949(b), are hereby revoked.

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

(b) S.R. & O. 1936 (No. 687) I, p. 1832; 1937 (No. 212) p. 1722; 1938 (Nos. 183 and 1158) II, pp. 2173 and 2177; 1941 (No. 1336) I, p. 624; 1944 (No. 1258) I, p. 464; S.I. 1949 (No. 1856) I, p. 2564.

PART II.—LICENCES TO USE SPECIAL DESIGNATIONS

3.—(1) The special designations the use of which may be authorised by a licence granted in accordance with the provisions of this Order are "Certified", "Tuberculin Tested", "Standard", "Pasteurised", "Heat Treated" and "Sterilised".

(2) Subject to the provisions of this Order a local authority shall on application being made to them in that behalf grant a licence to the applicant authorising him to use the special designation specified in the application; and such a licence shall be in the appropriate form specified in the Seventh Schedule to this Order or in a form substantially to the like effect.

(3) A licence shall authorise the use of a special designation only in relation to milk sold at or from the premises mentioned in the licence and, in the case of such milk sold by retail, only in relation to milk so sold within the area of the local authority granting the licence.

(4) The use of a special designation in relation to milk sold by retail shall be authorised only by a dealer's licence.

4.—(1) A licence authorising the use of the special designation "Certified" shall entitle the holder of the licence to use the special designation "Tuberculin Tested" in relation to the milk to which the licence applies.

(2) Subject to the restrictions on the use of the special designation "Standard" imposed by section 4 of the Act of 1949 and this Order a licence authorising the use of the special designation "Certified" or a licence authorising the use of the special designation "Tuberculin Tested" shall entitle the holder of the licence to use the special designation "Standard" in relation to the milk to which the licence applies.

(3) (*a*) Where milk in relation to which the special designation "Tuberculin Tested" is used is pasteurised in accordance with the provisions of Part I of the Third Schedule to this Order, the holder of a licence authorising the use of the special designation "Pasteurised", if he holds also a licence authorising the use of the special designation "Tuberculin Tested" may, notwithstanding that the milk has been pasteurised, use the special designation "Tuberculin Tested" in relation to that milk, provided that he adds immediately after the words "Tuberculin Tested" the word "Pasteurised" enclosed in brackets.

(*b*) Any milk in relation to which the special designation "Tuberculin Tested" is used with the addition as aforesaid of the word "Pasteurised" shall for the purposes of this Order be deemed to be milk in relation to which the special designation "Pasteurised" is used.

5.—(1) An application for the grant of a licence (whether by way of renewal of an existing licence or otherwise) shall be made in the case of an application—

(*a*) for a producer's licence to the local authority of the area in which the herd owned or controlled by the applicant is ordinarily kept;

(*b*) for a dealer's licence to the local authority of the area in which are situated the premises at or from which the milk in relation to which the applicant intends to use the special designation will be sold;

(*c*) for a pasteuriser's licence, a heat treater's licence or a steriliser's licence to the local authority of the area in which are situated the premises

where the milk in relation to which the applicant intends to use the special designation will be pasteurised, heat treated or sterilised as the case may be ; and

(*d*) for a dealer's supplementary licence to the local authority of the area in which the milk in relation to which the applicant intends to use the special designation will be sold.

(2) Every application shall be in writing, shall specify the special designation which the applicant intends to use and in the case of an application for a producer's licence, a pasteuriser's licence, a heat treater's licence or a steriliser's licence shall state whether the applicant intends to sell any of the milk by retail.

6. Where a producer applies for a licence to use the special designations " Certified " or " Tuberculin Tested " in relation to milk produced from a herd which he states is an attested herd the local authority shall satisfy themselves that the herd is an attested herd.

7. Where, before the first day of October, 1954, a producer applies for the grant of a licence (otherwise than by way of renewal of an existing licence) to use the special designation " Certified " or " Tuberculin Tested " in relation to milk produced from a herd which is not an attested herd, he shall—

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

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

(*c*) satisfy the local authority that any animal certified as reacting to the tuberculin test has been removed from the herd and that any animal certified as showing evidence of any disease which is likely to affect the milk injuriously has been segregated from the rest of the herd or removed from the herd as the case may require.

8. Where, before the first day of October, 1952, a producer applies for the grant of a licence (otherwise than by way of renewal of an existing licence) to use the special designation " Standard ", he shall—

(*a*) furnish the local authority with a veterinary surgeon's certificate of an examination of every milk cow in the herd at the date of the application carried out not more than one month before that date ; and

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

9. A dealer's supplementary licence shall be granted by a local authority if they have satisfied themselves that the applicant therefor has already been granted a dealer's licence (in this Article and in Article 13 of this Order referred to as " the principal licence ") by the local authority in whose area are situated the premises from which he intends to sell milk and if those premises are the premises mentioned in the principal licence, and shall authorise only the use of the special designation the use of which is authorised by the principal licence.

10. A local authority or the Secretary of State on appeal may refuse to grant a licence (otherwise than by way of renewal of an existing licence as to which provision is made in Part IV of this Order) to an applicant—

(*a*) if they are not satisfied that his arrangements for the production, handling, treatment, storage and distribution of milk are such as would enable him to comply with all relevant provisions contained in any enactment relating to milk and dairies or any order (including this Order) or regulations or byelaws made thereunder; or

(*b*) if they are satisfied that the applicant, by reason of having been convicted of any offence under any enactment relating to milk and dairies or any order or regulations or byelaws made thereunder, is unsuitable to hold a licence.

11.—(1) No licence shall be granted to a producer to use the special designation "Certified" or "Tuberculin Tested" on an application received after the thirtieth day of September, 1954, (whether by way of renewal of an existing licence or not) except in relation to milk produced from an attested herd.

(2) No licence shall be granted to a producer to use the special designation "Standard" on an application received after the thirtieth day of September, 1952, (whether by way of renewal of an existing licence or not).

(3) No licence to use the special designation "Heat Treated" shall be granted (whether by way of renewal of an existing licence or not).

PART III—PERIOD FOR AND CONDITIONS SUBJECT TO WHICH LICENCES ARE TO BE GRANTED

12.—(1) Subject to the provisions of this Order—

(*a*) a licence in force on the thirty-first day of December, 1951, shall not remain in force after that date;

(*b*) a licence to use the special designation "Standard" coming into force after the thirty-first day of December, 1951, shall not remain in force after the thirtieth day of September, 1954; and

(*c*) any other licence coming into force after the thirty-first day of December, 1951, shall remain in force until the expiry of the period of five years in which it comes into force, being one of the periods of five calendar years ending on the thirty-first day of December in the year 1956 and in any fifth succeeding year.

(2) Where an application for the grant of a licence by way of renewal of an existing licence is not determined before the date at which the existing licence expires that licence shall remain in force until the application is determined:

Provided that where the local authority decide to refuse to grant such a licence the period during which the existing licence remains in force by virtue of this paragraph shall be extended until the expiration of the period within which the holder thereof may appeal in accordance with the provisions of Part IV of this Order against the local authority's decision and, if such an appeal is made, until the appeal has been dismissed or withdrawn by the appellant or has been allowed by the Secretary of State, and, in the last case, until a licence has been issued to the appellant.

13. A dealer's supplementary licence unless suspended or revoked in accordance with the provisions of Part IV of this Order shall remain in force for such period as the principal licence remains in force.

14. A licence granted in accordance with this Order shall be subject to the general conditions set out in the First Schedule to this Order and shall also be subject to the following conditions—

(*a*) in the case of a licence authorising the use of the special designation "Certified", "Tuberculin Tested" or "Standard" to such of the special conditions set out in Parts I, II and III of the Second Schedule to this Order as are applicable thereto; and

(*b*) in the case of a licence authorising the use of the special designation "Pasteurised", "Heat Treated" or "Sterilised" to such of the special conditions set out in Parts I, II and III of the Third Schedule to this Order as are applicable thereto.

15. In granting a dealer's licence or a dealer's supplementary licence (whether by way of renewal of an existing licence or otherwise) a local authority may, having regard to the circumstances of the case, include in the licence a condition that the special designation the use of which is authorised by it shall be used only in relation to milk received by the dealer in retail containers and sold by him in these containers, the caps or fastenings of the containers having remained unbroken.

PART IV—REFUSAL, SUSPENSION AND REVOCATION OF LICENCES AND APPEALS ARISING THEREFROM

16. Save in the case of a licence held by a retailer for a specified area and subject to the provisions of Article 18 hereof, the local authority or the Secretary of State on appeal may suspend or revoke a licence or refuse to grant a licence by way of renewal of an existing licence on the ground of any breach of a condition thereof which is proved to the satisfaction of the local authority or the Secretary of State as the case may be to have been committed by the holder of the licence or on the ground that the holder of the licence by reason of having been convicted of any offence under any enactment relating to milk and dairies or any order or regulations or byelaws made thereunder is in the opinion of the local authority or the Secretary of State as the case may be unsuitable to hold the licence.

