Short Title	Session and Chapter
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Town and Country Planning (Scotland) Act, 1947...	10 & 11 Geo. 6. c. 53.
National Assistance Act, 1948	11 & 12 Geo. 6. c. 29.
Agriculture (Scotland) Act, 1948	11 & 12 Geo. 6. c. 45.
Lands Tribunal Act, 1949	12, 13 & 14 Geo. 6. c. 42.
Housing (Scotland) Act, 1949	12, 13 & 14 Geo. 6. c. 61.
Agricultural Holdings (Scotland) Act, 1949 ...	12, 13 & 14 Geo. 6. c. 75.

CHAPTER 35

Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950

ARRANGEMENT OF SECTIONS

PART I

MILK AND DAIRIES

Milk and Dairies Regulations

Section
1. Power to make regulations to secure the purity of milk.
2. Registration of dairymen under regulations.
3. Registration of dairy farms and dairy farmers under regulations.

Ancillary provisions as to Milk and Dairies Regulations

4. Provisions as to making of Milk and Dairies Regulations.
5. Committees to review working of regulations.
6. Ancillary provisions as to contents of Milk and Dairies Regulations.
7. Enforcement of Milk and Dairies Regulations.

Prohibitions on sale of milk not in a pure and genuine condition

8. Prohibition of sale of tuberculous milk, and milk of cows suffering from tuberculosis, etc.
9. Certain additions not to be made to milk, and certain liquids not to be sold as milk.
10. Regulations as to presumptive evidence of adulteration of milk.

Establishment of milk depots

11. Establishment by certain councils of milk depots.

Veterinary Inspectors

12. Veterinary inspectors to be appointed by Minister of Agriculture.

PART II

SPECIAL DESIGNATIONS OF MILK

Regulations as to special designations, and provisions as to use thereof

Section
13. Prescribing of special designations, licences to use them and authorised use.
14. Revocation, suspension and refusal of licences to use a special designation.

Ancillary provisions as to Milk (Special Designation) Regulations

15. Provisions as to making of Milk (Special Designation) Regulations.
16. Committees to review working of Milk (Special Designation) Regulations.
17. Ancillary provisions as to contents of Milk (Special Designation) Regulations.
18. Enforcement of Milk (Special Designation) Regulations.

Compulsory use of special designations in specified areas

19. Compulsory use for retail sales.
20. Compulsory use for catering.
21. Power of the Minister of Food to dispense with use.
22. Restriction on use of special designation "Accredited".
23. Specified areas.
24. Power of the Minister of Food to provide facilities for treatment of milk.

Licences for specified areas

25. Breach of certain conditions of licences for specified areas to be punishable.
26. Restrictions on liability under foregoing section.
27. Revocation, suspension and refusal of licences.

Interpretation of certain provisions in Part II

28. Interpretation of certain provisions in Part II.

PART III

ARTIFICIAL CREAM

29. Regulation of sale of artificial cream.
30. Premises where artificial cream is manufactured or sold to be registered.
31. Extension to artificial cream of provisions relating to cream.

PART IV

GENERAL

32. This Act to form part of the Food and Drugs Act, 1938.
33. Regulations.
34. Interpretation.
35. Transitional.
36. Repeal and savings.
37. Extent.
38. Short title, citation and commencement.

SCHEDULES:

First Schedule.—Refusal and cancellation of registration of Dairymen and of Dairy Farms and Farmers.

Part I—Dairymen.
Part II—Dairy farms and farmers.

Second Schedule.—Diseases of cows to which section eight applies.

Third Schedule.—Powers as to revocation or suspension of licences to use special designations, and procedure as to revocation, suspension or refusal thereof.

Part I—General.
Part II—Licences held by retailers for specified areas.
Part III—Interpretation.

Fourth Schedule.—Conditions to which section twenty-five applies.

Fifth Schedule.—Enactments repealed.

An Act to consolidate certain enactments relating to milk, dairies and artificial cream. [26th October 1950.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

MILK AND DAIRIES

Milk and Dairies Regulations

Power to make regulations to secure the purity of milk.

1.—(1) Provision may be made by regulations under this Part of this Act, to be called "Milk and Dairies Regulations"—

(*a*) for the inspection of cattle on dairy farms;

(*b*) for the inspection of dairies, and of persons in or about dairies who have access to the milk, or to the churns or other milk vessels;

(*c*) with respect to the lighting, ventilation, cleansing, drainage, and water supply of dairies;

(*d*) for securing the cleanliness of churns and other milk vessels and appliances;

(*e*) prescribing the precautions to be taken for protecting milk against infection or contamination;

(*f*) for preventing danger to health from the sale of infected, contaminated or dirty milk, and in particular for prohibiting the supply or sale of milk suspected of being infected;

PART I —*cont.*

(*g*) for imposing obligations on dairymen and their employees in regard to cases of infectious illness;

(*h*) for regulating the cooling, storage, conveyance and distribution of milk;

(*i*) with respect to the labelling, marking or identification, and the sealing or closing of churns and other vessels used for the conveyance of milk, the labelling of vessels in which milk is sold or offered or exposed for sale or delivered, and the display of the vendor's name and address on any stall, or any cart, barrow or other vehicle, from which milk is sold or delivered;

(*j*) in cases where no express provision is made by the Food and Drugs Act, 1938, or this Act, prohibiting or restricting—

(i) the addition of any substance to, or the abstraction of fat or any other constituent from, milk;

(ii) the sale of milk to which any such addition, or from which any such abstraction, has been made, or which has been otherwise artificially treated;

(*k*) for preventing danger to health from the importation of milk.

In this subsection the expression " milk " means milk intended for sale or sold for human consumption, or intended for manufacture into products for sale for human consumption.

(2) Regulations made under paragraph (*i*) or paragraph (*j*) of the foregoing subsection shall not apply in relation to cream in so far as they are made for any purpose for which regulations with respect to cream may be made under paragraph (*b*) or paragraph (*c*) of subsection (1) of section eight of the Food and Drugs Act, 1938 (which authorise the making of regulations requiring the labelling or marking of food containers and regulating the composition of food).

Registration of dairymen under regulations.

2.—(1) Milk and Dairies Regulations may provide for the registration of persons carrying on, or proposing to carry on, the trade of a dairyman and for the registration of dairies, and for prohibiting any person from carrying on the said trade unless he and any premises used by him as a dairy are duly registered.

(2) Part I of the First Schedule to this Act shall have effect with respect to refusing or cancelling the registration of dairymen.

Registration of dairy farms and dairy farmers under regulations.

3.—(1) Milk and Dairies Regulations shall provide for the registration by the Minister of Agriculture and Fisheries of dairy farms and of persons carrying on, or proposing to carry on, the trade of a dairy farmer.

PART I —*cont.*

(2) Such regulations shall make provision in accordance with Part II of the First Schedule to this Act for dealing with the refusal and cancellation of any such registration.

Ancillary provisions as to Milk and Dairies Regulations

Provisions as to making of Milk and Dairies Regulations.

4.—(1) The power of making Milk and Dairies Regulations shall be exercisable by the Minister of Health, the Minister of Food and the Minister of Agriculture and Fisheries acting jointly.

