STATUTORY INSTRUMENTS

1980 No. 1866 (S.168)

FOOD AND DRUGS

The Milk (Special Designations) (Scotland) Order 1980

Made - - - -	*2nd December* 1980
Laid before Parliament	*10th December* 1980
Coming into Operation	*1st January* 1981

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In exercise of the powers conferred by sections 3 and 6 of the Milk and Dairies (Amendment) Act 1922**(a)** and by sections 10 and 11 of the Milk (Special Designations) Act 1949**(b)**, and now vested in me**(c)**, and of all other powers enabling me in that behalf, after consultation with the Council on Tribunals in accordance with section 10 of the Tribunals and Inquiries Act 1971**(d)**, I hereby make the following order:—

Part I

CITATION, COMMENCEMENT, INTERPRETATION AND REVOCATION

1. This order may be cited as the Milk (Special Designations) (Scotland) Order 1980, and shall come into operation on 1st January 1981.

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

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

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

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

(*b*) has been wholly constituted by the transfer of animals from other accredited herds in Scotland or from such similar herds outside

(a) 1922 c. 54; section 3 was substituted by the Milk Act 1934 (c. 51), section 10.
(b) 1949 c. 34.
(c) By the Re-organisation of Offices (Scotland) Act 1928 (c. 34) and the Re-organisation of Offices (Scotland) Act 1939 (c. 20).
(d) 1971 c. 62.

Scotland as the Secretary of State may either generally or in any special case allow, and has been, since being so constituted, the subject of such precautions as aforesaid;

"approved bactericidal agent" means a chemical agent approved by the Secretary of State;

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

"bulk container" means any container, other than a retail container;

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

"dealer" means a person who carries on a business which consists of 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 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;

(*d*) a holder of a licence to treat milk by the ultra high temperature method who sells the milk so treated by him by wholesale only and only at or from the premises where the milk is so treated 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;

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

"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;

"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;

"licence to treat milk by the ultra high temperature method" means a licence authorising the holder thereof to use the special designation "Ultra Heat Treated" in relation to milk treated by the ultra high temperature method by him in accordance with the provisions of Part III of Schedule 3 to this order and sold by him by wholesale at or from the premises where it is so treated;

"local authority" means an islands or district council;

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

"milk tank" means a refrigerated or insulated container in which milk is stored temporarily at a temperature below 7.2°C. on the producer's premises and includes any attachments to the container necessary for its proper functioning;

"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 Schedule 3 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 "Premium" or "Standard" 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;

"Proper Officer" shall be construed in accordance with section 235(3) of the Local Government (Scotland) Act 1973**(a)**;

"retail container" means a bottle or other container which has a capacity of not more than 5 litres;

"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 Schedule 4 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 sub-section (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 II of Schedule 3 to this order and sold by him by wholesale at or from the premises where it is sterilised.

(2) 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.

(3) The Milk (Special Designations) (Scotland) Order 1965**(b)** and The Milk (Special Designations) (Scotland) Amendment Orders 1966 and 1975**(c)** are hereby revoked.

(a) 1973 c. 65. **(b)** S.I. 1965/253. **(c)** S.I. 1966/1573, 1975/1997.

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 "Premium", "Standard", "Pasteurised", "Sterilised", and "Ultra Heat Treated".

(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 Schedule 7 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.

(5) A licence authorising the use of the special designation "Premium" shall entitle the holder of the licence to use the special designation "Standard" in relation to the milk to which the licence applies.

4.—(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 pasteuriser's licence, a steriliser's licence or a licence to treat milk by the ultra high temperature method 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, sterilised or treated by the ultra high temperature method as the case may be;

(*c*) 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; 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 steriliser's licence or a licence to treat milk by the ultra high temperature method shall state whether the applicant intends to sell any of the milk by retail.

5. A dealer's supplementary licence shall be granted by a local authority if they have satisfied themselves that the applicant has already been granted a dealer's licence (in this article and in article 8 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.

6. 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.

Part III
DURATION AND CONDITIONS OF LICENCES

7.—(1) Subject to the provisions of this order—

(*a*) a licence to use the special designation "Premium" shall not remain in force after the thirty-first day of July 1983;

(*b*) a licence to use the special designation "Standard" shall not remain in force after the thirty-first day of July 1983; and

(*c*) any other licence 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 31st December in the year 1985 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.

8. 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.