17.—(1) Subject to the provisions of paragraph (3) of this Article and of Article 18 of this Order the local authority or the Secretary of State on appeal may revoke a licence held by a retailer for a specified area or refuse to grant such a licence by way of renewal of an existing licence on the ground of a breach of a condition thereof being a condition to which section 8 of the Act of 1949 applies if the holder of the licence either—

(*a*) has been convicted of an offence under that section by virtue of the breach in question, or

(*b*) has been convicted within twelve months before the time of the breach in question or after the time of it, of an offence under the Milk and Dairies (Scotland) Acts, 1914 to 1949(a) (other than an offence under the said section 8) or of an offence under any order or byelaw made under any of the last mentioned Acts,

and the decision of the local authority or the Secretary of State to revoke the licence or to refuse to grant a licence by way of renewal thereof as the case may be is made within twelve months of the date of the breach in question.

(a) 4 & 5 Geo. 5. c. 46; 12 & 13 Geo. 5. c. 54; 24 & 25 Geo. 5. c. 51; 1 & 2 Geo. 6. c. 56; 12, 13 & 14 Geo. 6. c. 34.

(2) Subject to the provisions of paragraph (3) of this Article and of Article 18 of this Order the local authority or the Secretary of State on appeal may suspend a licence held by a retailer for a specified area on the ground of a breach of a condition thereof: Provided that any licence so suspended shall not be suspended for a period of more than three months by virtue of any one decision of the local authority or the Secretary of State as the case may be but any such period of suspension may be extended by a subsequent decision made in accordance with the provisions of this Order.

(3) A licence held by a retailer for a specified area shall not be suspended or revoked nor shall the grant of such a licence by way of renewal of an existing licence be refused on the ground of such a breach as aforesaid unless the breach is proved (in a case referred to a tribunal by virtue of the subsequent provisions of this Order) by the finding of the tribunal or (in any other case) to the satisfaction of the local authority or the Secretary of State as the case may be.

For the purposes of this paragraph where the holder of a licence has been convicted of an offence under section 8 of the Act of 1949 by virtue of a breach of a condition of the licence his conviction thereof shall be conclusive proof of the commission of that breach by him.

18.—(1) The local authority or the Secretary of State on appeal shall not suspend or revoke a licence or refuse to grant a licence by way of renewal of an existing licence on the ground of any breach of a condition thereof if the holder of the licence proves to the satisfaction of the local authority or the Secretary of State as the case may be that—

(*a*) neither he nor any servant or agent of his did, or knew of the doing of, any act that constituted the breach or can reasonably be regarded as having been the cause or amongst the causes of it, or omitted to do, or knew of an omission to do, any act the omission whereof constituted the breach or the doing whereof can reasonably be regarded as a precaution that would have prevented it; and

(*b*) if the breach was in connection with milk that had been sold to him, the special designation the use of which his licence authorised was used for the purpose of the sale to him and was so used without any breach, discoverable by the exercise of reasonable diligence on the part of himself or any agent or servant of his, of a condition of the licence to use that special designation held by the person who sold the milk to him, being a condition relating to the design, closing, fastening or marking of the containers in which the milk was sold to him.

(2) The local authority or the Secretary of State on appeal shall not suspend or revoke a licence or refuse to grant a licence by way of renewal of an existing licence on the ground of a breach of a condition thereof being a condition relating to the satisfaction by a sample of the milk to which the licence relates of any test to which the milk is required to be subjected in accordance with the provisions of this Order unless—

(*a*) in the case of any licence there has been a breach in the case of not fewer than three such samples and no sample taken in the period intervening between the taking of the first and of the third such sample has satisfied such test, the said period being not less than 21 and not more than 28 days, or

(*b*) in the case of a producer's licence, a pasteuriser's licence, a heat treater's licence or a steriliser's licence the local authority or the Secretary of State as the case may be is satisfied, on a review of the results of the tests of all such samples taken in the period of twelve months

immediately preceding the date on which the review is made, that the licence should be suspended or revoked or that a licence should not be granted by way of the renewal thereof as the case may be.

19.—(1) Where a local authority propose to suspend or revoke a licence or to refuse to grant a licence in accordance with the provisions of Articles 10, 16 or 17 of this Order—

(*a*) the local authority shall serve on the holder of the licence or the applicant for the licence as the case may be a notice informing him of their proposal and the reasons therefor and of his right under the next succeeding subparagraph;

(*b*) the holder of the licence or the applicant for the licence as the case may be may, within fourteen days after the receipt of such a notice, make representations in writing to the local authority in regard to the proposal and may require the local authority to afford him an opportunity of being heard by the appropriate committee of the local authority, and the local authority shall comply with any such requirement before making their decision;

(*c*) any such hearing by a committee shall be in public and the holder of the licence or the applicant for the licence as the case may be 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 such witnesses as may be called by another; and

(*d*) subject to the foregoing provisions of this paragraph the procedure at any such hearing shall be such as may be determined by the committee.

(2) If the local authority, after complying with the provisions of the last foregoing paragraph, decide to suspend or revoke a licence or to refuse to grant a licence they shall notify the holder of the licence or the applicant for the licence as the case may be of their decision and shall at the same time advise him, in writing, that he may appeal against the decision to the Secretary of State within seven days of receiving such notification.

(3) A decision of the local authority to suspend or revoke a licence shall not have effect until seven days after the receipt by the holder of the licence of notice thereof, and in the event of an appeal against the decision until the determination of the appeal.

20.—(1) The holder of a licence whose licence has been suspended or revoked or an applicant to whom the local authority have refused to grant a licence (whether by way of renewal of an existing licence or otherwise) may within seven days of receiving notification of the local authority's decision appeal to the Secretary of State against the local authority's decision to suspend or revoke or to refuse the licence as the case may be.

(2) On such an appeal being made the Secretary of State—

(*a*) shall notify the appellant—

(i) that he may within fourteen days make representations in writing to the Secretary of State; and

(ii) where the issue is the revocation or suspension of a licence held by a retailer for a specified area or the refusal to grant a licence by way of renewal of such a licence, that he may within the like period request the Secretary of State to refer the matter to a tribunal; and

(*b*) where such a request is made, shall refer the matter to a tribunal and before determining the appeal shall consider the report of the tribunal.

(3) On any such appeal—

(*a*) any reference in this Order to the doing of anything to the satisfaction of the local authority shall be treated as if the reference were to the doing of that thing to the satisfaction of the Secretary of State who in determining the appeal may, if he thinks fit, take into consideration any change of circumstances brought about since the date of the local authority's decision;

(*b*) the determination of the Secretary of State shall be final and the local authority shall comply therewith.

(4) An appellant may withdraw his appeal at any time by sending a notice in that behalf to the Secretary of State.

(5) Where under this Article any issue is referred to a tribunal the constitution and procedure of the tribunal shall be in accordance with the provisions of the Sixth Schedule to this Order.

PART V—MISCELLANEOUS PROVISIONS

21. The provisions as to sampling set out in the Fourth Schedule to this Order shall have effect for the purpose of any provision of this Order relating to the taking of samples of milk and the provisions of the Fifth Schedule as to the testing of samples of milk so taken shall have effect for the purposes of this Order.

22. Where milk is brought from England or Wales into Scotland a licence granted in pursuance of regulations made under the Food and Drugs Acts, 1938 to 1950(a), authorising the use in relation to that milk of a special designation corresponding to a special designation authorised by this Order shall have effect as if it had been granted under this Order and, so far as any conditions prescribed in this Order for a licence authorising the use of that designation would relate to anything to be done before the milk enters Scotland, they shall be deemed to be satisfied if the corresponding conditions of the said regulations are complied with.

23. Nothing in this Order shall authorise a local authority to whom an application for the grant of a dealer's supplementary licence is made or who have granted such a licence to exercise outwith their own area any powers conferred on them by any enactment relating to milk and dairies or any order (including this Order) or regulations made thereunder.

24.—(1) Notwithstanding anything in this Order and without prejudice to section 38 of the Interpretation Act, 1889, any licence granted in accordance with the Milk (Special Designations) (Scotland) Orders, 1936 to 1949, and in force immediately before this Order comes into operation shall continue in force and have effect until the thirty-first day of December, 1951, as if it were a licence granted in accordance with this Order.

(2) Any decisions made, proceedings taken in connection with appeals, and other things done in relation to a licence to which the first paragraph of this Article applies before the date of coming into operation of this Order or pending at that date shall continue and have effect as if they had been made, taken or done in accordance with the provisions of this Order.

(a) 1 & 2 Geo. 6. c. 56; 7 & 8 Geo. 6. c. 29; 14 Geo. 6. c. 35.