(2) The Ministers before making the regulations shall consult with such representative organisations as they think fit.

(3) The regulations may be general regulations or regulations limited to a particular area.

Committees to review working of regulations.

5. Milk and Dairies Regulations shall provide for the constitution of a central committee, and of county committees for the several administrative counties, to keep under review the operation and administration of the regulations and to make recommendations with respect thereto, in the case of the central committee, to the Minister of Agriculture and Fisheries and, in the case of a county committee, to the central committee.

Ancillary provisions as to contents of Milk and Dairies Regulations.

6. Without prejudice to the generality of other provisions of this Part of this Act as to Milk and Dairies Regulations, such regulations may—

(*a*) apply, as respects matters to be dealt with by the regulations, any provision in the Food and Drugs Act, 1938, or in this Act, or in any other Act dealing with the like matters, with the necessary modifications and adaptations;

(*b*) provide for an appeal to a court of summary jurisdiction against any refusal or other decision of an authority by whom the regulations are to be enforced and executed;

(*c*) authorise the making of charges for the purposes of the regulations or for any services performed thereunder and provide for the recovery of charges so made;

(*d*) make such ancillary and incidental provisions as appear to the Ministers making the regulations to be necessary or desirable.

PART I —*cont.* Enforcement of Milk and Dairies Regulations.

7.—(1) Milk and Dairies Regulations shall specify the authorities, whether county councils, local authorities, Food and Drugs authorities or port health authorities, by whom they are to be enforced and executed, and may provide for the giving of assistance and information by any authority concerned in the administration of the regulations, or of this Act, or of the Food and Drugs Act, 1938, to any other authority so concerned for the purposes of their respective duties thereunder:

Provided that this subsection shall not apply to the enforcement or execution of regulations in respect of dairy farms or in respect of the registration of persons carrying on or proposing to carry on the trade of a dairy farmer, except any such regulation as is made for the purposes of paragraph (*f*) or paragraph (*g*) of subsection (1) of section one of this Act.

(2) The power of a county council or local authority under subsection (3) of section sixty-five of the Food and Drugs Act, 1938, to institute proceedings under any regulation made under that Act shall not include power to institute proceedings against any person for contravening or failing to comply with Milk and Dairies Regulations in respect of a dairy farm or in respect of the registration of persons carrying on or proposing to carry on the trade of a dairy farmer, except any such regulation as is made for the purposes of paragraph (*f*) or paragraph (*g*) of subsection (1) of section one of this Act.

(3) Any expenses incurred by a county council in the enforcement and execution of Milk and Dairies Regulations shall, if the Minister of Health by order so directs, be defrayed as expenses for special county purposes charged on such part of the county as may be provided by the order, but any such order may be revoked or varied by a subsequent order.

(4) The Minister of Health may, with the approval of the Treasury, repay out of moneys provided by Parliament such part, not exceeding three quarters, as he may with such approval determine of any sums paid by a local authority by way of compensation to any person for damage or loss sustained by him by reason of any prohibition or restriction imposed by Milk and Dairies Regulations on the sale, supply or use of milk which is infected or suspected of being infected.

(5) Milk and Dairies Regulations may in particular provide for imposing on persons contravening or failing to comply with the regulations penalties not exceeding the following, that is to say—

(i) for a first offence a fine of twenty pounds;
(ii) for a subsequent offence a fine of one hundred pounds or imprisonment for three months or both.

(6) Milk and Dairies Regulations may in particular provide for the taking and examination of samples.

Prohibitions on sale of milk not in a pure and genuine condition

PART I —*cont.*

Prohibition of sale of tuberculous milk, and milk of cows suffering from tuberculosis, &c.

8.—(1) No person shall—

(*a*) sell, or offer or expose for sale, for human consumption ; or

(*b*) use in the manufacture of products for sale for human consumption,

the milk of any cow which to his knowledge has given tuberculous milk, or is suffering from emaciation due to tuberculosis, or from tuberculosis of the udder or any other disease of cows to which this section applies.

(2) In proceedings under this section, the defendant shall be deemed to have known that a cow had given tuberculous milk, or was so suffering as aforesaid, if he could with ordinary care have ascertained the fact.

(3) A person who contravenes any of the provisions of this section shall be guilty of an offence.

(4) The diseases of cows to which this section applies are those specified in the Second Schedule to this Act and any other disease to which the provisions of this section are extended by Milk and Dairies Regulations.

(5) It shall be the duty of the council of every county and county borough to enforce the provisions of this section.

Certain additions not to be made to milk, and certain liquids not to be sold as milk.

9.—(1) No person shall—

(*a*) add any water or colouring matter, or any dried or condensed milk or liquid reconstituted therefrom, to milk intended for sale for human consumption ; or

(*b*) add any separated milk, or mixture of cream and separated milk, to unseparated milk intended for such sale ; or

(*c*) sell, or offer or expose for sale, or have in his possession for the purpose of sale, for human consumption any milk to which any addition has been made in contravention of the provisions of this subsection.

(2) No person shall sell, or offer or expose for sale, under the designation of milk any liquid in the making of which any separated milk or any dried or condensed milk has been used.

(3) A person who contravenes any of the provisions of this section shall be guilty of an offence.

(4) It shall be the duty of every Foods and Drugs authority within their area to carry into execution and enforce the provisions of this section, with a view to securing that food is sold only in a pure and genuine condition.

PART I —*cont.*

Regulations as to presumptive evidence of adulteration of milk.

10. The Minister of Health, the Minister of Food and the Minister of Agriculture and Fisheries acting jointly may make regulations for determining what deficiency in any of the normal constituents of milk, or what proportion of water, in a sample shall for the purposes of the Food and Drugs Act, 1938, or this Act raise a presumption, until the contrary is proved, that the article sampled is not genuine milk.

Establishment of milk depots

Establishment by certain councils of milk depots.

11. Where the local authority of a district outside London are not a local health authority for the purposes of Part III of the National Health Service Act, 1946, they may, with the approval of the Minister of Health, establish depots for the sale, at not less than cost price, of milk specially prepared for consumption by infants under two years of age, and for that purpose may purchase and prepare milk and provide any necessary plant.

Veterinary inspectors

Veterinary inspectors to be appointed by Minister of Agriculture.

12. The functions of veterinary inspectors under any enactments relating to milk or to dairies shall, in accordance with directions given by the Minister of Agriculture and Fisheries, be discharged by veterinary inspectors appointed for the purpose by him under section five of the Board of Agriculture Act, 1889.

PART II

SPECIAL DESIGNATIONS OF MILK

Regulations as to special designations, and provisions as to use thereof

Prescribing of special designations, licences to use them and authorised use.

13.—(1) Provision may be made by regulations under this Part of this Act, to be called " Milk (Special Designation) Regulations "—

(*a*) for prescribing, in relation to milk of any description, such designation (hereinafter referred to as a " special designation ") as the Ministers making the regulations consider appropriate ; and

(*b*) for the granting of licences to producers and sellers of milk authorising the use of a special designation, and for prescribing the periods for which and the conditions subject to which licences or licences of any particular class are to be granted under the regulations.