9. A licence granted in accordance with this order shall be subject to the general conditions set out in Schedule I 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 "Premium" or "Standard" to such of the special conditions set out in Part I and Part II of Schedule 2 to this order as are applicable thereto, and

(*b*) in the case of a licence authorising the use of the special designation "Pasteurised", "Sterilised", or "Ultra Heat Treated" to such of the special conditions set out in Parts I, II and III respectively of Schedule 3 to this order as are applicable thereto.

10. 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

11. Save in the case of a licence held by a retailer for a specified area and subject to the provisions of article 14 of this order, 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.

12. A local authority may, having regard to the circumstances of the case, suspend, revoke, or refuse to renew a producer's licence authorising the use of the special designation "Premium" on the ground that the holder of the licence for a period of not less than twelve months immediately prior to the suspension, revocation or refusal, has not used that designation in relation to milk produced from his herd.

13.—(1) Subject to the provisions of paragraph (3) of this article and of article 14 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 said 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.

(2) Subject to the provisions of paragraph (3) of this article and of article 14 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

(a) 1914 c. 46, 1922 c. 54, 1934 c. 51, 1949 c. 34.

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; and 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 sufficient proof of the commission of that breach by him.

14.—(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 servant or agent 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 steriliser's licence or a licence to treat milk by the ultra high temperature method the local authority are or as the case may be the Secretary of State 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.

15.—(1) Where a local authority propose to suspend or revoke a licence or to refuse to grant a licence under articles 6, 11, 12 or 13 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 14 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 14 days of receiving such notification.

(3) A decision of the local authority to suspend or revoke a licence shall not have effect until 14 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.

16.—(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 otherwse) may within 14 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 14 days make representations in writing to the Secretary of State; and

(ii) where the issue is the suspension or revocation 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

(*c*) on receipt of the tribunal's report shall send a copy thereof to the appellant and to the local authority 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 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 Schedule 6 to this order.

Part V

MISCELLANEOUS PROVISIONS

17. The provisions as to sampling set out in Schedule 4 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 Schedule 5 as to the testing of samples of milk so taken shall have effect for the purposes of this order.

18. Where milk is brought from England or Wales into Scotland a licence granted in pursuance of regulations made under the Food and Drugs Act 1955**(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.

19. 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.

20. Proceedings taken in connection with appeals, and other things done in relation to a licence granted under the Milk (Special Designations) (Scotland) Order 1965**(b)** and not completed before this order comes into force may be continued under the corresponding provisions of this order.

George Younger,
One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.
2nd December 1980

(a) 1955 c. 16. **(b)** S.I. 1965/253.

Article 9

SCHEDULE 1

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 or by a solution containing an approved bactericidal agent 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, or to bottles cleansed in bottle washing machines on the premises in which they are to be filled with milk.

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 82.2°C. or by a solution containing an approved bactericidal agent on each occasion before the plant or apparatus is used for the milk:

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

(i) in relation to which the special designation "Premium" 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;

(ii) after it has been pasteurised in accordance with the provisions of Part I of Schedule 3 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 "Premium" 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 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.

SCHEDULE 2 *Article 9*

PREMIUM AND STANDARD MILK

Part I

SPECIAL CONDITIONS SUBJECT TO WHICH LICENCES AUTHORISING THE USE OF THE SPECIAL DESIGNATION "PREMIUM" ARE GRANTED

A. Conditions applying to a producer's licence

1. The herd from which the milk is obtained must be an accredited herd. No animal in the herd shall be inoculated with live *Brucella abortus* except with a vaccine approved by the Minister of Agriculture, Fisheries and Food and the Secretary of State.

2. 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.

3. Immediately after the milk is produced, the holder of the licence shall cool it either in a milk tank or by other means on the premises where it was produced to a temperature not exceeding 7.2°C.

4.—(1) 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, after which the temperature of the milk shall not exceed 10°C., or

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

(*c*) if the milk has been cooled in a milk tank, keep it in that milk tank for subsequent transfer to a milk tanker, unventilated bulk containers, or retail containers.

(2) When the milk is to be put into retail containers elsewhere than on the premises where it was produced it shall be kept at a temperature not exceeding 7.2°C. until it is put into retail containers after which the temperature of the milk shall not exceed 10°C.

5. Every retail container shall be conspicuously and legibly labelled or marked with the words "Premium Milk" and with the name and address of the premises of the licence holder by whom the milk was put into the container: Provided that where the container is a bottle intended for re-use it shall be sufficient if the words "Premium Milk" and the name of the licence holder by whom the milk was put into the bottle are borne in a conspicuous and legible form on the bottle cap.