(3) For the purposes of this Article any person holding a producer's licence, a pasteuriser's licence or a heat treater's licence granted in accordance with the Milk (Special Designations) (Scotland) Orders, 1936 to 1949, who sells by retail any of the milk to which the licence relates shall be deemed to hold both a dealer's licence and a producer's licence, a pasteuriser's licence or a heat treater's licence as the case may be.

Dated this 11th day of April, 1951.

Hector McNeil,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

FIRST SCHEDULE

GENERAL CONDITIONS SUBJECT TO WHICH LICENCES ARE GRANTED

1. The arrangements for the production, handling, treatment, storage and distribution of milk by the holder of the licence shall be such as to enable him to comply with the requirements of all relevant provisions contained in any enactment relating to milk and dairies and of any order (including this Order), regulations or byelaws made thereunder.

2. The milk to which the licence relates shall be kept apart from all other milk.

3. Any container into which the milk is put shall be sterilised by steam on the premises to which the licence relates on each occasion before the container is used for the milk:

Provided that this paragraph shall not apply to non-returnable containers which the local authority are satisfied are sterile, and, where the local authority so permit, to bottles cleansed in bottle-washing machines.

4. Such parts of any plant or apparatus as come into contact with the milk shall be sterilised either by steam, or by water at a temperature of not less than 180° F., on each occasion before the plant or apparatus is used for the milk:

Provided that any such parts of plant or apparatus that have been in contact with milk—

(i) in relation to which the special designation "Certified" has been or is intended to be used may, immediately after they have been in contact with that milk, be brought into contact, without having been sterilised, with milk in relation to which the special designation "Tuberculin Tested" or "Standard" has been or is intended to be used;

(ii) in relation to which the special designation "Tuberculin Tested" has been or is intended to be used may, immediately after they have been in contact with that milk, be brought into contact, without having been sterilised, with milk in relation to which the special designation "Standard" has been or is intended to be used;

(iii) after it has been pasteurised in accordance with the provisions of Part I of the Third Schedule to this Order may, immediately after they have been in contact with that milk, be brought into contact, without having been sterilised, with milk in relation to which the special designation "Tuberculin Tested" or "Standard" has been or is intended to be used.

5. Subject to the provisions of this Order 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 calculated to suggest that it is tested, approved or graded by any competent person.

6. The holder of the licence shall keep in relation to the milk to which the licence applies accurate records of the quantities of such milk produced, purchased, and sold 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 and shall retain such records for a period of twelve months from the date of production or of any transaction to which the records relate.

7. Without prejudice to any provisions as to inspection or the taking of samples contained in any enactment relating to milk and dairies or any order or regulations or byelaws made thereunder any person duly authorised by the Secretary of State or the local authority may—

(*a*) inspect the processes of production, handling and treatment and the arrangements for the storage and distribution of the milk to which the licence applies;

(*b*) take samples of the milk free of charge; and

(*c*) inspect any records which the holder of the licence is required by this Order to keep;

and the holder of the licence shall afford him all necessary facilities for these purposes.

8.—(1) Every retail container shall immediately after the milk has been put into it be securely closed.

(2) Where such retail container is a bottle it shall be closed with a cap overlapping the lip of the bottle: Provided that in the case of a bottle into which milk is put in accordance with the provisions of paragraphs 5 or 11 of Part I or paragraphs 5 or 10 of Part II of the Third Schedule to this Order the provision of this sub-paragraph shall not apply until such date as the Secretary of State may appoint.

SECOND SCHEDULE

CERTIFIED, TUBERCULIN TESTED AND STANDARD MILK

PART I

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

A. Conditions applying to a producer's licence

1. If the herd is an attested herd it shall continue to be an attested herd and the holder of the licence shall, if the herd is registered in 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, comply with the conditions prescribed in that scheme, or shall, if the herd is not so registered but is kept in an area which is for the time being an eradication area or attested area by virtue of an order made under section 5 of that Act, comply with the requirements of that order.

2. If the herd is not an attested herd the following conditions shall apply, that is to say:—

(*a*) every animal in the herd shall be submitted to a tuberculin test by a veterinary inspector at such times as may be required by the Minister of Agriculture and Fisheries;

(*b*) no animal shall be added to the herd unless it has passed a tuberculin test within fourteen days before it is so added, or, in the case of an animal taken directly from an attested herd or a herd in respect of which a licence authorising the use of the special designation "Certified" or "Tuberculin Tested" is in force, unless it passed that test on the occasion on which the animals in that herd were last submitted to that test;

and within seven days after the addition of an animal other than an animal taken from any such herd the certificate of the tuberculin test shall be sent to the local authority together with a notification of the date of the addition and the animal shall be segregated from the rest of the herd until it has been submitted to a further tuberculin test by a veterinary inspector which test shall take place not earlier than sixty days after the date of its addition;

(*c*) no person other than a veterinary inspector shall inject tuberculin into any animal in the herd except with the consent of the Minister of Agriculture and Fisheries;

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

(*e*) every animal in the herd shall be suitably marked for the purposes of identification and a register of such animals identifying each animal by its mark shall be kept by the holder of the licence;

(*f*) every animal in the herd shall be submitted to an examination by a veterinary inspector at such times as may be required by the Minister of Agriculture and Fisheries;

(*g*) the herd shall be completely isolated from all other cattle except cattle belonging to any other herd to which this paragraph applies; and

(*h*) the holder of the licence shall give to a veterinary inspector any assistance which the veterinary inspector may reasonably request him to give for the purpose of a tuberculin test or an examination of animals.

3. No animal in the herd shall be inoculated with live *Brucella abortus* except with a vaccine approved by the Minister of Agriculture and Fisheries.

4. Where an animal belonging to the herd 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 the animal is so segregated or after it has been so removed, the special designation shall not be used in relation to its milk.

5. Immediately after the milk is produced the holder of the licence shall cool it on the premises where it was produced to a temperature not exceeding 50°F.

6.—(1) Immediately after the milk is cooled the holder of the licence shall put it into retail containers on the premises where it was produced.

(2) Every such container shall bear in some prominent position the name of the premises where the milk is produced and the words "Certified Milk": Provided that in the case where the container is a bottle these particulars shall be borne on the cap and may also, if the producer so desires, be borne on the bottle.

(3) The container may also bear the name of the producer, the day of production (with the word "morning" or "evening" added according to the time of milking), the words "Produced from cows which have passed the tuberculin test" and the word "Farm-bottled".

7. The milk shall not be removed from the retail containers or the caps or fastenings broken before delivery to the consumer.

8. The milk shall not at any stage be treated by heat or in any manner likely to affect its nature or qualities.

9. Any sample of the milk taken after it has been cooled but before delivery to the consumer shall, on being tested in accordance with the provisions of the Fifth Schedule to this Order, be found to contain—

(*a*) not more than 30,000 bacteria per millilitre; and

(*b*) no coliform bacteria in one-tenth of a millilitre.

10.—(1) Paragraphs 6, 7 and 8 of this Part of this Schedule shall not apply as respects milk in relation to which the holder of the licence does not use or intend to use the special designations "Certified", "Tuberculin Tested" or "Standard"; and if the holder of the licence uses or intends to use such

milk for feeding stock or for the manufacture of butter, cream, cheese or other milk product on the premises where the milk is produced paragraphs 5 and 9 also of this Part of this Schedule shall not apply thereto.

(2) Paragraph 6 of this Part of this Schedule shall not apply as respects milk in relation to which the holder of the licence uses or intends to use the special designations "Tuberculin Tested" or "Standard", but as respects such milk paragraph 3 of Part II and paragraph 7 of Part III of this Schedule respectively shall apply.

(3) Paragraph 9 of this Part of this Schedule shall not apply as respects milk in relation to which the holder of the licence does not use or intend to use the special designation "Certified" and which has been put into bulk containers by him but as respects such milk paragraph 6 of Part II of this Schedule shall apply.

B. Conditions applying to a dealer's licence and a dealer's supplementary licence

11. Paragraphs 7, 8 and 9 of this Part of this Schedule shall apply to a dealer's licence and a dealer's supplementary licence as they apply to a producer's licence.

12. The holder of the licence shall use the special designation "Certified" only in relation to milk in relation to which the said special designation was used in connection with its sale or delivery to him or in relation to which he is authorised by a producer's licence to use the said special designation.

PART II

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

A. Conditions applying to a producer's licence

1. Paragraphs 1 to 4 inclusive of Part I of this Schedule shall apply to a producer's licence to which this Part applies as they apply to a producer's licence to which the said Part I applies.

2.—(*a*) On and after a date to be appointed by the Secretary of State the holder of the licence shall, immediately after the milk is produced, cool it on the premises where it was produced to a temperature not exceeding 50° F.; and

(*b*) until the date so appointed the holder of the licence shall, immediately after the milk is produced, cool it on the premises where it was produced to a temperature not exceeding 60° F.