(2) No person shall for the purpose of the sale or advertisement of any milk use a special designation in any manner calculated to suggest that it refers to that milk, unless he holds a licence authorising the use of that designation in connection with that milk:

PART II —*cont.*

Provided that, for the purpose of a sale or advertisement of milk as, or as part of, a meal or refreshments, a special designation may be used by a person who does not hold a licence authorising the use of that designation in connection with the milk, if the milk is milk bought by him and that designation was used for the purpose of the sale thereof to him.

(3) No person shall for the purpose of the sale or advertisement of any milk refer to that milk by any such description, not being a special designation, as is calculated falsely to suggest—

(*a*) that there is in force a licence authorising the use of a special designation in connection with that milk; or

(*b*) that the milk is tested, approved or graded by any competent person; or

(*c*) that the cows from which the milk is derived are free from the infection of tuberculosis or of any other disease.

(4) A person who contravenes any of the provisions of subsection (2) or (3) of this section shall be guilty of an offence.

(5) In any proceedings taken by virtue of subsection (3) of this section it shall rest on the defendant to prove the truth of any suggestion which, in the opinion of the court, his acts or conduct, as proved by the prosecution, are or is calculated to convey.

(6) It shall be the duty of every Food and Drugs authority within their area to carry into execution and enforce the provisions of subsections (2) and (3) of this section:

Provided that this subsection shall not apply to the execution or enforcement of those provisions as regards any use of a special designation, or any reference to milk by such a description as is mentioned in subsection (3) of this section, by the producer of the milk in question where that milk is raw milk.

(7) Section twenty-eight of this Act shall apply for the interpretation of the references in this section to selling milk but as if the definition of milk in that section were omitted.

Revocation, suspension and refusal of licences to use a special designation.

14.—(1) The provisions of Part I of the Third Schedule to this Act shall have effect with respect to the making by Milk (Special Designation) Regulations of provision for—

(*a*) the revocation or suspension of licences authorising the use of a special designation on the ground of a breach of condition of the licence;

(*b*) procedure in connection with decisions to revoke or suspend such licences or to refuse grants of such licences.

PART II —*cont.*

(2) Where there has been a breach of a condition subject to which a licence authorising the use of a special designation is granted, but the licence has not been revoked or suspended, the breach shall not be treated as rendering the use of the designation unauthorised for any of the purposes of the last foregoing section or of any other provision of this Act.

Ancillary provisions as to Milk (Special Designation) Regulations

Provisions as to making of Milk (Special Designation) Regulations.

15.—(1) The power of making Milk (Special Designation) Regulations shall be exercisable—

(*a*) except in so far as the regulations relate to raw milk, by the Minister of Health and the Minister of Food acting jointly;

(*b*) in so far as the regulations relate to raw milk, by the said Ministers acting jointly with the Minister of Agriculture and Fisheries.

(2) The Ministers before making such regulations shall consult with such representative organisations as they think fit.

Committees to review working of Milk (Special Designation) Regulations.

16. Milk and Dairies Regulations shall provide for the keeping under review by the committees appointed under those regulations of the operation and administration of Milk (Special Designation) Regulations and for the making of recommendations with respect thereto in like manner as in the case of recommendations made under section five of this Act with respect to the operation of Milk and Dairies Regulations.

Ancillary provisions as to contents of Milk (Special Designation) Regulations.

17.—(1) Provision made by Milk (Special Designation) Regulations for the granting of licences authorising the use of a special designation shall be for the granting thereof by the following, that is to say—

(*a*) either the Minister of Food or county councils or local authorities, as may be provided by the regulations, except as respects licences authorising the use of a special designation of raw milk by the producer of such milk;

(*b*) as respects such last-mentioned licences, the Minister of Agriculture and Fisheries.

(2) The conditions prescribed by such regulations subject to which licences may be granted may include conditions as to the payment of fees.

(3) Without prejudice to the generality of other provisions of this Part of this Act as to such regulations, they may—

(*a*) apply, as respects matters to be dealt with by the regulations, any provisions in the Food and Drugs Act, 1938, or in this Act, or in any other Act dealing with

the like matters, with the necessary modifications and adaptations;

(*b*) provide for an appeal to a court of summary jurisdiction against any refusal or other decision of an authority by whom the regulations are to be enforced and executed, so, however, that this paragraph shall have effect subject to the provisions of paragraph 3 of the Third Schedule to this Act;

(*c*) authorise the making of charges for the purposes of the regulations or for any services performed thereunder, and provide for the recovery of the charges so made;

(*d*) make such ancillary and incidental provisions as appear to the Ministers making the regulations to be necessary or desirable.

Enforcement of Milk (Special Designation) Regulations.

18.—(1) Milk (Special Designation) Regulations shall specify the authorities, whether county councils, local authorities, Food and Drugs authorities or port health authorities, by whom they are to be enforced and executed, and may provide for the giving of assistance and information by any authority concerned in the administration of the regulations, or of this Act, or of the Food and Drugs Act, 1938, to any other authority so concerned for the purposes of their respective duties thereunder:

Provided that this subsection shall not apply to the enforcement or execution of regulations in respect of the use of a special designation of raw milk by a producer of such milk.

(2) Any expenses incurred by a county council in the enforcement and execution of such regulations shall, if the Minister of Health by order so directs, be defrayed as expenses for special county purposes charged on such part of the county as may be provided by the order, but any such order may be revoked or varied by a subsequent order.

(3) Such regulations may in particular provide for imposing on persons offending against the regulations penalties not exceeding the following, that is to say—

(i) for a first offence a fine of twenty pounds; and

(ii) for a subsequent offence a fine of one hundred pounds or imprisonment for three months or both.

(4) Such regulations may in particular provide for the taking and examination of samples, and the power conferred by paragraph (*a*) of subsection (3) of the last foregoing section shall include power, in dealing with the procuring of samples for the purpose of the enforcement of conditions of licences authorising the use of a special designation, to exclude provisions of the Third Schedule to the Food and Drugs Act, 1938, which may appear not to be appropriate for that purpose.

PART II —*cont.*

Compulsory use of special designations in specified areas

Compulsory use for retail sales.

19.—(1) Subject to the provisions of this Part of this Act, the use of a special designation shall be obligatory for the purpose of all sales of milk by retail for human consumption (other than catering sales) where the place of sale is in an area in which this subsection is in operation by virtue of the subsequent provisions of this Part of this Act in that behalf (in this Act referred to as " a specified area ").

(2) The use of a special designation shall be obligatory also for the purpose of a sale of milk by retail for human consumption (other than a catering sale), notwithstanding that the place of sale is not in a specified area, if the milk is delivered from an establishment (whether in or outside a specified area) where there is carried on a business of selling milk which includes any sales for the purpose of which the use of a special designation is obligatory by virtue of the foregoing subsection.

(3) The foregoing subsections shall not apply to the selling of milk as therein mentioned by a producer of milk from cows to persons employed by him in or in connection with such production or employed by him otherwise in agriculture, if he does not engage in any other selling of milk as mentioned in those subsections.

(4) Any person who sells milk without the use of a special designation under a sale for the purpose of which the use of a special designation is obligatory by virtue of this section shall be guilty of an offence.

(5) It shall be the duty of every Food and Drugs authority within their area to carry into execution and enforce the provisions of this section.