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

8. (*a*) Any sample of the milk taken after it has been cooled but before despatch from the retailer's premises for delivery to the consumer, shall not, at the time the sample is taken, exceed 10°C. in temperature except that milk which is to be put into retail containers elsewhere than on the premises where it is produced, if sampled before being put into those containers shall not exceed 7.2°C.

(*b*) 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 Schedule 5 to this order, be found to contain not more than 15,000 bacteria per millilitre and no coliform bacteria in one hundredth of a millilitre.

(*c*) Any sample of the milk taken before delivery to the consumer shall contain not less than 3.5 per cent by weight of milk fat and not less than 8.5 per cent by weight of milk solids other than milk fat.

9.—(1) Paragraphs 4, 5, 6 and 7 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 "Premium" 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 3 and 8 also of this Part of this Schedule shall not apply thereto.

(2) Paragraph 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 designation "Premium", 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

10. Paragraphs 6, 7 and 8 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.

11. The holder of the licence shall use the special designation "Premium" 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.

12.—(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 opening of the bulk container.

(2) Every retail container shall be conspicuously and legibly labelled or marked with the words "Premium Milk" and with the name and address of the premises of the licence holder by whom the milk was put into the container: Provided that where the container is a bottle intended for re-use it shall be sufficient if the words "Premium Milk" and the name of the licence holder by whom the milk was put into the bottle are borne in a conspicuous and legible form on the bottle cap.

13. 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 which shall then be closed as soon as possible after the opening of the first-mentioned container.

Part II

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. Paragraphs 1 and 2 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. 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 10°C.

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

(*a*) put it into retail containers, and in that event paragraph 5 of Part I of this Schedule shall apply with the substitution of the words "Standard Milk" for the words "Premium Milk", or

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

(*c*) if the milk has been cooled in a milk tank, keep it in that milk tank for subsequent transfer to a milk tanker, unventilated bulk containers or retail containers.

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 Schedule 5 to this order, be found to contain—

(*a*) not more than 50,000 bacteria per millilitre; and

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

7. 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 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 2 and 6 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

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 "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.

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 opening of the bulk container.

(2) Every retail container shall be conspicuously and legibly labelled or marked with the words "Standard Milk" and with the name and address of the premises of the licence holder by whom the milk was put into the container: Provided that where the container is a bottle intended for re-use it shall be sufficient if the words "Standard Milk" and the name of the licence holder by whom the milk was put into the bottle are borne in a conspicuous and legible form on the bottle cap.

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 which shall then be closed as soon as possible after the opening of the first-mentioned container.

Article 9

SCHEDULE 3

PASTEURISED, STERILISED AND ULTRA HEAT TREATED 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 62.8°C. and not more than 65.6°C. and immediately after the termination of the said period shall be cooled to a temperature of not more than 7.2°C.; or

(*b*) it shall be heated to and maintained for a period of at least 15 seconds at a temperature of not less than 71.7°C. and not more than 78.3°C. and immediately after the termination of the said period shall be cooled to a temperature of not more than 7.2°C. and the apparatus in which the milk is pasteurised shall be approved by the local authority.

2.—(1) 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 71.7°C. from flowing into the cooler.

(2) Indicating and recording thermometers shall be installed in suitable places in the apparatus so as respectively to indicate and record the period of time for and the temperature to which the milk is heated when pasteurised in accordance with sub-paragraph (*a*) of paragraph 1 of this Part of this Schedule or the temperature to which milk is heated when pasteurised in accordance with sub-paragraph (*b*) of the said paragraph 1.

(3) The temperature to which the milk is cooled shall be indicated by a thermometer installed in the apparatus or by a thermometer inserted in the apparatus from time to time during the pasteurising process.

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. Milk shall not be treated by heat in unlicensed premises and shall not except with the permission of the Secretary of State be pasteurised more than once before retail sale.

5. 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.

6. 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 be conspicuously and legibly labelled or marked with the words "Pasteurised Milk" and with the name and address of the premises of the licence holder by whom the milk was put into the container: Provided that where the container is a bottle intended for re-use it shall be sufficient if the words "Pasteurised Milk" and the name of the licence holder by whom the milk was put into the bottle are borne in a conspicuous and legible form on the bottle cap, or

(*b*) put it into unventilated bulk containers which shall be conspicuously and legibly labelled or marked with the name and address of the premises and the words "Pasteurised Milk".

7. 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.