3. Immediately after the milk is cooled, the holder of a licence shall, on the premises where it was produced, either—

(*a*) put it into retail containers, and in that event paragraph 6 of Part I of this Schedule shall apply with the substitution of the words "Tuberculin Tested Milk" for the words "Certified Milk", or

(*b*) put it into unventilated bulk containers each of which shall be labelled or marked in some prominent position with the name of the premises, and shall before it leaves the premises either be labelled or marked in some prominent position with the words "Tuberculin Tested Milk" or be included in a consignment accompanied by a note bearing the name of the premises, the number of bulk containers in the consignment and the designation "Tuberculin Tested".

4. Where the milk has been put into retail containers it shall not be removed from these containers or the caps or fastenings broken before delivery to the consumer.

5. The milk shall not be treated by the holder of the licence by heat or in any manner likely to affect its nature or qualities.

6. Any sample of the milk taken after it has been cooled but before delivery to the consumer shall, on being tested in accordance with the provisions of the Fifth Schedule to this Order, be found to contain—

(*a*) not more than 200,000 bacteria per millilitre; and

(*b*) no coliform bacteria in one hundredth of a millilitre.

7.—(1) Paragraphs 3, 4 and 5 of this Part of this Schedule shall not apply as respects milk in relation to which the holder of the licence does not use or intend to use the special designations "Tuberculin Tested" or "Standard"; and if the holder of the licence uses or intends to use such milk for feeding stock or for the manufacture of butter, cream, cheese or other milk product on the premises where the milk is produced paragraphs 2 and 6 also of this Part of this Schedule shall not apply thereto.

(2) Paragraph 3 of this Part of this Schedule shall not apply as respects milk in relation to which the holder of the licence uses or intends to use the special designation "Standard", but as respects such milk paragraph 7 of Part III of this Schedule shall apply.

B. Conditions applying to a dealer's licence and a dealer's supplementary licence.

8. Paragraphs 4, 5 and 6 of this Part of this Schedule shall apply to a dealer's licence and a dealer's supplementary licence as they apply to a producer's licence.

9. The holder of the licence shall use the special designation "Tuberculin Tested" only in relation to milk in relation to which the said special designation was used in connection with its sale or delivery to him or in relation to which he is authorised by a producer's licence to use the said special designation.

10.—(1) Where the holder of the licence takes milk from a bulk container and puts it into retail containers he shall put it into the retail containers as soon as possible after the breaking of the seal of the bulk container.

(2) Every such retail container shall bear in some prominent position the name of the premises where the milk was put into it, and the words "Tuberculin Tested Milk": Provided that in the case where the container is a bottle these particulars shall be borne on the cap and may also, if the dealer so desires, be borne on the bottle.

(3) Any such retail container may also bear the name of the dealer, the day of production (with the word "morning" or "evening" added according to the time of milking) and the words "Produced from cows which have passed the tuberculin test".

11. Where the holder of the licence takes milk from a bulk container and puts it into another bulk container he shall put it into the other container as soon as possible after the breaking of the seal of the first-mentioned container.

PART III

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

A. Conditions applying to a producer's licence

1. Every milk cow in the herd shall be suitably marked for the purposes of identification and a register of such cows identifying each cow by its mark shall be kept by the holder of the licence.

2. Every milk cow in the herd shall be submitted to an examination by a veterinary inspector at such times as may be required by the Minister of Agriculture and Fisheries and the holder of the licence shall give to the inspector any assistance which the inspector may reasonably request him to give for the purpose of any such examination.

3. Where an animal belonging to the herd 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 the animal is so segregated or after it has been so removed, the special designation shall not be used in relation to its milk.

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

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

6. The holder of the licence shall, immediately after the milk is produced, cool it on the premises where it was produced to a temperature not exceeding 60° F.

7. Immediately after the milk is cooled, the holder of the licence shall, on the premises where it was produced, either—

(*a*) put it into retail containers which shall bear in some prominent position the name of the premises and the words "Standard Milk", and may also bear the name of the producer and the day of production (with the word "morning" or "evening" added according to the time of milking): Provided that in the case where the container is a bottle the name of the premises and the words "Standard Milk" shall be borne on the cap, and may also, if the producer so desires, be borne on the bottle, or

(*b*) put it into unventilated bulk containers each of which shall be labelled or marked in some prominent position with the name of the premises, and shall before it leaves the premises either be labelled or marked in some prominent position with the words "Standard Milk" or be included in a consignment accompanied by a note bearing the name of the premises, the number of bulk containers in the consignment and the designation "Standard".

8. The milk shall not be treated by heat or in any manner likely to affect its nature or qualities.

9. Where the milk has been put into retail containers it shall not be removed from these containers or the caps or fastenings broken before delivery to the consumer.

10. Any sample of the milk taken after it has been cooled but before delivery to the consumer shall, on being tested in accordance with the provisions of the Fifth Schedule to this Order, be found to contain—

(*a*) not more than 200,000 bacteria per millilitre; and

(*b*) no coliform bacteria in one hundredth of a millilitre.

11.—(1) Paragraphs 7, 8 and 9 of this Part of this Schedule shall not apply as respects milk in relation to which the holder of the licence does not use or intend to use the special designation "Standard"; and if the holder of the licence uses or intends to use such milk for feeding stock or for the manufacture of butter, cream, cheese or other milk product on the premises where the milk is produced paragraphs 6 and 10 also of this Part of this Schedule shall not apply thereto.

B. Conditions applying to a dealer's licence and a dealer's supplementary licence

12. Paragraphs 8, 9 and 10 of this Part of this Schedule shall apply to a dealer's licence and a dealer's supplementary licence as they apply to a producer's licence.

13. The holder of the licence shall use the special designation "Standard" only in relation to milk in relation to which the said special designation was used in connection with its sale or delivery to him or in relation to which he is authorised by a producer's licence to use the said special designation.

14.—(1) Where the holder of the licence takes milk from a bulk container and puts it into retail containers he shall put it into the retail containers as soon as possible after the breaking of the seal of the bulk container.

(2) Every such retail container shall bear in some prominent position the name of the premises where the milk was put into it, and the words "Standard Milk": Provided that in the case where the container is a bottle these particulars shall be borne on the cap and may also, if the dealer so desires, be borne on the bottle.

(3) Any such container may also bear the name of the dealer and the day of production (with the word "morning" or "evening" added according to the time of milking).

16. Where the holder of the licence takes milk from a bulk container and puts it into another bulk container he shall put it into the other container as soon as possible after the breaking of the seal of the first-mentioned container.

THIRD SCHEDULE

Pasteurised, Heat Treated and Sterilised Milk

Part I

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

A. Conditions applying to a pasteuriser's licence

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

(*a*) it shall be heated to and maintained for a period of at least 30 minutes at a temperature of not less than 145° F. and not more than 150° F. and immediately after the termination of the said period shall be cooled to a temperature of not more than 50° F.; or

(*b*) it shall be heated to and maintained for a period of at least 15 seconds at a temperature of not less than 161° F. and not more than 173° F. and immediately after the termination of the said period shall be cooled to a temperature of not more than 50° F.;

and the apparatus in which the milk is pasteurised shall be satisfactory to the local authority.

2.—(1) As from such date as the Secretary of State may appoint, the apparatus in which the milk is pasteurised shall be fitted with a thermostatic control.

(2) Where the milk is pasteurised in accordance with the provisions of sub-paragraph (*b*) of paragraph 1 of this Part of this Schedule, the apparatus shall be provided with a device which shall automatically prevent any milk which has not been raised to a temperature of 161° F. from flowing into the cooler.

(3) Such indicating and recording thermometers as the local authority shall consider necessary shall be installed in suitable places in the apparatus so as respectively to indicate and record the temperatures at which the milk is maintained and, if a thermometer has not been installed in the apparatus to indicate or record the temperature to which the milk is cooled, a thermometer shall be inserted in the apparatus from time to time during the pasteurising process to indicate that temperature.

3. Each record made by a recording thermometer shall be marked with the date on which it was made and shall be preserved for a period of not less than three months.

4. The special designation shall not be used in relation to milk which has at any time been treated by heat otherwise than in accordance with the provisions of paragraph 1 of this Part of this Schedule: Provided that this paragraph shall not apply in the case of milk imported from Northern Ireland which is pasteurised in accordance with the provisions of paragraph 1 of this Part of this Schedule after it has been imported.

5. Immediately after the milk is cooled the holder of the licence shall, on the premises where it was pasteurised, either—

(*a*) put it into retail containers which shall bear in some prominent position the name of the premises and the words " Pasteurised Milk " and may also bear the name of the holder of the licence: Provided that in the case where the container is a bottle the name of the premises and the words " Pasteurised Milk " shall be borne on the cap, and may also, if the holder of the licence so desires, be borne on the bottle, or

(*b*) put it into unventilated bulk containers which shall be labelled or marked in some prominent position with the name of the premises and the words " Pasteurised Milk ".