(6) Section twenty-eight of this Act shall apply for the interpretation of this section.

Compulsory use for catering.

20.—(1) The provisions of this section shall apply to catering sales, and to sales of milk to a person who carries on a business which consists in or comprises making catering sales (in this section referred to as " a caterer ").

(2) Subject to the provisions of this Part of this Act, a catering sale made in a specified area—

(*a*) shall be lawful (unless it is for any reason unlawful apart from this subsection) if the caterer bought the milk under a sale for the purpose of which a special designation was used, or if he holds a licence authorising him to use a special designation in connection with the milk, whether the designation is used for the purpose of the catering sale or not ; but

(*b*) otherwise shall be unlawful.

PART II —*cont.*

(3) Subject to the provisions of this Part of this Act, on a sale of milk to a caterer, being a sale for the purpose of which the use of a special designation would be obligatory by virtue of the last foregoing section if it were a sale by retail, the use of such a designation shall be obligatory, except where—

(*a*) the caterer buys the milk with a view to subjecting it to a process to which milk is required to be subjected as a condition of the use of a special designation in connection therewith, and he is the holder of a licence authorising him to use that designation, or

(*b*) the caterer buys the milk for the purposes of a business of his as a milk dealer or a manufacturer of milk products other than his business as a caterer.

(4) Any person who makes a catering sale which is unlawful by virtue of subsection (2) of this section, or who sells milk without the use of a special designation under a sale for the purpose of which the use of a special designation is obligatory by virtue of subsection (3) of this section, shall be guilty of an offence:

Provided that a person shall not be guilty of an offence by virtue of subsection (3) of this section if at the time of the sale in question he had reasonable cause to believe that the conditions specified in paragraph (*a*) or (*b*) of that subsection were satisfied as to that sale or that the buyer was not a caterer.

(5) It shall be the duty of every Food and Drugs authority within their area to carry into execution and enforce the provisions of this section.

(6) Section twenty-eight of this Act shall apply for the interpretation of this section.

Power of the Minister of Food to dispense with use.

21.—(1) Notwithstanding anything in subsection (1) or (2) of section nineteen of this Act, or in subsection (3) of section twenty thereof, selling milk as therein mentioned without the use of a special designation shall be permissible if done with the consent of the Minister of Food, and he may give consents for the purposes of this section, either generally as respects selling milk as mentioned in those subsections or restricted to a particular retailer or establishment or otherwise, and either unconditionally or subject to conditions, as may appear to him to be requisite in order to meet any circumstances in which use of a special designation which would be obligatory by virtue of those subsections apart from the consent appears to him to be for the time being not reasonably practicable.

(2) A catering sale made in a specified area shall not be unlawful by virtue of subsection (2) of section twenty of this Act if the milk was sold to the caterer with consent given by the Minister for the purposes of this section.

PART II —*cont.*

(3) Section twenty-eight of this Act shall apply for the interpretation of this section.

Restriction on use of special designation "Accredited."

22.—(1) On and after the first day of October, nineteen hundred and fifty-four, the special designation "Accredited" shall be excluded from the designations which may be used in satisfaction of an obligation to use a special designation subsisting by virtue of this Act.

(2) A person shall not use the special designation "Accredited" for a purpose for which the use of a special designation is obligatory by virtue of this Act unless the milk in question is all from a single herd, and any person who contravenes this subsection shall be guilty of an offence.

It shall be the duty of every Food and Drugs authority within their area to carry into execution and enforce the provisions of this subsection:

Provided that the said duty of a Food and Drugs authority shall not extend to execution and enforcement of the said provisions as regards use of the special designation "Accredited" by the producer of the milk in question.

(3) Section twenty-eight of this Act shall apply for the interpretation of this section.

Specified areas.

23.—(1) The Minister of Food may at any time order that subsection (1) of section nineteen of this Act shall come into operation in any area in which it is not then in operation, or shall cease to be in operation in any area in which it is then in operation.

(2) Before making an order under this section the Minister of Food shall consult with such representative organisations as appear to him substantially to represent the interests concerned with the purposes of the order.

(3) The powers conferred on the Minister by this section shall be exercisable by statutory instrument, and—

(*a*) a draft of any statutory instrument bringing subsection (1) of section nineteen of this Act into operation in any area shall be laid before Parliament;

(*b*) a statutory instrument ordering that subsection (1) of section nineteen of this Act shall cease to be in operation in any area shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) For the purposes of this Part of this Act—

(*a*) if a contract of sale of milk is made in one place and it is delivered under the contract in another place, the place of the sale shall, except in a case falling within paragraph (*b*) of this subsection, be taken to be the place where the milk is so delivered;

PART II —*cont.*

(*b*) if a contract of sale of milk is made in one place and it is delivered under the contract to a carrier for transport to another place, the place of the sale shall be taken to be that other place.

(5) Section twenty-eight of this Act shall apply for the interpretation of this section.

Power of the Minister of Food to provide facilities for treatment of milk.

24.—(1) The Minister of Food may install, maintain and operate apparatus for the subjection of milk to any process to which it is required to be subjected as a condition of the use of a special designation in connection therewith, and may provide any other facilities for that purpose, in any case in which it appears to him, as respects any area which is a specified area, or an area as to which he proposes to make an order bringing subsection (1) of section nineteen of this Act into operation, that facilities for the application of such treatment sufficient to provide for supplies of milk of that designation in that area in requisite quantities are not available and are not likely otherwise to become available.

(2) Where the Minister of Food provides facilities under this section he may either buy the milk to be treated and re-sell it, otherwise than by retail or to a caterer for the purposes of his business as such, after treatment or apply the treatment to milk of others.

(3) The Minister of Food may make arrangements with local authorities or other persons for the doing, on his behalf and at his expense, of things which he is authorised by this section to do, and it shall be within the powers of local authorities to carry out arrangements so made.

(4) Any expenses incurred by the Minister under this section shall be defrayed out of moneys provided by Parliament, and payments received by the Minister for milk sold by him thereunder, or for treating thereunder milk of others, shall be paid into the Exchequer.

(5) Section twenty-eight of this Act shall apply for the interpretation of this section, and in this section the expression " local authority " means any local authority within the meaning of the Local Government Act, 1933, or the London Government Act, 1939.

Licences for specified areas

Breach of certain conditions of licences for specified areas to be punishable.

25.—(1) In the event of a breach of any condition to which this section applies of a licence held by a retailer for a specified area, the holder of the licence shall, subject as provided in the next succeeding section, be guilty of an offence under this section.

PART II —*cont.*

(2) The conditions to which this section applies are conditions as to any such matters as are specified in the Fourth Schedule to this Act.

(3) Milk (Special Designation) Regulations shall specify the authorities, whether local authorities or Food and Drugs authorities, by whom the provisions of this section are to be enforced as respects licences other than licences authorising the use of a special designation in relation to raw milk by the producer thereof, or authorising the use of a special designation by a local authority.

(4) In this section the expression " local authority " means any local authority within the meaning of the Local Government Act, 1933, or the London Government Act, 1939.

Restrictions on liability under foregoing section.