8. 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 Schedule 5 to this order, shall—

(*a*) on submission to a phosphatase test give a reading not exceeding 10 μg of p-nitrophenol/ml. of milk, 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

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

10. 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.

11. 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.

12. Every retail container shall be conspicuously and legibly labelled or marked with the words "Pasteurised Milk" and with the name and address of the premises of the licence holder by whom the milk was put into the container: Provided that where the container is a bottle intended for re-use it shall be sufficient if the words "Pasteurised Milk" and the name of the licence holder by whom the milk was put into the bottle are borne in a conspicuous and legible form on the bottle cap.

13. 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 which shall then be closed as soon as possible after the opening of the first-mentioned container.

Part II

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 at such a temperature, not less than 100°C., for such a period as to ensure that it will comply with the turbidity test prescribed in Part III of Schedule 5 to this order.

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. The apparatus in which the milk is sterilised shall be approved by the local authority.

4. Thermometers and pressure gauges 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.

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

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

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

7. Paragraphs 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 steriliser's licence.

8. 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.

Part III

SPECIAL CONDITIONS SUBJECT TO WHICH LICENCES AUTHORISING THE USE OF THE SPECIAL DESIGNATION "ULTRA HEAT TREATED" ARE GRANTED

A. Conditions applying to a licence to treat milk by the ultra high temperature method, whether or not the treatment includes the direct application of steam

1. The milk shall be treated by the ultra high temperature method, that is to say retained at a temperature of not less than 132.2°C. for not less than one second.

2. Any apparatus in which the milk is to be heated to and maintained at a temperature of not less than 132.2°C. shall be provided with a device which shall automatically divert the flow of any milk which is not raised to the authorised temperature.

3.—(1) Such indicating and recording thermometers as the local authority shall reasonably consider necessary shall be installed in suitable places in the apparatus in which the milk is treated by the ultra high temperature method so as to indicate the temperatures to which the milk is heated.

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

4. Milk shall not be treated by the ultra high temperature method in unlicensed premises and shall not, except with the permission of the Secretary of State, be treated by the ultra high temperature method more than once before retail sale.

5. Milk previously subjected to heat treatment shall not, except with the permission of the Secretary of State, be treated by the ultra high temperature method.

6.—(1) Milk which is treated by the ultra high temperature method shall immediately after such treatment be put into the sterile containers in which it is to be supplied to the consumer. Such containers shall be filled and sealed at the premises at which the treatment has been carried out with such aseptic precautions as will ensure the protection of the milk from risk of contamination and shall remain sealed until delivery to the consumer.

(2) Every container in which milk treated by the ultra high temperature method is transported, exposed or offered for sale shall be so closed and securely fastened, either with a cap overlapping the lip of the container or in some other suitable manner approved by the local authority, that the container is airtight.

(3) Every retail container shall be conspicuously and legibly labelled or marked with the words "Ultra Heat Treated Milk" or "UHT Milk" and with the name and address of the premises of the licence holder by whom the milk was put into the container: Provided that where the container is a bottle intended for re-use it shall be sufficient if the words "Ultra Heat Treated Milk" or "UHT Milk" and the name of the licence holder by whom the milk was put into the bottle are borne in a conspicuous and legible form on the bottle cap.

7. Any sample of milk taken after it has been treated by the ultra high temperature method but before delivery to the consumer shall, on being tested in accordance with the provisions of Part IV of Schedule 5 to this order, be found to contain not more than 1,000 bacteria per millilitre.

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

8. In the following paragraphs of this Schedule—

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

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

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

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

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

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

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

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

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

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

(*b*) either both of these temperatures or one of them and the difference between them shall be continuously recorded on charts marked with graduations at intervals of 0.5°C. adequately spaced to give clear readings.

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

13. Any treatment of milk as aforesaid or calibration of control apparatus in compliance with sub-paragraph (2) of paragraph 10 of this Part of this Schedule shall be carried out only with dry saturated steam.

14. In connection with treatment of milk as aforesaid, apparatus shall be provided which automatically and continuously ensures that water is separated from the steam and does not enter the milk heating equipment.

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

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

(*a*) shall be wholesome; and

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

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

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

18. Paragraphs 6 and 7 of this Part of this Schedule shall apply to a dealer's licence and a dealer's supplementary licence as they apply to a licence to treat milk by the ultra high temperature method.

19. The holder of the licence shall use the special designation "Ultra Heat Treated" only in relation to milk 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 licence to treat milk by the ultra high temperature method to use the said special designation.