6. Where the milk has been put into retail containers, it shall not be removed from these containers or the caps or fastenings broken before delivery to the consumer.

7. Any sample of the milk taken after it has been pasteurised but before delivery to the consumer, on being tested in accordance with the provisions of the Fifth Schedule to this Order, shall—

(*a*) on submission to a phosphatase test give a reading not exceeding 2.3 Lovibond blue units, and

(*b*) be found to contain no coliform bacteria in one-hundredth of a millilitre.

B. Conditions applying to a dealer's licence and a dealer's supplementary licence

8. Paragraphs 6 and 7 of this Part of this Schedule shall apply to a dealer's licence and a dealer's supplementary licence.

9. The holder of the licence shall use the special designation only in relation to milk in relation to which the special designation was used in connection with its sale or delivery to him or in relation to which he is authorised by a pasteuriser's licence to use the special designation.

10. On and after 1st October, 1954, where the holder of a dealer's licence or a dealer's supplementary licence is not the holder of a pasteuriser's licence he shall deliver the milk to the consumer only in the containers in which he receives it, the caps or fastenings of such containers remaining unbroken.

11.—(1) Where before 1st October, 1954, the holder of the licence takes milk from a bulk container and puts it into retail containers he shall put it into the retail containers as soon as possible after the breaking of the seal of the bulk container.

(2) Every such retail container shall bear in some prominent position the name of the premises where the milk was put into it and the words " Pasteurised Milk ", and may also bear the name of the holder of the licence: Provided that, in the case where the container is a bottle, the name of the premises and the words " Pasteurised Milk " shall be borne on the cap, and may also, if the dealer so desires, be borne on the bottle.

12. Where the holder of the licence takes milk from a bulk container and puts it into another bulk container he shall put it into the other container as soon as possible after the breaking of the seal of the first-mentioned container.

PART II

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

A. Conditions applying to a heat treater's licence

1. The milk shall be treated by heat in apparatus of such a type and by such methods as are satisfactory to the local authority.

2. The milk shall not at any time be or have been raised to a temperature of more than 173° F.

3. Such indicating thermometers and recording thermometers as the local authority shall consider necessary shall be installed in suitable places in the apparatus in which the milk is treated by heat.

4. Immediately after heat treatment the milk shall be cooled to a temperature not exceeding 60° F.

5. Immediately after the milk has been cooled, the holder of the licence shall, on the premises where it was treated by heat, either—

(*a*) put it into retail containers which shall bear in some prominent position the name of the premises and the words " Heat Treated Milk ", and may also bear the name of the holder of the licence: Provided that in the case where the container is a bottle the name of the premises and the words " Heat Treated Milk " shall be borne on the cap, and may also, if the holder of the licence so desires, be borne on the bottle, or

(*b*) put it into unventilated bulk containers which shall be labelled or marked in some prominent position with the name of the premises and the words " Heat Treated Milk ".

6. Where the milk has been put into retail containers, it shall not be removed from these containers or the caps or fastenings broken before delivery to the consumer.

7. Any sample of the milk taken after it has been heat treated but before delivery to the consumer, on being tested in accordance with the provisions of the Fifth Schedule to this Order, shall on submission to a phosphatase test give a reading not exceeding 2.3 Lovibond blue units.

B. Conditions applying to a dealer's licence and a dealer's supplementary licence

8. Paragraphs 6 and 7 of this Part of this Schedule shall apply to a dealer's licence and a dealer's supplementary licence.

9. The holder of the licence shall use the special designation " Heat Treated " only in relation to milk in relation to which the said special designation was used in connection with its sale or delivery to him or in relation to which he is authorised by a heat treater's licence to use the said special designation.

10.—(1) Where the holder of the licence takes milk from a bulk container and puts it into retail containers he shall put it into the retail containers as soon as possible after the breaking of the seal of the bulk container.

(2) Every such retail container shall bear in some prominent position the name of the premises where the milk was put into it and the words " Heat Treated Milk ", and may also bear the name of the holder of the licence: Provided that, in the case where the container is a bottle, the name of the premises and the words " Heat Treated Milk " shall be borne on the cap, and may also, if the dealer so desires, be borne on the bottle.

11. Where the holder of the licence takes milk from a bulk container and puts it into another bulk container he shall put it into the other container as soon as possible after the breaking of the seal of the first-mentioned container.

PART III

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

A. Conditions applying to a steriliser's licence

1. The milk, having been filtered or clarified, and homogenised, shall be sterilised in the following manner, that is to say, it shall be heated to and maintained for a period not exceeding 30 minutes at a temperature of not less than 220° F. and not more than 235° F.

2.—(1) The milk shall be treated by heat as aforesaid in capped bottles so that on completion of the treatment the bottles are hermetically sealed.

(2) Every such bottle shall bear the name of the premises where the milk is sterilised and the words " Sterilised Milk ".

3.—(1) The apparatus in which the milk is sterilised shall be satisfactory to the local authority.

(2) Such thermometers and pressure gauges as the local authority shall consider necessary shall be inserted in suitable places in the apparatus so as to indicate the temperature to which the milk is raised and the pressure to which it is subjected.

4. The bottles shall remain sealed until delivery to the consumer.

5. Any sample of the milk, on being tested in accordance with the provisions of the Fifth Schedule to this Order, shall satisfy the turbidity test.

B. Conditions applying to a dealer's licence and a dealer's supplementary licence

6. Paragraphs 4 and 5 of this Part of this Schedule shall apply to a dealer's licence and a dealer's supplementary licence.

7. The holder of the licence shall use the special designation "Sterilised" only in relation to milk in relation to which the said special designation was used in connection with its sale or delivery to him or in relation to which he is authorised by a steriliser's licence to use the said special designation.

FOURTH SCHEDULE

PROVISIONS AS TO THE TAKING, IDENTIFICATION AND TRANSPORTATION OF SAMPLES

1. Sampling shall be carried out in the following manner—

(*a*) where the milk is in retail containers, by taking one of the containers which, save in a case to which paragraph 3 of this Schedule applies, shall be delivered intact to the testing laboratory in accordance with the provisions of paragraph 4 of this Schedule;

(*b*) where the milk is in bulk containers, by taking the sample from well below the surface of the milk after the milk has been thoroughly stirred, the instruments used for stirring and sampling the milk having been sterilised before use, and, save in a case to which paragraph 3 of this Schedule applies, putting the sample into a bottle which shall immediately thereafter be stoppered, the bottle and its stopper having been sterilised before use.

2. Save in a case to which the next succeeding paragraph applies, the person taking the sample, shall, immediately the sample has been taken, affix to the vessel containing the sample a label bearing a distinctive mark.

3. Where a sample of milk in relation to which the special designation "Pasteurised" or "Sterilised" is being used is taken in or from a container bearing the name of premises mentioned in a licence held by a retailer for a specified area, the person taking the sample shall, after the sample has been taken, then and there divide it into two parts each of which shall be put into a bottle which shall immediately be stoppered, the bottle and its stopper having been sterilised before use, and which shall be sealed and marked or labelled with a distinctive mark, and he shall—

(*a*) forward one part to the holder of the said licence together with a notice informing him that he intends to have part of the sample tested in accordance with the provisions of the Fifth Schedule to this Order; and

(*b*) forward one part to the testing laboratory in accordance with the provisions of paragraph 4 of this Schedule.

4.—(1) Immediately after it has been marked or labelled the vessel containing the sample shall be transferred to a box or case having a tightly fitting lid and lined throughout to a thickness of at least one inch with expanded rubber, balsa wood, compressed cork or other material with similar insulating properties, which box or case shall be despatched to the testing laboratory as soon as practicable: Provided that where there is delay in despatch to the laboratory such additional measures as are practicable shall be taken to prevent the temperature of the sample from rising.

(2) With the vessel containing the sample there shall be sent to the testing laboratory a note bearing the distinctive mark with which the vessel is marked or labelled, the time at and date on which the sample was taken, and, if these particulars are known, the time at and date on which the milk from which the sample was taken was produced.

FIFTH SCHEDULE

PART I

Provisions as to the treatment of samples at the laboratory before testing

1.—(1) A sample of raw milk taken at the producer's premises or before the milk has been removed from the container into which it was put by the producer, or, where the producer has put the milk into retail containers, before the milk has been unloaded from the vehicle in which it was removed from the producer's premises, other than a sample taken in or from a container bearing the word "evening" or known to have been produced after noon but before midnight—

(*a*) shall not be tested until 3 p.m. on the day on which the sample was taken and, subject to the following provisions of this sub-paragraph, shall, until tested, be kept in the box or case in which it was transported to the laboratory;

(*b*) shall, if it is impracticable to begin the tests on the day on which the sample was taken, be cooled before 6 p.m. on that day to a temperature between 32°F. and 40°F. and kept so that its temperature does not fall below 32°F. or rise above 40°F. until the tests are begun; and

(*c*) shall not be tested if testing cannot be begun before 12 noon on the day next succeeding the day on which the sample was taken.