26.—(1) Such a breach of condition as is mentioned in the last foregoing section, constituted by an act or omission for which the holder of the licence is liable to any punishment imposed by or under any enactment other than that section, shall not render the holder of the licence guilty of an offence under the last foregoing section.

(2) Such a breach of condition as is mentioned in the last foregoing section shall not render the holder of the licence guilty of an offence under that section unless it was the later, or a later, of two or more such breaches, occurring within a period of twelve months, of conditions either of that licence or of that licence and a former licence by way of renewal whereof that licence was granted, and was committed either—

(*a*) after the licensing authority had given him notice in writing as to an earlier of those two or more breaches informing him of his being alleged to have committed it, and warning him of the liability to prosecution imposed by the last foregoing section; or

(*b*) after he had been convicted of an offence under that section by virtue of an earlier of those two or more breaches.

(3) In the case of any prosecution in respect of such a breach of condition as is mentioned in the last foregoing section which would otherwise render the holder of the licence guilty of an offence under that section, it shall be a defence for him to prove the following matters (either as to that breach, or as to the earlier breach relied on for the purpose of subsection (2) of this section unless it is one by virtue of which he has been convicted of such an offence), that is to say—

(*a*) that 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

PART II —*cont.*

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, or had been delivered to him after being subjected to a process to which it was required to be subjected as a condition of the use of the special designation to which his licence related, that that designation was used for the purpose of the sale to him or in connection with the delivery to him, as the case may be, 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 any condition, relating to receptacles, to closing, to fastening or to marking, of a licence to use that designation held by the person who sold the milk to him or subjected it to the process, as the case may be.

(4) Section twenty-eight of this Act shall apply for the interpretation of this section.

Revocation, suspension and refusal of licences.

27. Part II of the Third Schedule to this Act shall have effect as respects the application of Part I of that Schedule to a licence held by a retailer for a specified area.

Interpretation of certain provisions in Part II

Interpretation of certain provisions in Part II.

28. In the provisions of this Part of this Act beginning with section nineteen and in the Third Schedule to this Act, except where the context otherwise requires—

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

"catering sale" means a sale of milk, or of things made from milk or of which milk is an ingredient, as, or as part of, a meal or refreshments;

"licence held by a retailer for a specified area" means a licence authorising the use of a special designation held by a person carrying on a business which includes any sales which are sales for the purpose of which the use of a special designation is obligatory by virtue of this Part of this Act and are of milk in relation to which that licence authorises the use of a special designation;

"licensing authority" means, in relation to a grant of a licence authorising the use of a special designation, the authority having power to grant it by virtue of Milk (Special Designation) Regulations, and, in relation to

PART II —*cont.*

such a licence which has been granted, the authority who would for the time being have power by virtue of such regulations as aforesaid to grant a licence by way of renewal thereof if it had expired;

"milk" means cows' milk, excluding not only condensed milk and dried milk, but also cream and separated, skimmed and evaporated milk, and butter milk;

"selling" means selling in the course of a business, and includes, in relation to milk, supplying it under arrangements for free supply, and, in relation to milk and things made from milk or of which milk is an ingredient, supplying it or them, in the course of any business otherwise than under such arrangements; and references to sales and contracts of sale and sellers shall be construed accordingly;

"selling milk by retail" means selling it—

(*a*) to any person other than a milk dealer (that is to say a person who carries on a business which consists in or comprises the selling of milk) or a manufacturer of milk products (that is to say, a person who carries on a business which consists in or comprises the making of things made from milk or of which milk is an ingredient); or

(*b*) to such a dealer or manufacturer otherwise than for the purposes of his business as such;

"specified area" has the meaning assigned by subsection (1) of section nineteen of this Act;

"supplying under arrangements for free supply" means, in relation to any milk, supplying it, free from any payments made or to be made by the person to whom it is supplied, under arrangements made in exercise of powers in that behalf conferred by any Regulation in the Defence (General) Regulations, 1939, or by section forty-nine or subsection (2) of section seventy-eight of the Education Act, 1944; and references to a person's buying milk include references to his having it supplied to him under such arrangements.

PART III

ARTIFICIAL CREAM

Regulation of sale of artificial cream.

29.—(1) No person shall sell, or offer or expose for sale, for human consumption under a description or designation including the word "cream" any substance purporting to be cream or artificial cream, unless—

(*a*) the substance is cream; or

(*b*) where the substance is artificial cream, the word "cream" is immediately preceded by the word "artificial."

PART III —*cont.*

(2) No person shall use any vessel for conveying artificial cream intended for sale for human consumption, or for containing artificial cream at any time when it is exposed for such sale, unless the words "artificial cream" are printed in large and legible letters of uniform size and conspicuously visible either on the vessel itself, or on a label securely attached thereto.

(3) A person who contravenes any of the provisions of this section shall be guilty of an offence.

(4) It shall be the duty of every Food and Drugs authority within their area to carry into execution and enforce the provisions of this section with a view to securing that food is sold only in a pure and genuine condition.

Premises where artificial cream is manufactured or sold to be registered.

30.—(1) Artificial cream shall not be manufactured, sold, or exposed or kept for sale for human consumption except on premises registered by the Food and Drugs authority:

Provided that registration under this section shall not be required in respect of—

(*a*) the manufacture of artificial cream by any person solely for his domestic purposes; or

(*b*) the manufacture of artificial cream on any premises for use in the preparation on those premises of some other food; or

(*c*) the sale, exposure or keeping for sale of artificial cream on any premises where it is supplied only in the properly closed and unopened vessels in which it is delivered to those premises.

(2) A person who uses any unregistered premises in contravention of the foregoing provisions of this section shall be guilty of an offence, and the court may order that any machine found on the premises which is suitable for use in the manufacture of artificial cream shall be forfeited.

(3) A Food and Drugs authority shall, on the application of the occupier of, or of a person proposing to occupy, any premises, register those premises for the purposes of this section.

(4) Upon any change in the occupation of premises registered under this section, the incoming occupier shall, if he intends to use them for the purpose for which they are registered, forthwith give notice of the change to the authority, who shall thereupon make any necessary alteration in their register.

If a person required to give a notice under this subsection fails to do so, he shall be liable to a fine not exceeding five pounds.

(5) Where any substance having the composition of cream or artificial cream is sold or exposed or kept for sale on premises registered under this section, it shall be presumed to be artificial cream, unless the contrary is proved.

PART III —*cont.*

(6) It shall be the duty of every Food and Drugs authority within their area to carry into execution and enforce the provisions of this section with a view to securing that food is sold only in a pure and genuine condition.

Extension to artificial cream of provisions relating to cream.

31. Save as otherwise expressly provided, such of the following provisions as apply in relation to cream, that is to say—

(*a*) any provision of this Act;

(*b*) any provision of Milk and Dairies Regulations, other than provisions relating to the registration of dairymen and dairies; and

(*c*) any provision of Milk (Special Designation) Regulations,

shall also apply in relation to artificial cream.

PART IV

GENERAL

This Act to form part of the Food and Drugs Act, 1938.

32. The Food and Drugs Act, 1938, and this Act shall be construed as if this Act formed part of that Act.

Regulations.

33. Any power to make regulations under this Act shall be exercisable by statutory instrument and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation.