SCHEDULE 4 *Article 17*

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 or in a milk tank, 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;

(*c*) provided that where milk from each bulk container of a consignment is sampled the volume of the sample taken from each such container shall be proportionate to the volume of milk in that container and the samples so taken shall then be mixed so as to constitute a sample of the consignment.

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 Schedule 5 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 25mm. 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.

Article 17

SCHEDULE 5

Part I

Provisions as to the Testing of Samples of Premium, Standard, and Pasteurised Milks 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.

Treatment of sample before testing

2. All samples of milk shall be examined as soon as possible after arrival at the testing laboratory. If a sample is not examined immediately on arrival at the testing laboratory, it shall be kept at a temperature not higher than 5°C. until examined, provided that no sample shall be so kept for a period exceeding 24 hours.

Culture media

3.—(*a*) Bacterial count. The medium to be used shall be yeastrel milk agar, either compounded in the laboratory or prepared in accordance with the manufacturer's directions from a granular desiccated medium and shall have the following composition:—

Yeastrel	3.0 grams
Peptone	5.0 grams
Agar	15.0 grams
Milk (fresh or spray-dried, skim or whole milk)	10.0 ml.
Distilled water	to 1 litre

Where the medium is compounded in the laboratory it shall be filtered through a pulp-paper filter.

The medium shall be sterilised either by autoclaving at 121°C. for 20 minutes or in a steamer for 30 minutes on three successive days.

The final reaction of the medium at room temperature shall be pH 7.2.

(*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 and shall have the following composition:—

Peptone	20.0 grams
Bile salts	5.0 grams
Sodium chloride (A.R.)	5.0 grams
Lactose (A.R.)	10.0 grams
Distilled water	to 1 litre
Brom-cresol purple (1.6%)	2.5 ml.

The medium shall be tubed in 5 ml. quantities in 150 × 16mm. tubes provided with a rimless Durham tube (50 × 6.5mm.) and sterilised either by autoclaving at 121°C. for 15 minutes or in a steamer for 30 minutes on three successive days.

The final reaction of the medium at room temperature shall be pH 7.2.

Dilutions

4. Quarter-strength Ringer's solution shall be used. The composition of full-strength Ringer's solution shall be—

Sodium chloride	9.00 grams
Potassium chloride	0.42 grams
Anhydrous calcium chloride	0.24 grams
Sodium bicarbonate	0.20 grams
Distilled water	1,000 ml.

Add 1 part of the above solution to 3 parts of distilled water. Fill into test tubes or bottles and sterilise by autoclaving at 121°C. for 15 minutes. The quantity to be filled into the container before sterilisation must be predetermined to allow for evaporation losses during sterilisation.

Alternatively, sterile tubes and bottles may be filled aseptically with measured quantities of sterile quarter-strength Ringer's solution.

Temperature and time of incubation of the cultures

5. The Petri plate and coliform cultures shall be incubated at 30°C. ± 0.5°C. for 72 hours.

Technique of tests

6.—(*a*) Colony count. In testing "Premium" milk 1 ml. of 1 in 100 dilution shall be plated and in testing "Standard" milk 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 "Premium" and "Pasteurised" milk 1 ml. of 1 in 100 dilution shall be used and in testing "Standard" milk 1 ml. of 1 in 1,000 dilution shall be used. For each sample being tested three tubes shall be prepared.

Examination of cultures

7.—(*a*) Petri plate cultures. All colonies (including "pin-point" colonies) on each plate shall be counted and the arithmetic mean count obtained. To facilitate counting it is desirable to use a counting chamber, a suitable lens and a tally counter. The result of the count shall be recorded as the number of bacteria per millilitre (in the case of "Premium" milk to the nearest hundred, and in the case of "Standard" milk to the nearest thousand).

(*b*) Coliform cultures. The culture tubes shall be examined for the production of acid and gas after the required period of 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

8.—(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 conforming to the British Standards Institution's specification 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.

(11) Distilled water: water prepared with a glass still or water of equal quality shall be used.

Part II

Provisions as to the Testing of Samples of Pasteurised Milk by means of the Phosphatase Test

Treatment of sample before testing

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

Precautions

2. The following precautions shall be taken:—

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

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

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

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

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

Reagents

3.—(1) Reagents of analytical quality shall be used.

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

(*a*) Buffer solution: 3.5 g. of anhydrous sodium carbonate and 1.5 g. of sodium bicarbonate shall be dissolved in distilled water, and made up to one litre.