(2) A sample of raw milk taken at the producer's premises or before the milk has been removed from the container into which it was put by the producer, or, where the producer has put the milk into retail containers, before the milk has been unloaded from the vehicle in which it was removed from the producer's premises, and either taken in or from a container bearing the word "evening" or known to have been produced after noon but before midnight, shall be tested as soon as practicable on the day next succeeding the day on which the milk was produced, shall be kept until tested in the box or case in which it was transported to the laboratory and shall not be tested if it is impossible to begin testing before 6 p.m. on that day.

2.—(1) A sample of pasteurised, heat treated or sterilised milk, or a sample of raw milk, other than a sample to which paragraph 1 of this Schedule applies, shall, so far as practicable, be tested immediately on arrival at the laboratory.

(2) If it is impracticable to test such sample immediately on arrival at the laboratory, it shall, as soon as possible after arrival, be cooled to a temperature of between 32°F. and 40°F. and shall be kept so that its temperature does not fall below 32°F. or rise above 40°F. until testing is begun: Provided that no sample shall be so kept for a period exceeding 24 hours.

PART II

Provisions as to the testing of samples of milk for bacterial count and coliform bacteria

1. In testing samples of milk for bacterial count and the presence of coliform bacteria the following paragraphs of this Part of this Schedule shall be complied with.

Culture Media

2.—(*a*) Bacterial count. The medium to be used shall be standard milk count agar, either compounded in the laboratory or prepared in accordance with the manufacturer's directions from a granular desiccated medium of a type approved by the Secretary of State, and shall have the following composition:—

Yeastrel	3.0 grams
Peptone of a type approved by the Secretary of State	5.0 grams
Agar-agar	15.0 grams
Milk (fresh or spray-dried, skim or whole milk)	10.0 ml.
Water (distilled or tap)	to 1 litre

Where the medium is compounded in the laboratory, it shall be filtered through a pulp-paper filter. The pH value before filtration shall be 7.2.

The medium shall be sterilised either by autoclaving at 15 lb. pressure for 20 minutes or in a steamer for 30 minutes on three successive days.

(*b*) Coliform test. The medium to be used shall be bile salt lactose broth, either compounded in the laboratory or prepared in accordance with the manufacturer's directions from a granular desiccated medium of a type approved by the Secretary of State, and shall have the following composition:—

Peptone of a type approved by the Secretary of State	20.0 grams
Bile salts	5.0 grams
Sodium chloride (A.R.)	5.0 grams
Lactose (A.R.)	10.0 grams
Water (distilled or tap)	to 1 litre
Brom-cresol purple (1.6%)	2.5 ml.

The pH value before sterilisation shall be 7.2 ± 0.2.

The medium shall be tubed in 5 ml. quantities in $6'' \times \frac{5}{8}''$ tubes provided with a rimless Durham tube ($1\frac{3}{4}'' \times \frac{5}{16}''$) and sterilised either by autoclaving at 15 lb. pressure for 20 minutes or in a steamer for 30 minutes on three successive days.

Dilutions

3. The diluent to be used shall be sterile tap water. The dilutions shall be made in test tubes or sterile bottles containing accurately measured quantities of the diluent, which shall have been distributed into the tubes or bottles after they have been sterilised.

Temperature and time of incubation of the cultures

4. The Petri plate and coliform cultures shall be incubated at $37.5 \pm 0.5°$ C. for 48 hours.

Technique of tests

5.—(*a*) Colony count. In testing "Certified" milk 1 ml. of 1 in 100 dilution shall be plated and in testing "Tuberculin Tested" and "Standard" milks 1 ml. of 1 in 1,000 dilution shall be plated. For each sample being tested not less than two plates shall be prepared.

(*b*) Coliform test. In testing "Certified" milk 1 ml. of 1 in 10 dilution or 0.1 ml. of milk measured directly by means of a micro-pipette shall be used and in testing "Tuberculin Tested", "Standard" or "Pasteurised" milks 1 ml. of 1 in 100 dilution shall be used. For each sample being tested three tubes shall be prepared.

Examination of cultures

6.—(*a*) Petri plate cultures. All colonies (including "pin-point" colonies) on each plate shall be counted and the arithmetic mean count obtained. The count shall be made with a good artificial light, a tally counter and a lens. The result of the count shall be recorded as the number of bacteria per millilitre (in the case of "Certified" milk, to the nearest hundred, and, in any other case, to the nearest thousand).

(*b*) Coliform cultures. The culture tubes shall be examined for the production of acid and gas after 48 hours incubation. Those tubes showing acid with gas production in the Durham tube shall be considered to be positive.

Interpretation of the Coliform test

If acid and gas production are absent from two of the three tubes the portion of the sample which has been tested shall be presumed to contain no coliform bacteria.

General precautions

7.—(1) The sterility of the media and apparatus shall be tested by carrying out a blank test using sterile water in place of milk when each batch of samples is examined.

(2) Before the dilutions are prepared, the milk shall be thoroughly mixed by inverting the bottle 25 times.

(3) Each dilution shall be thoroughly mixed without vigorous shaking.

(4) In the preparation of the dilutions a separate sterile pipette shall be used for each dilution and for transferring the dilution to the Petri plate or bile salt broth.

(5) The pipettes shall be straight-sided, of the "blow-out" type and plugged with cotton wool.

(6) Not more than 15 minutes shall elapse between the dilution of the milk and its admixture with the agar medium or bile salt broth.

(7) The melted agar shall be cooled to 45° C. before it is poured into the Petri plates.

(8) If Petri plates are stacked in the incubator, so far as possible no stack shall consist of more than six Petri plates.

(9) The temperature of the incubator shall be frequently checked by means of a thermometer calibrated by the National Physical Laboratory, and adjusted if necessary.

(10) Bile salt broth tubes showing any air in the Durham tube shall not be used to carry out the test.

PART III

Provisions as to the testing of samples of milk by means of the phosphatase test

Precautions

1. The following precautions shall be taken:—

(*a*) Samples which are tainted or clot on boiling shall not be tested.
(*b*) Phenols, disinfectants and detergents containing phenols, and soap containing carbolic acid shall be kept apart from the test reagents and apparatus.
(*c*) Bottle caps made from phenolic resins shall not be used.
(*d*) Rubber stoppers shall not be used until they have been shown by test not to contain phenolic impurities.
(*e*) All glassware shall be inspected before use to ensure that it is perfectly clean.
(*f*) A fresh pipette shall be used for each sample of milk. Pipettes shall be plugged with cotton wool and the milk shall not be contaminated with saliva.

(*g*) All reagents other than those kept in refrigerators shall be kept in a cool dark place.

(*h*) All reagents shall be well protected from dust.

(*i*) Tests shall not be carried out in direct sunlight.

(*j*) Freshly boiled glass-distilled water shall be used throughout.

Reagents

2.—(1) Whenever possible reagents of A.R. quality should be used.

(2) Buffer-substrate. Solutions shall be prepared either—

(*a*) by dissolving 1.09 g. of disodium phenyl phosphate and 11.54 g. of sodium veronal (sodium diethyl barbiturate) in distilled water saturated with chloroform, and making up to one litre ; or

(*b*) by adding one full-strength buffer-substrate tablet to about 45 ml. of boiling distilled water, boiling for exactly one minute, cooling rapidly, making up to 50 ml. with boiled distilled water and adding a few drops of chloroform.

The buffer-substrate solution shall be kept in a refrigerator. A solution made from buffer-substrate tablets may be used for a period not exceeding three days from the date of preparation. A solution made from disodium phenyl phosphate and sodium veronal may be used for a period not exceeding twenty-eight days from the date of preparation, provided that a trace of chloroform remains visible at the bottom of the bottle in which it is contained.

(3) Folin and Ciocalteu's phenol reagent (stock). The reagent to be used shall be prepared in the following manner:—

Dissolve 100 g. of sodium tungstate ($Na_2WO_4.2H_2O$ and 25 g. of sodium molybdate ($Na_2MoO_4.2H_2O$) in 700 ml. of distilled water in a 1,500 ml. flask connected to a reflux condenser by a ground glass joint, or, if that is not available, by a rubber stopper or cork wrapped in tin foil, provided that the solution shall not come into contact with the tin foil. Add 50 ml. of syrupy (85 per cent.) phosphoric acid and 100 ml. of concentrated hydrochloric acid. Reflux the mixture gently for 10 hours, then cool, add 150 g. of pure lithium sulphate, 50 ml. of distilled water and from 4-6 drops of liquid bromine and leave for 2 hours. Then remove the excess bromine by boiling the mixture under the hood without the condenser for 15 minutes. Cool, dilute to 1 litre with distilled water, and filter. If the finished reagent has a greenish tint, it shall be rejected: if it has a golden yellow colour with no greenish tint it shall be considered fit for use. The reagent shall be stored in a refrigerator and protected from contact with dust, metal or any reducing substance. After four months from the date of preparation any remaining reagent shall be discarded and a fresh stock reagent prepared.