34.—(1) In this Act, except where the context otherwise requires—

" animal " does not include bird;

" area ", in relation to a county council, means, as the case may require, either the county or that part of the county for which the council are the Food and Drugs authority and, in relation to a local authority, means their district;

" artificial cream " means an article of food which, though not cream, resembles cream and contains no ingredient which is not derived from milk except water or any substance which may lawfully be contained in an article sold as cream, being some substance not injurious to health which in the case of cream may be required for its production or preparation as an article of commerce in a state fit for carriage or consumption and which has not been added fraudulently to increase bulk, weight or measure or conceal inferior quality;

" county " means an administrative county;

PART IV —*cont.*

"cream" means that part of milk rich in fat which has been separated by skimming or otherwise;

"dairy" includes any farm, cowshed, milking house, milk store, milk shop or other premises from which milk is supplied on or for sale, or in which milk is kept or used for purposes of sale or of manufacture into butter, cheese, dried milk or condensed milk for sale, or in which vessels used for the sale of milk are kept, but does not include a shop from which milk is supplied only in the properly closed and unopened vessels in which it is delivered to the shop, or a shop or other place in which milk is sold for consumption on the premises only;

"dairy farm" means any premises being a dairy as herein defined on which milk is produced from cows, but does not include any part of any such premises on which milk is manufactured into other products unless the milk produced on the premises forms a substantial part of the milk so manufactured; and if any question arises whether the milk produced on a farm or other premises forms a substantial part of the milk that is manufactured into other products thereon, that question shall be determined by the Minister of Agriculture and Fisheries;

"dairy farmer" means a dairyman who produces milk from cows;

"dairyman" includes an occupier of a dairy, a cow keeper, and a purveyor of milk;

"Food and Drugs authority" has the meaning assigned to it by section sixty-four of the Food and Drugs Act, 1938;

"local authority" has the meaning assigned to it by section sixty-four of the Food and Drugs Act, 1938;

"London" means the administrative County of London;

"milk" includes cream and separated milk, but does not include dried milk or condensed milk;

"premises" includes messuages, buildings, land, easements and hereditaments of any tenure;

"prepare", in relation to food, includes manufacture;

"purveyor", in relation to any milk, includes any person who sells milk, whether wholesale or by retail;

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

"separated", in relation to milk, includes skimmed;

"substance" includes a liquid;

"vessel" includes a receptacle of any kind, whether open or closed.

(2) In this Act, unless the context otherwise requires, any reference to food of any kind sold, or offered, exposed, intended

PART IV —*cont.*

or in preparation, for sale for human consumption shall be construed as including a reference to that food sold, or offered, exposed, intended or in preparation for sale, for the manufacture of products for human consumption.

Transitional.

35.—(1) The provisions of this section shall have effect in connection with the transition from the law in force before the first day of October, nineteen hundred and forty-nine (which was the date of the coming into operation of the Food and Drugs (Milk and Dairies) Act, 1944, and the Milk (Special Designations) Act, 1949) to the law in force after that date.

(2) Any premises being immediately before the said first day of October a dairy farm, and any person then carrying on the trade of a dairy farmer, shall be deemed to have been registered in accordance with Milk and Dairies Regulations by the Minister of Agriculture and Fisheries on that day; and those regulations shall include provision for ascertaining the premises and persons deemed to have been registered as aforesaid and for making consequential adjustments of the register kept by any authority under the said regulations immediately before the said day, and may include provision for any matter incidental to or consequential on the foregoing provisions of this subsection.

(3) Where on the said first day of October any duty of carrying into effect and enforcing any provisions contained in this Act was transferred from one body to another, anything then already commenced by or under the authority of the former may, so far as it relates to that duty, be carried on or completed by or under the authority of the latter, and, in any legal proceedings having reference to that duty which were then pending and to which the former was a party, the latter shall be substituted for the former and the proceedings shall not abate by reason of the substitution.

(4) Milk (Special Designation) Regulations may provide for giving continuing effect to decisions, proceedings in connection with appeals, and other things made, taken or done under paragraphs (*d*) or (*e*) of subsection (1) of section twenty-one of the Food and Drugs Act, 1938, (which corresponded to Part I of the Third Schedule to this Act) or pending when those paragraphs were repealed on the said first day of October, as if they had been made, taken or done for the purposes of the said Part I.

Repeal and savings.

36.—(1) The enactments set out in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule:

Provided that without prejudice to the provisions of the Interpretation Act, 1889, this subsection shall have effect subject to the following provisions of this section.

PART IV —*cont.*

(2) Nothing in this repeal shall affect any instrument made or other thing whatsoever done under any enactment repealed by this Act, and every such instrument or other thing shall continue in force and, so far as it could have been made or done under this Act, shall have effect as if made or done under the corresponding provision of this Act.

(3) Any document referring to any Act or enactment repealed by this Act shall be construed as referring to this Act or the corresponding enactment in this Act.

(4) The reference in subsection (2) of section seventy-one of the Food and Drugs Act, 1938, and any other reference in any enactment passed or made before the first day of October, nineteen hundred and forty-nine (the date of the coming into operation of the Food and Drugs (Milk and Dairies) Act, 1944) to Milk and Dairies Regulations shall include a reference to Milk (Special Designation) Regulations.

(5) The reference in subsection (1) of section eighty-four of the Food and Drugs Act, 1938, to Part II of that Act shall be construed as a reference to this Act.

Extent.

37. This Act shall not extend to Scotland or Northern Ireland.

Short title, citation and commencement.

38.—(1) This Act may be cited as the Food and Drugs (Milk, Dairies and Artificial Cream) Act, 1950, and may be cited together with the Foods and Drugs Acts, 1938 and 1944, as the Food and Drugs Acts, 1938 to 1950.

(2) This Act shall come into operation on the first day of January, nineteen hundred and fifty-one.

SCHEDULES

FIRST SCHEDULE

Sections 2and 3.

REFUSAL AND CANCELLATION OF REGISTRATION OF DAIRYMEN AND OF DAIRY FARMS AND FARMERS

PART I

DAIRYMEN

1. If it appears to an authority by whom dairymen are registered in pursuance of Milk and Dairies Regulations, other than the Minister of Agriculture and Fisheries, that the public health is, or is likely to be, endangered by any act or default of a person who has applied to be, or is, so registered by the authority, being an act or default, committed whether within or without the district of the authority, in relation to the quality, storage or distribution of milk, they shall serve on him a notice—

(*a*) stating the place and time, not being less than seven days after the date of the service of the notice, at which they propose to take the matter into consideration; and

1ST SCH. —*cont.*

(*b*) informing him that he may attend before them, with any witnesses whom he desires to call, at the place and time mentioned to show cause why they should not, for reasons specified in the notice, refuse to register him or cancel his registration, as the case may be, either generally or in respect of any specified premises.

2. If a person on whom a notice is served under the foregoing paragraph fails to show cause to the satisfaction of the authority, they may refuse to register him or cancel his registration as the case may be, and shall forthwith give notice to him of their decision in the matter, and shall, if so required by him within fourteen days of their decision, give to him within forty-eight hours a statement of the grounds on which it was based.

3. A person aggrieved by the decision of an authority under this Part of this Schedule to refuse to register him, or to cancel his registration, may appeal to a court of summary jurisdiction.