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

(*c*) Buffer-substrate solution: 0.15 g. of the substrate shall be placed in a 100 ml. measuring cylinder or graduated flask, and made up to 100 ml. with the buffer solution. The solution shall be stored in a refrigerator and protected from light. It shall give a reading of less than the standard marked 10 on the comparator disc A.P.T.W. or A.P.T.W.7 when viewed in transmitted light through a 25 mm. cell in the "all purposes" comparator, distilled water being used for comparison. The solution shall not be used for more than one week.

Apparatus

4. The following apparatus shall be used:—

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

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

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

(*d*) A water bath or incubator capable of being maintained at 37.5°C. ± 0.5°C.

(*e*) A pipette to deliver 5.0 ml.

(*f*) A supply of 1.0 ml. straight-sided pipettes of an accuracy equal to N.P.L. Grade B.

(*g*) A 1,000 ml. graduated flask.

(*h*) A 100 ml. measuring cylinder or 100 ml. graduated flask.

(*i*) A supply of 150 × 16 mm. test tubes conforming to B.S. 625, 150/16, with rubber stoppers to fit.

Care of apparatus

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

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

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

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

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

The solution shall be kept covered and shall be discarded when it becomes green.

After cleaning in chromic acid solution, new glassware shall be rinsed in warm water, rinsed in distilled water and finally dried.

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

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

Method of carrying out the test

6. 5 ml. of the buffer-substrate solution shall be transferred to a test tube using a pipette and the test tube shall be stoppered and brought to a temperature of 37°C. ± 0.5°C. 1 ml. of the milk to be tested shall be added, the test tube stopper replaced and the contents well mixed by shaking. The test tube shall then be incubated for exactly two hours at 37°C. ± 0.5°C. One blank prepared from boiled milk of the same type as those undergoing the test shall be incubated with each series of samples. (Where the sample consists of highly coloured milk, such as homogenised milk or milk from Channel Island cows, a separate blank of such milk shall be prepared). After incubation the test tube shall be removed from the water bath and its contents shall be well mixed. The blank shall be placed on the left hand ramp of the stand and the test sample on the right. Readings shall be taken in reflected light by looking down on to the two apertures with the comparator facing a good source of daylight (preferably north light). If artificial light is needed for matching a "daylight" type of illumination must be used. The disc shall be revolved until the test sample is matched. Readings falling between two standards shall be recorded by affixing a plus or minus sign to the figure for the nearest standard.

Interpretation

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

Part III

Provisions as to the Testing of Samples of Sterilised Milk by means of the Turbidity Test

Treatment of sample before testing

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

Reagent

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

Apparatus

3. The following apparatus shall be provided:—

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

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

(*c*) A supply of 150 × 16 mm. test tubes conforming to B.S. 625, 150/16.

(*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

4. 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

5. 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

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

Part IV

Provisions as to the Testing of Samples of Milk Treated by the Ultra High Temperature Method for Bacterial Count

1. In testing samples of milk treated by the ultra high temperature method for bacterial count the following paragraphs shall be complied with.

Treatment of sample before testing

2. On arrival at the laboratory the sample shall be placed unopened in an incubator at a temperature of 30°C. ± 0.5°C. and be retained at that temperature for 24 hours.

Culture medium

3. Bacterial count. The medium to be used shall be yeastrel milk agar either compounded in the laboratory or prepared in accordance with the manufacturer's directions from a granular desiccated medium and shall have the following composition:—

Yeastrel	3.0 grams
Peptone	5.0 grams
Agar	15.0 grams
Milk (fresh or spray dried, skim or whole milk)	10.0 ml.
Distilled water	to 1 litre

Where the medium is compounded in the laboratory it shall be filtered through a pulp-paper filter.

The medium shall be sterilised either by autoclaving at 121°C. for 20 minutes or in a steamer for 30 minutes on three successive days.The final reaction of the medium at room temperature shall be pH7.2.

Dilutions

4. Quarter-strength Ringer's solution shall be used. The composition of full-strength Ringer's solution shall be—

Sodium chloride	9.00 grams
Potassium chloride	0.42 grams
Anhydrous calcium chloride	0.24 grams
Sodium bicarbonate	0.20 grams
Distilled water	1,000 ml.

Add 1 part of the above solution to 3 parts of distilled water. Fill into test tubes or bottles and sterilise by autoclaving at 121°C. for 15 minutes. The quantity to be filled into the container before sterilisation must be predetermined to allow for evaporation losses during sterilisation.