(4) Sodium hexametaphosphate. The salt shall be used in the form of flakes. It shall be kept in a tightly stoppered bottle. If any white powder has formed during storage, the salt shall not be used until that powder has been removed by sifting. A 5 per cent. solution (w/v) shall be prepared by dissolving in warm water and making up to volume after cooling.

(5) Test reagent. The test reagent shall be prepared by adding one volume of the stock solution of Folin and Ciocalteu's reagent to two volumes of the hexametaphosphate solution. If any precipitate appears in it, or in any case after four months from the date of preparation, any remaining test reagent shall be discarded and a fresh test reagent prepared.

(6) Sodium carbonate. A 14 per cent. solution (w/v) shall be made up of anhydrous sodium carbonate A.R. Care shall be taken before use to ensure that the whole of the sodium carbonate is in solution.

Apparatus

3. The following apparatus shall be used:—

(*a*) A water bath or incubator capable of being maintained at $37.5 \pm 1.0°C$.

(*b*) A pipette to deliver 4.5 ml.

(*c*) A supply of 1.0 ml. straight sided pipettes, of an accuracy equal to that of N.P.L. grade B, marked at 0.5 and 1.0 ml. and plugged with cotton wool.

(*d*) A supply of test tubes conforming to British Standards Specification No. 625 (1935) 152/16, accurately marked at 10 ml., with rubber stoppers to fit.

(*e*) A supply of filter funnels, 5 cm. diameter.

(*f*) A supply of Whatman filter papers, 9 cm. No. 40.

(*g*) A Lovibond all purposes comparator with cells of 25 mm. depth and disc containing standard coloured glasses corresponding to 0.5, 1.5, 1.8, 2.1, 2.3, 2.5, 3.0, 4.0, and 6.0 Lovibond blue units.

Care of apparatus

4.—(1) 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.

(2) After use each test tube shall be well washed in hot water containing sodium carbonate or other detergent shown by test not to contain any phenolic or other compound which might affect the test reaction, rinsed in hot clean water and then washed with 50 per cent. commercial hydrochloric acid. The acid wash shall be carried out by filling one tube with the acid and passing it from tube to tube, the acid being replenished when necessary. The tubes shall then be well rinsed again in hot clean water and dried by evaporation.

(3) New glassware shall be cleansed in chromic acid prepared in the following manner:—

Dissolve 90 g. of powdered potassium bichromate in 200 ml. of hot water contained in a four litre conical flask. Cool, slowly add two litres of commercial sulphuric acid (not less than 90 per cent.). Stir until the precipitate has dissolved. Keep the solution covered and discard when it becomes green.

After cleaning in chromic acid, new glassware shall be well rinsed in hot clean water and dried by evaporation.

(4) After use funnels shall be washed in hot clean water and dried by evaporation.

(5) After use pipettes shall be well rinsed in cold clean water, washed in hot water containing sodium carbonate or other detergent shown by test not to contain any phenolic or other compound which might affect the test reaction, and rinsed in hot clean water.

(6) Pipettes shall be specially cleaned once a week by soaking for 24 hours in chromic acid solution in a 250 ml. glass cylinder or other suitable container.

Method of carrying out the test

5. The test shall be carried out in duplicate in the following manner:—

To 10 ml. of the buffer-substrate solution contained in a test tube, add 0.5 ml. of well mixed milk. Add 3 drops of chloroform, stopper the tube, mix the contents and incubate at 37.5 ± 1.0° C. for 24 ± 2 hours. At the end of this time, cool, add 4.5 ml. of the test reagent, mix, allow to stand for 3 minutes, and filter into a test tube marked at 10 ml. To 10 ml. of the filtrate, add 2 ml. of sodium carbonate solution, mix, and place the test tube for exactly 2 minutes in a bath of boiling water, which should be kept boiling, so that the level of the water in the bath is above the level of the liquid in the tube. (Where a number of tests is being made, the number of tubes placed in the water bath at any one time shall be limited to ensure that the temperature of the water in the bath does not fall below boiling point for more than a few seconds, and the period of two minutes shall be timed from the moment when the water has recommenced boiling.) Cool and proceed to read the colour thus developed, using the comparator.

Control tests

6.—(1) All milk samples shall be kept in a refrigerator for 24 hours after the duplicate experimental tubes have been put into the incubator or water bath. When the test has been completed, control tests shall be carried out on all

samples which have given a positive phosphatase reaction, in the following manner:—

Add 0.5 ml. of milk to 10 ml. of the buffer substrate solution, mix, add 4.5 ml. of the test reagent, and mix again. Allow to stand for 3 minutes and filter into a test tube marked at 10 ml. To 10 ml. of the filtrate, add 2 ml. of the sodium carbonate solution, mix and place the tube for exactly 2 minutes in a bath of boiling water, which should be kept boiling. (Where a number of tests is being made, the number of tubes placed in the water bath at any one time shall be limited to ensure that the temperature of the water in the bath does not fall below boiling point for more than a few seconds, and the period of two minutes shall be timed from the moment when the water has recommenced boiling.) Cool and proceed to read the colour developed.

(2) If the colour reading exceeds 1.5 Lovibond blue units, the test shall be void.

(3) The colour reading obtained from the control test shall not be subtracted from the reading obtained from the incubated sample.

7. The purity of the reagents shall be tested by incubating with each batch of samples a tube containing buffer-substrate and chloroform but no milk. Proceed after incubation exactly as directed above under "Method of carrying out the test". If the colour reading thus obtained exceeds 0.5 Lovibond blue units, the test for the particular batch of samples concerned shall be void.

PART IV

Provisions as to the testing of samples of milk by means of the turbidity test

Reagent

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

Apparatus

2. The following apparatus shall be provided:—

(*a*) A supply of conical flasks, 50 ml. capacity.

(*b*) A supply of graduated cylinders, 25 ml. capacity.

(*c*) A supply of test tubes corresponding to British Standard Specification No. 625 (1935) 127/12.

(*d*) A supply of filter funnels, 6 cm. diameter.

(*e*) Two beakers, 400 ml. capacity.

(*f*) A supply of Whatman filter papers, 12.5 cm. No. 12.

Method of carrying out the test

3. The test shall be carried out in the following manner:—

(*a*) Weigh 4 ± 0.1 g. of ammonium sulphate A.R. into a 50 ml. conical flask. Measure out 20 ± 0.5 ml. of the milk sample, and pour into the conical flask. Ensure that the ammonium sulphate dissolves by shaking for three minutes. Leave for not less than five minutes and then filter through a folded paper (Whatman 12.5 cm. No. 12) into a test tube. When not less than 5 ml. of a clear filtrate have collected, place the tube in a beaker of water, which is kept boiling, and keep it therein for five minutes. Transfer the test tube to a beaker of cold water.

(*b*) When the tube is cool, examine the contents for turbidity by moving the tube in front of an electric light shaded from the eyes of the observer, and comparing each tube with a control tube prepared as directed in the next succeeding paragraph.

Control tubes

4. A sample of laboratory-sterilised milk shall be prepared by heating milk for at least twenty minutes after it has reached boiling point in a vessel placed in a boiling water bath. Control tubes shall be prepared by taking a sample of laboratory-sterilised milk and subjecting it to the test procedure detailed in sub-paragraph (*a*) of the last foregoing paragraph.

Interpretation

5. Milk which shows no signs of turbidity shall be deemed to satisfy the test.

SIXTH SCHEDULE

TRIBUNALS

PART I

Constitution of Tribunals

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

(2) The Chairman shall be appointed by the Secretary of State and shall not be an officer of the Crown or a person associated with the milk trade or a member or officer of any local authority.

(3) One member shall be a person appointed by the Secretary of State, as being representative of the milk distributive trade.

(4) One member shall be a person appointed by the Secretary of State, as being representative of the consumers' interest.

2.—(1) The Chairman shall hold office for three years unless his appointment is terminated by the Secretary of State before the expiry of that period, and shall be eligible for re-appointment.

(2) The Chairman may resign office by notice in writing to the Secretary of State.

(3) If the Chairman is prevented by sickness or any other reason from acting on any reference to the tribunal, the Secretary of State may appoint a person to act as chairman on that reference.

