STATUTORY INSTRUMENTS

1983 No. 1511

FOOD

MILK AND DAIRIES

The Milk and Dairies (Semi-skimmed and Skimmed Milk) (Heat Treatment and Labelling) (Amendment) Regulations 1983

Made - - - -	18*th October* 1983
Laid before Parliament	26*th October* 1983
Coming into Operation	16*th November* 1983

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Social Services and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 29, 87 and 123 of the Food and Drugs Act 1955**(a)**, and now vested in them**(b)**, and of all other powers enabling them in that behalf, hereby make the following regulations, after consultation in accordance with section 123(6) of that Act with such organisations as appear to them to be representative of interests substantially affected by the regulations:—

Title and commencement

1. These regulations may be cited as the Milk and Dairies (Semi-skimmed and Skimmed Milk) (Heat Treatment and Labelling) (Amendment) Regulations 1983 and shall come into operation on 16th November 1983.

Amendment of previous regulations

2. The Milk and Dairies (Semi-skimmed and Skimmed Milk) (Heat Treatment and Labelling) Regulations 1973**(c)** shall be amended as follows:—

(*a*) by the substitution for regulation 3 (which restricts the sale of semi-skimmed and skimmed milk unless heat treatment requirements are satisfied) of the following regulation:—

(a) 1955 c. 16 (4 & 5 Eliz. 2); section 29 was amended by the European Communities Act 1972 (c. 68), Schedule 4, paragraph 3(3), section 87 was amended by the Weights and Measures Act 1963 (c. 31), Schedule 9, Part II, and section 123 was amended by the Weights and Measures Act 1963, Schedule 9, Part I, the Slaughterhouses Act 1974 (c. 3), Schedule 4, paragraph 4, and the Food and Drugs (Amendment) Act 1982 (c. 26), section 4.

(b) In the case of the Secretary of State for Social Services, by virtue of S.I. 1968/1699; in the case of the Secretary of State for Wales, by virtue of S.I. 1978/272.

(c) S.I. 1973/1064, amended by S.I. 1982/1358, 1702, 1703.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th October 1983.

L.S.

Michael Jopling,
Minister of Agriculture, Fisheries and Food.

Norman Fowler,
Secretary of State for Social Services.

18th October 1983.

John Stradling Thomas,
Minister of State for Wales.

11th October 1983.

EXPLANATORY NOTE

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

These regulations amend the Milk and Dairies (Semi-skimmed and Skimmed Milk) (Heat Treatment and Labelling) Regulations 1973 by disapplying, in the case of semi-skimmed and skimmed milk sterilised or ultra heat treated in Northern Ireland in accordance with Northern Irish legislation and then brought into England and Wales, the restriction on sale (in the absence of compliance with the specific heat treatment requirements of Schedules 1 and 2 to those regulations) laid down by regulation 3 of those regulations, and by providing for an alternative test tube specification in respect of sample tests.

"3.—(1) Subject to paragraphs (3), (4) and (5) of this regulation, no person shall sell any semi-skimmed milk or skimmed milk unless the requirements specified in paragraph (2) of this regulation are satisfied.

(2) The requirements to be so satisfied are the general requirements of Schedule 1 to these regulations in connection with the heat treatment of semi-skimmed and skimmed milk and the special requirements of Part I, II or III of Schedule 2 to these regulations in connection with such heat treatment by pasteurisation, sterilisation or the ultra high temperature method respectively.

(3) Where semi-skimmed or skimmed milk is brought from Scotland into England and Wales, the requirements of Schedule 1 and any Part of Schedule 2 to these regulations in relation to that milk shall, so far as they would relate to anything to be done before that milk enters England and Wales, be deemed to be satisfied if the corresponding requirements of legislation having effect for the time being in Scotland in relation to the heat treatment of that milk are satisfied.

(4) Where semi-skimmed or skimmed milk is brought from Northern Ireland into England and Wales, the requirements of Schedule 1 and Part II or III of Schedule 2 to these regulations in relation to that milk shall, so far as they would relate to anything to be done before that milk enters England and Wales, be deemed to be satisfied if the corresponding requirements of legislation having effect for the time being in Northern Ireland in relation to the heat treatment of that milk are satisfied.

(5) Paragraph (1) of this regulation shall not apply to the sale of semi-skimmed milk or skimmed milk to a milk processor for heat treatment in accordance with these regulations.";

(*b*) by the substitution, in Schedule 3, Part II, paragraph 4(*i*), Part III, paragraph 3(1) and Part IV, paragraph 3(*c*) (all of which specify apparatus for sample tests), for the words "British Standard 625:1959, nominal size 150/16", in each place where they occur, of the words "either British Standard 625:1959 or British Standard 3218:1982, nominal size 150/16".

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