Alternatively, sterile tubes and bottles may be filled aseptically with measured quantities of sterile quarter-strength Ringer's solution.

Technique of tests

5. (*a*) At the end of the 24 hours' incubation period the sample shall be removed from the incubator, mixed thoroughly and the container opened with aseptic precautions. Immediately after opening the sample container approximately 10 ml. of the sample shall be transferred by means of a sterile pipette into a sterile McCartney bottle or other suitable container which shall then be closed and placed in a refrigerator capable of maintaining a temperature between 3°C. and 5°C.

(*b*) From the remainder of the sample 1 ml. of 1 in 10 dilution shall be plated. For each sample being tested not less than two plates shall be prepared.

(*c*) The Petri plate cultures prepared shall be incubated at 30°C. ± 0.5°C. for 48 hours.

Examination of cultures

6. All colonies (including "pin-point" colonies) on each plate shall be counted and the arithmetic mean count obtained. To facilitate counting it is desirable to use a counting chamber, a suitable lens and a tally counter. The result of the count shall be recorded as the number of bacteria per millilitre. If there is any doubt about the result, the test should be repeated using the sample in the McCartney bottle placed in the refrigerator.

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 sample container 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.

(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.

(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 conforming to the British Standards Institution's specification and adjusted if necessary.

(10) Distilled water: water prepared with a glass still or water of equal quality shall be used.

Article 16

SCHEDULE 6

TRIBUNAL

Constitution of tribunal

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 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 an independent person to act as chairman on that reference.

Procedure

3. Where in accordance with this order any issue as to the revocation or suspension of a licence or refusal of grant of a licence by way of renewal of such licence is required to be referred to a tribunal by the Secretary of State he shall forthwith inform the Chairman of the tribunal of the reference to the tribunal and of the name and address of the appellant. He shall send to the Chairman and to the members of the tribunal copies of the notice of decision to refuse, suspend or revoke the licence as the case may be and of any representations made by the appellant.

4. The Chairman on being informed of the reference to the tribunal shall without delay fix a convenient date and place for the hearing of the reference.

5.—(1) The retailer shall have the right to be heard by the tribunal by himself or by counsel, or solicitor, or other representative as he may elect.

(2) The local authority may be represented by any person instructed in that behalf.

6.—(1) At the hearing of the reference the tribunal shall give an opportunity to the retailer, or to his representative, to address the tribunal and call witnesses. The representative of the local authority may cross-examine the retailer, if he elects to give evidence, and any witnesses called by him.

(2) The tribunal shall give the representative of the local authority an opportunity to address the tribunal and to call witnesses. The retailer, or his representative, may cross-examine any witnesses called by the local authority.

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

8. 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.

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

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

11. 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.

12. The report of the tribunal shall be submitted in writing to the Secretary of State by the Chairman without delay and shall include the reasons for the finding.

13. The hearing shall be open to the public.

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

SCHEDULE 7 *Article 3*

FORMS OF LICENCES

PRODUCER'S LICENCES

FORM A

MILK (SPECIAL DESIGNATIONS) (SCOTLAND) ORDER 1980

Producer's licence authorising the use of the special designation "Premium"(a)

The District/Islands Council of the District/Islands Area of hereby authorise of to use the special designation "Premium" 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 1980 and unless suspended or revoked will remain in force until

Dated this day of 19 .

Proper Officer.

PASTEURISER'S AND STERILISER'S LICENCES

FORM B

MILK (SPECIAL DESIGNATIONS) (SCOTLAND) ORDER 1980

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

The District/Islands Council of the District/Islands Area 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 1980 and unless suspended or revoked will remain in force until

Dated this day of 19 .

Proper Officer.

(a) A similar form with suitable modifications is to be used for licences authorising the use of the special designation "Standard".

(b) A similar form with appropriate modifications is to be used for licences authorising the use of the special designation "Sterilised".

LICENCE TO TREAT MILK BY THE ULTRA HIGH TEMPERATURE METHOD

FORM C

THE MILK (SPECIAL DESIGNATIONS) (SCOTLAND) ORDER 1980

Licence authorising the use of the special designation "Ultra Heat Treated"

The $\frac{\text{District}}{\text{Islands}}$ Council of the $\frac{\text{District}}{\text{Islands}}$ Area of

hereby authorise of

to use the special designation "Ultra Heat Treated" in relation to milk which has been treated by the ultra high temperature method at

in accordance with the conditions prescribed in the Milk (Special Designations) (Scotland) Order 1980 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 1980 and unless suspended or revoked will remain in force until .