4. The court before whom a person registered as a dairyman otherwise than by the Minister of Agriculture and Fisheries is convicted of an offence under any of the provisions relating to milk in the Food and Drugs Act, 1938, or this Act, or under any Milk and Dairies Regulations may, in addition to any other penalty, cancel his registration as such.

5. An authority other than the Minister of Agriculture and Fisheries may require a person who applies to them for registration as a dairyman to give to them, before his application is considered, information as to whether he is, or has been, registered as a dairyman, whether by them or the Minister of Agriculture and Fisheries or some other authority, and if an applicant who is so required gives to the authority any information which is false in any material respect, he shall be guilty of an offence.

6. Where under this Part of this Schedule a person's application for registration is refused, or his registration is cancelled, he shall not be liable for any breach of contract for the purchase of further supplies of milk from any person, if such refusal or cancellation was due to the quality of the milk supplied by that person.

PART II

DAIRY FARMS AND FARMERS

7. Milk and Dairies Regulations shall provide—

(*a*) for the refusal by the Minister of Agriculture and Fisheries of registration of a dairy farm or of a person carrying on, or proposing to carry on, the trade of a dairy farmer, if in his opinion, having regard to conditions existing at the premises to be registered, the regulations cannot be complied with and the registration should be refused; and

(*b*) for the cancellation of any such registration by that Minister if in his opinion the regulations are not being complied with and the registration should be cancelled.

1ST SCH. —*cont.*

8. Any regulations made by virtue of the last foregoing paragraph shall—

(*a*) require notice to be given to the person affected of any intention to refuse or cancel the registration, stating the grounds on which it is alleged that the regulations cannot be or are not being complied with, as the case may be, and his rights of making objections and representations in accordance with the regulations;

(*b*) enable the said person, within the time prescribed by the regulations (which shall not be less, in the case of a refusal, than twenty-eight days or, in the case of a cancellation, than twenty-one days, from the date of the service of the said notice) to object, in respect of all or any of the grounds stated in the said notice, that the regulations can be or are being complied with, as the case may be;

(*c*) provide for the reference of any such objection to a tribunal constituted in accordance with the regulations;

(*d*) provide for the procedure of the said tribunal, and in particular for entitling the person objecting to appear before the tribunal with any witnesses he desires to call, and to require the tribunal to inspect the premises to which the objections relate;

(*e*) require the said tribunal to determine whether the objections are made out and, if not, on which of the grounds in respect of which they are made they are not made out, and provide that, in the event of a difference of opinion among the members of the tribunal, the determination of the majority of them shall be the determination of the tribunal;

(*f*) require that the determinations of the tribunal shall be reported to the Minister of Agriculture and Fisheries and communicated by him to the person objecting, and provide that the determinations of the tribunal as stated in the report shall, for the purpose of the proposal to refuse or cancel registration, be conclusive evidence of the facts found thereby;

(*g*) enable the said person within the time so prescribed to make representations to the Minister of Agriculture and Fisheries that the registration should not be refused or cancelled on the grounds stated in the notice mentioned in sub-paragraph (*a*) of this paragraph;

(*h*) provide that no registration shall be cancelled—

(i) in any case, until the expiration of the prescribed time for making objections or representations under the regulations;

(ii) in a case where an objection is made within that time, until the report of the tribunal thereon has been received and considered by the said Minister;

(iii) in a case where representations are made to the said Minister within that time, until the representations have been considered by him.

1ST SCH. —*cont.*

9. There shall be paid out of moneys provided by Parliament to the chairman of any such tribunal as is referred to in the last foregoing paragraph such remuneration (by way of salary or fees) and such allowances as the Minister of Agriculture and Fisheries may, with the approval of the Treasury, determine.

SECOND SCHEDULE

Section 8.

DISEASES OF COWS TO WHICH SECTION EIGHT APPLIES

Acute mastitis.
Actinomycosis of the udder.
Suppuration of the udder.
Any infection of the udder or teats which is likely to convey disease.
Any comatose condition.
Any septic condition of the uterus.
Anthrax.
Foot and mouth disease.

THIRD SCHEDULE

Sections 14 and 27.

POWERS AS TO REVOCATION OR SUSPENSION OF LICENCES TO USE SPECIAL DESIGNATIONS, AND PROCEDURE AS TO REVOCATION, SUSPENSION OR REFUSAL THEREOF

PART I

GENERAL

1. Provision shall be made by Milk (Special Designation) Regulations for enabling the licensing authority or, on an appeal made to him by virtue of the subsequent provisions of this Schedule in that behalf, the Minister of Food, to revoke or suspend a licence authorising the use of a special designation, on the ground of any breach of condition thereof which is proved to the satisfaction of the licensing authority or of that Minister as the case may be:

Provided that this paragraph shall, in relation to licences for specified areas, have effect subject to the provisions of Part II of this Schedule.

2. Provision shall be made by such regulations as aforesaid as to any decision to revoke or suspend such a licence as aforesaid or to refuse a grant of such a licence—

(*a*) where the licensing authority is a local authority, for conferring on the holder of the licence or the applicant, as the case may be (in this Schedule referred to as "the person affected") a right to be heard by the appropriate committee of the authority before a decision is made, and a right of appeal to the Minister of Food against a decision adverse to the person affected;

(*b*) for requiring the Minister of Food on any such appeal to him, and any Minister of the Crown when acting as licensing authority, before making his decision to afford to the person affected an opportunity of making representations;

(*c*) for securing that any such hearing as aforesaid by a committee shall be in public, that the person affected shall be

entitled to be heard by himself or by counsel or a solicitor or other representative as he may elect, and that he or his representative shall be entitled to call witnesses and to cross-examine witnesses called by another ; and

(*d*) for securing that such notice of a decision or proposed decision shall be given to the person affected as may be requisite for enabling him effectively to exercise rights conferred on him by virtue of the foregoing sub-paragraphs.

3. Paragraph (*b*) of subsection (3) of section seventeen of this Act shall not apply to any such decision as is mentioned in the last foregoing paragraph.

PART II

LICENCES HELD BY RETAILERS FOR SPECIFIED AREAS

4.—(1) Any provision for the revocation of a licence authorising the use of a special designation on the ground of breach of a condition thereof made by Milk (Special Designation) Regulations shall be such as to secure that a licence held by a retailer for a specified area shall not be revoked, and a grant of a licence by way of renewal of a licence so held shall not be refused, on the ground of breach of a condition of the licence so held, unless—

(*a*) the breach in question is of a condition to which section twenty-five of this Act applies,

(*b*) the holder of the licence has been convicted of an offence under that section by virtue of the breach in question, or has been convicted, within twelve months before the time of the breach in question or after the time of it, of an offence under section thirteen, nineteen, twenty or twenty-two of this Act, or of an offence under Milk and Dairies Regulations for which a penalty is thereby imposed, and

(*c*) the decision of the licensing authority to revoke, or to refuse renewal, as the case may be, is made within twelve months from the date of the breach in question.