PART II

Procedure

1.—(1) The retailer shall have the right to be heard by the tribunal either by himself or by counsel, a solicitor, or other representative as he may elect, and he or his representative may call witnesses and may cross-examine witnesses called by another.

(2) The local authority may be represented at the hearing and their representative may call witnesses and may cross-examine witnesses called by another.

2. The tribunal may visit and inspect any premises to which the reference relates.

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

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

5. In the event of a difference of opinion amongst the members of the tribunal, the decision of the majority of them shall become the finding of the tribunal.

6. The report of the tribunal shall be submitted in writing to the Secretary of State by the Chairman.

7. The hearing shall be open to the public.

8. Subject to the provisions of this Schedule, the tribunal shall have power to regulate their own procedure.

SEVENTH SCHEDULE

FORM A

MILK (SPECIAL DESIGNATIONS) (SCOTLAND) ORDER, 1951

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

The Local Authority of the $\frac{\text{Burgh}}{\text{County}}$ of

hereby authorise of
to use the special designation "Tuberculin Tested" in relation to milk produced from a herd kept by him at
and sold by wholesale at or from these premises.

This licence is not transferable, and is subject to the conditions prescribed in the Milk (Special Designations) (Scotland) Order, 1951, and unless suspended or revoked will remain in force until .

Dated this day of , 19 .

Clerk to the Local Authority.

FORM B

MILK (SPECIAL DESIGNATIONS) (SCOTLAND) ORDER, 1951

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

The Local Authority of the $\frac{\text{Burgh}}{\text{County}}$ of

hereby authorise of
to use the special designation "Pasteurised" in relation to milk pasteurised by him at and sold by wholesale at or from these premises.

This licence is not transferable, and is subject to the conditions prescribed in the Milk (Special Designations) (Scotland) Order, 1951, and unless suspended or revoked will remain in force until .

Dated this day of , 19 .

Clerk to the Local Authority.

(a) Similar forms with appropriate modifications are to be used for licences authorising the use of the special designations "Certified" and "Standard".

(b) Similar forms with appropriate modifications are to be be used for licences authorising the use of the special designations "Heat Treated" and "Sterilised".

FORM C

THE MILK (SPECIAL DESIGNATIONS) (SCOTLAND) ORDER, 1951

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

The Local Authority of the $\frac{\text{Burgh}}{\text{County}}$ of

hereby authorise of
to use the special designation "Tuberculin Tested" in relation to milk sold at or from and [produced from the herd kept by him there](b) [purchased by him from a person who is authorised by a licence to use and has used the special designation "Tuberculin Tested" in relation to that milk in connection with its sale or delivery to him.](b)

This licence is not transferable, and is subject to the conditions prescribed in the Milk (Special Designations) (Scotland) Order, 1951, and unless suspended or revoked will remain in force until the thirty-first day of December, 19 .

[This licence is subject to the condition that the holder shall not use the said special designation otherwise than in relation to milk sold by him in the containers in which he received it, the caps or fastenings of the containers having remained unbroken.](c)

This licence does not authorise the holder to use the said special designation in relation to milk sold by retail outside the area of the Local Authority.

Dated this day of , 19 .

Clerk to the Local Authority.

FORM D

MILK (SPECIAL DESIGNATIONS) (SCOTLAND) ORDER, 1951

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

of being the holder of a dealer's licence dated and granted by the Local Authority of the $\frac{\text{Burgh}}{\text{County}}$ of (hereinafter referred to as the principal licence) authorising him to use the special designation "Turberculin Tested" in relation to milk sold by him from the premises specified in the principal licence, is hereby authorised by the Local Authority of the $\frac{\text{Burgh}}{\text{County}}$ of to use the said special designation in relation to milk from the said premises sold by him by retail in their area.

This dealer's supplementary licence is subject to the conditions prescribed in the Milk (Special Designations) (Scotland) Order, 1951, and to the conditions prescribed in the principal licence, and unless suspended or revoked will remain in force for such period as the principal licence remains in force.

[This licence is subject to the condition that the holder shall not use the said special designation otherwise than in relation to milk sold by him in the containers in which he received it, the caps or fastenings of the containers having remained unbroken.](c)

Dated this day of , 19 .

Clerk to the Local Authority.

(a) Similar forms with appropriate modifications are to be used for licences authorising the use of the special designations "Certified" and "Standard".

(b) Strike out whichever words are not applicable.

(c) Strike out if not applicable.

(d) Similar forms with appropriate modifications are to be used for licences authorising the use of the special designations "Certified", "Standard", "Pasteurised", "Heat Treated" and "Sterilised".

FORM E

THE MILK (SPECIAL DESIGNATIONS) (SCOTLAND) ORDER, 1951

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

The Local Authority of the $\frac{\text{Burgh}}{\text{County}}$ of

hereby authorise of

to use the special designation "Pasteurised" in relation to milk sold at or from and [pasteurised by him there](b) [purchased by him from a person who is authorised by a licence to use and has used the special designation "Pasteurised" in relation to that milk in connection with its sale or delivery to him.](b)

This licence is not transferable, and is subject to the conditions prescribed in the Milk (Special Designations) (Scotland) Order, 1951, and unless suspended or revoked will remain in force until the thirty-first day of December, 19 .

[This licence is subject to the condition that the holder shall not use the said special designation otherwise than in relation to milk sold by him in the containers in which he received it, the caps or fastenings of the containers having remained unbroken.](c)

This licence does not authorise the holder to use the said special designation in relation to milk sold by retail outside the area of the Local Authority.

Dated this day of , 19 .

Clerk to the Local Authority.

EXPLANATORY NOTE

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

This Order re-enacts with amendments the Milk (Special Designations) (Scotland) Orders, 1936 to 1949. Its general purpose is to regulate the use of special designations applicable to milk in accordance with the Milk and Dairies (Amendment) Act, 1922.

Licences to use special designations will continue to be granted by local authorities, but, as from 1st January, 1952, they will run for fixed periods of five years instead of for one year. The special designations are "Certified", "Tuberculin Tested", "Pasteurised" and "Sterilised", the last-named being a new designation. In addition, the designation "Standard" may be used until 30th September, 1954, and the designation "Heat Treated" until 31st December, 1951.

Licences are granted subject to prescribed conditions and if the local authority are satisfied that certain conditions cannot be or are not being complied with they may refuse, revoke or suspend the licence. Where the authority propose to refuse, revoke or suspend a licence, the person affected has the right to make representations and to be heard in public by the appropriate committee of the authority. If the authority's final decision is

(a) Similar forms with appropriate modifications are to be used for licences authorising the use of the special designations "Heat Treated" and "Sterilised."
(b) Strike out whichever words are not applicable.
(c) Strike out if not applicable.

unfavourable to him, he may appeal to the Secretary of State. Where a retailer in an area specified under the Milk (Special Designations) Act, 1949, makes such an appeal, the Secretary of State must, if requested by the retailer, refer the case to a fact-finding tribunal.

A producer's, pasteuriser's, heat treater's or steriliser's licence will authorise the use of the special designation only in relation to milk sold by wholesale. If the holder of such a licence sells by retail he will require to hold a dealer's licence also.

"Certified" and "Tuberculin Tested" licences will not be granted on applications received after 30th September, 1954, unless the herds concerned are "attested". The Order introduces a new definition of attested herd.

Minor amendments are made in the conditions applying to licences. The special conditions applying to "Sterilised" licences include the provision that "Sterilised" milk shall be heated in bottles to a temperature between 220°F. and 235°F. for 30 minutes.

Further provisions contained in the Schedules govern the taking and transport of samples and the techniques of the tests for different milks are prescribed in detail.

MINISTERS OF THE CROWN (TRANSFER OF FUNCTIONS)

The Minister of Local Government and Planning (Change of Style and Title) Order, 1951

1951 No. 1900

Made - - - -	1*st November*, 1951
Laid before Parliament	2*nd November*, 1951
Coming into Operation	3*rd November*, 1951

At the Court at Buckingham Palace, the 1st day of November, 1951

Present,

The King's Most Excellent Majesty in Council

His Majesty, in pursuance of section two of the Ministers of the Crown (Transfer of Functions) Act, 1946(**a**), is pleased, by and with the advice of His Privy Council to order, and it is hereby ordered as follows:—

1.—(1) The style and title of the Minister of Local Government and Planning (conferred by the Transfer of Functions (Minister of Health and Minister of Local Government and Planning) (No. 1) Order, 1951(**b**)) shall be changed to "the Minister of Housing and Local Government".

(2) The said new style and title shall be substituted for the former in all enactments relating to the said Minister, and in all instruments (other than this Order), contracts and legal proceedings made or commenced before the coming into operation of this Order which refer to the said Minister:

Provided that nothing in this paragraph shall be construed as affecting the title of any Act or instrument.

(a) 9 & 10 Geo. 6. c. 31. (b) S.I. 1951 No. 142, p. 1348 below.