Dated this day of 19 .

Proper Officer.

DEALER'S LICENCES

FORM D

THE MILK (SPECIAL DESIGNATIONS) (SCOTLAND) ORDER 1980

Dealer's licence authorising the use of the special designation "Premium"(a)

The $\frac{\text{District}}{\text{Islands}}$ Council of the $\frac{\text{District}}{\text{Islands}}$ Area of

hereby authorise of

to use the special designation "Premium" in relation to milk sold at or from

and [produced from the herd kept by him there] [purchased by him from a person who is authorised by a licence to use and has used the special designation "Premium" in relation to that milk in connection with its sale or delivery to him] (*).

This licence is not transferable, and is subject to the conditions prescribed in the Milk (Special Designations) (Scotland) Order 1980 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] (†).

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 .

Proper Officer.

(*) Delete whichever words are not applicable.
(†) Delete if not applicable.

(a) A similar form with suitable modifications is to be used for licences authorising the use of the special designation "Standard".

FORM E

THE MILK (SPECIAL DESIGNATIONS) (SCOTLAND) ORDER 1980

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

The District / Islands Council of the District / Islands Area of
hereby authorise of
the use of the special designation "Pasteurised" in relation to milk sold at or from and [pasteurised by him there] [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.] (*).

This licence is not transferable, and is subject to the conditions prescribed in the Milk (Special Designations) (Scotland) Order 1980 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] (†).

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 .

Proper Officer.

(*) Delete whichever words are not applicable.
(†) Delete if not applicable

FORM F

THE MILK (SPECIAL DESIGNATIONS) (SCOTLAND) ORDER 1980

Dealer's licence authorising the use of the special designation "Ultra Heat Treated"

The District / Islands Council of the District / Islands Area of
hereby authorise of
to use the special designation "Ultra Heat Treated" in relation to milk sold at or from and [treated by him by the ultra high temperature method there] [purchased by him from a person who is authorised to use and has used the special designation "Ultra Heat Treated" in relation to that milk in connection with its sale or delivery to him] (*).

This licence is not transferable and is subject to the conditions prescribed in the Milk (Special Designations) (Scotland) Order 1980 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.

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 .

Proper Officer.

(*) Delete whichever words are not applicable.

(a) A similar form with appropriate modifications is to be used for licences authorising the use of the special designation "Sterilised"

Dealer's Supplementary Licences

FORM G

MILK (SPECIAL DESIGNATIONS) (SCOTLAND) ORDER 1980

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

of being the holder of a dealer's licence dated and granted by the District/Islands Council of the District/Islands Area of (hereinafter referred to as the principal licence) authorising him to use the special designation "Pasteurised" in relation to milk sold by him from the premises specified in the principal licence, is hereby authorised by the District/Islands Council of the District/Islands Area 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 1980 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.] (†).

Dated this day of 19 .

Proper Officer.

(†) Delete if not applicable.

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

Schedule 3, Part III, paragraph 16

SCHEDULE 8

PERMITTED BOILER FEED WATER TREATMENT COMPOUNDS

Potassium alginate
Sodium alginate
Potassium carbonate
Sodium carbonate
Sodium hydroxide
Monosodium dihydrogen orthophosphate
Disodium monohydrogen orthophosphate
Trisodium orthophosphate
Sodium tripolyphosphate
Sodium hexametaphosphate
Tetrasodium pyrophosphate
Sodium silicate
Sodium metasilicate
Sodium sulphate
Magnesium sulphate
Neutral or alkaline sodium sulphite
Unmodified starch
Sodium aluminate
Polyoxyethylene glycol (minimum molecular weight, 1,000)

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order, which comes into operation on 1st January 1981, consolidates with amendments the provisions of the Milk (Special Designations) (Scotland) Order 1965 as amended by the Milk (Special Designations) (Scotland) Amendment Orders 1966 and 1975. The principal changes are—

(*a*) amendment of the licensing arrangements for the sale of milk by retail to provide that licences to use the special designations "Premium" and "Standard" (relating to untreated milk) will not remain in force after 31st July 1983 (Article 7);

(*b*) incorporation of metric conversions of measurements contained in the 1965 Order;

(*c*) amendment of the labelling requirements in Schedules 2 and 3 to remove the requirement that, where a retail container is a bottle, the relevant information must be borne on the cap, and to require, in the case of an unventilated bulk container, the inclusion on the container of the address, as well as the name, of the premises concerned.

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