(2) Any provision for the suspension of a licence authorising the use of a special designation on the ground of breach of a condition thereof made by Milk (Special Designation) Regulations shall be such as to secure that—

(*a*) a licence held by a retailer for a specified area shall not be suspended, by virtue of any one decision of the authority having power to suspend it, for a period of more than three months, but

(*b*) a period of suspension of such a licence awarded by any such decision may be extended by a subsequent such decision made in accordance with the provisions of this Schedule.

(3) For the purposes of any decision for the suspension of a licence held by a retailer for a specified area, the term of that licence and of any licence granted by way of renewal thereof shall be treated as if they had been a single term, and accordingly—

(*a*) a period of suspension of such a licence of three months or less may be awarded notwithstanding that that period is longer than the unexpired residue of the term of the licence ; and

3RD SCH. —*cont.*

(*b*) where such a longer period of suspension of such a licence is awarded, a licence may be granted by way of renewal thereof but that licence shall be in suspense until the expiry of that period, and such a decision for extension of that period as is mentioned in paragraph (*b*) of sub-paragraph (2) of this paragraph may be made so as to extend the suspension of that licence.

5. Paragraph 1 of this Schedule shall, in so far as it relates to proof of a breach of condition of a licence, have effect subject as follows, that is to say—

(*a*) the provision to be made as therein mentioned shall extend to a breach by virtue of which the holder of the licence has been convicted of an offence under section twenty-five of this Act without requiring any proof thereof other than conviction; and

(*b*) in relation to a case referred to a tribunal by virtue of the subsequent provisions of this Schedule, not being a case in which the holder of the licence has been convicted as aforesaid, the said paragraph 1 shall have effect with the substitution of a reference to proof by the finding of the tribunal for the reference to proof to the satisfaction of the licensing authority or the Minister.

6.—(1) Milk (Special Designation) Regulations shall, where the issue is as to the revocation or suspension of a licence held by a retailer for a specified area, or as to the refusal to grant such a licence by way of renewal of such a licence, provide—

(*a*) for requiring the Minister of Food on such an appeal as is mentioned in sub-paragraph (*a*) of paragraph 2 of this Schedule, and any Minister of the Crown when acting as licensing authority, to refer the matter to a tribunal constituted in accordance with the regulations if the person affected so requests;

(*b*) for requiring that the duty of such a tribunal on any such reference shall be to report findings on any questions of fact appearing to them to be relevant, and in particular, where the issue is as to revocation or suspension on the ground of a breach of condition not being one by virtue of which the holder of the licence has been convicted of an offence under section twenty-five of this Act, to find and report whether the breach was in fact committed (which finding shall be conclusive for the purposes of this Schedule), and for requiring the Minister of Food, or the Minister acting as licensing authority, as the case may be, to consider the report of the tribunal before making his decision;

(*c*) for the procedure of such a tribunal, including provision for conferring on the person affected a right to be heard by the tribunal, and including provision for treating the finding of a majority of the members of such a tribunal as the finding of the tribunal in the event of a difference of opinion among the members;

(*d*) for securing that any such hearing as aforesaid by a tribunal shall be in public, that the person affected shall be entitled to be heard by himself or by counsel or a solicitor or other

representative as he may elect, and that he or his representative shall be entitled to call witnesses and to cross-examine witnesses called by another; and

(*e*) for securing that such notice of a decision or proposed decision shall be given to the person affected as may be requisite for enabling him effectively to exercise rights conferred on him by virtue of the foregoing provisions of this paragraph.

(2) There shall be paid out of moneys provided by Parliament to the chairman of any such tribunal as aforesaid such remuneration (by way of salary or fees) and such allowances as the authority appointing him may, with the approval of the Treasury, determine.

PART III

INTERPRETATION

7. Section twenty-eight of this Act shall apply for the interpretation of this Schedule.

FOURTH SCHEDULE

CONDITIONS TO WHICH SECTION TWENTY-FIVE APPLIES

Section 25.

1. Conditions to which section twenty-five of this Act applies are conditions relating to any of the following matters, that is to say—

The examination or testing of animals, the inoculation of animals, the keeping of any animal or herd away from other animals, or other measures for detecting the existence of disease in animals or preventing the contracting or spread of it.

The marking, or keeping of records, of any animals, or other measures for identification thereof.

The subjection of milk to any process of heat-treatment, or to any cooling or other process, requirements in connection with the subjection of milk thereto or as to the temperature or other conditions under which it is to be kept thereafter, or the recording or retention of evidence of the observance of such requirements.

Satisfaction of a test of milk, being a test related to the subjection of milk to such a process as aforesaid or to the observance of any such requirements as aforesaid.

Measures for securing that milk produced, or subjected to a process, as required by any conditions is kept away from, and free from admixture with, other milk not so produced or subjected or other things, or is not subjected to some specified process.

The manner in which milk produced, or subjected to any process, in accordance with any conditions is to be dealt with or kept as respects the receptacles in which it is to be put or to remain, the closing or fastening of receptacles, or the marking of receptacles or of things by which they are closed or fastened.

The manner of describing milk produced, or subjected to any process, in accordance with any conditions.

The making or keeping of records of milk produced, bought, subjected to any process, or sold.

2. In this Schedule the expression "milk" means cows' milk, excluding not only condensed milk and dried milk but also cream and separated, skimmed and evaporated milk, and butter milk.

FIFTH SCHEDULE

Section 36.

ENACTMENTS REPEALED

Session and Chapter, or Serial Number	Short Title	Extent of Repeal
1 Edw. 8 & 1 Geo. 6. c. 70.	The Agriculture Act, 1937	In section nineteen, in subsection (1), the words "and any enactments relating to milk or to dairies".
1 & 2 Geo. 6. c. 56.	The Food and Drugs Act, 1938.	The whole of Part II. In section sixty-five, in subsection (1), paragraphs (*b*) and (*c*). In section ninety-two, in subsection (1), the words "Milk and Dairies Regulations". In the First Schedule, Part I.
7 & 8 Geo. 6. c. 29.	The Food and Drugs (Milk and Dairies) Act, 1944.	Sections one to four. In section eight, in subsection (1) all the definitions except that of war service; and subsection (2). The Schedule.
12 & 13 Geo. 6. c. 34.	The Milk (Special Designations) Act, 1949.	The whole Act.
12 & 13 Geo. 6. c. 37.	The Agriculture (Miscellaneous Provisions) Act, 1949.	Section seven. In the Schedule, Part I.
	Statutory Instrument	
S.I. 1948, No. 107.	The Transfer of Functions (Food and Drugs) Order, 1948.	Articles three, four and five. In article six, paragraph (2).

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Board of Agriculture Act, 1889	52 & 53 Vict. c. 30.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Agriculture Act, 1937	1 Edw. 8. & 1 Geo. 6. c. 70.
Food and Drugs Act, 1938	1 & 2 Geo. 6. c. 56.
London Government Act, 1939	2 & 3 Geo. 6. c. 40.
Food and Drugs (Milk and Dairies) Act, 1944 ...	7 & 8 Geo. 6. c. 29.
Education Act, 1944	7 & 8 Geo. 6. c. 31.
National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
Milk (Special Designations) Act, 1949	12 & 13 Geo. 6. c. 34.
Agriculture (Miscellaneous Provisions) Act, 1949	12 & 13 Geo. 6. c. 37.