STATUTORY RULES OF NORTHERN IRELAND

# 2008 No. 237

# FOOD

## The Drinking Milk Regulations (Northern Ireland) 2008

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| *Made - - - -* | *2nd June 2008* |
| *Coming into operation-* | *1st July 2008* |

The Department of Health, Social Services and Public Safety(**1**) makes the following Regulations in exercise of the powers conferred by Articles 15(1), 16(2), 25(1) and (3), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991(**2**) and paragraph 1A of Schedule 2 to the European Communities Act 1972(**3**)

In accordance with Article 47(3A) of that Order, it has had regard to relevant advice given by the Food Standards Agency.

As required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**4**), there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department of Health, Social Services and Public Safety that it is expedient for the references to the provisions of Article 114(2) of, and Annex XIII to, Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)(**5**) to be construed as references to those provisions as amended from time to time.

### Citation and commencement

**1.** These Regulations may be cited as the Drinking Milk Regulations (Northern Ireland) 2008 and come into operation on 1st July 2008.

### Interpretation

**2.**—(1) In these Regulations—

(**1**) Formerly the Department of Health and Social Services; see S.I. 1999/283 (N.I.1) Article 3(6)
(**2**) S.I. 1991/762 (N.I.7) as amended by S.I. 1996/1633 (N.I.12), paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c.28, S.R. 2004 No.482 and S.R. 2004 No.505
(**3**) 1972 c.68; paragraph 1A was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51)
(**4**) OJ No. L31, 1.2.2002, p.1; that Regulation was last amended as at the making of these Regulations by Commission Regulation (EC) No. 575/2006 (OJ No.L100, 8.4.2006, p.3)
(**5**) OJ No. L 299, 16.11.2007, p.1

"the Annex" means Annex XIII to the Council Regulation;

"Article 114(2)" means Article 114(2) of the Council Regulation;

"the Council Regulation" means Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation);

"drinking milk" has the meaning given in point I(b) of the Annex;

"milk" has the meaning given in point I(a) of the Annex;

"the 1991 Order" means the Food Safety (Northern Ireland) Order 1991; and

"sell" includes possess for sale and offer, expose or advertise for sale.

(2) Other expressions used in these Regulations and in the Council Regulation have the same meaning in these Regulations as they have in the Council Regulation.

(3) References in these Regulations to Article 114(2) and the Annex are references to Article 114(2) and the Annex as amended from time to time.

(4) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to an Act of the Assembly.

### Sale or delivery of milk and use of sales description

**3.** A person shall not—

(a) sell or deliver milk; or

(b) use or omit to use a sales description for any product,

in contravention of Article 114(2) or point II(1) and (2) of the Annex as read with point III of the Annex.

### Importation of products from outside the European Community for sale as drinking milk

**4.** A person shall not import into Northern Ireland from outside the Community any product for sale as drinking milk in contravention of point IV of the Annex.

### Enforcement

**5.** Each district council shall execute and enforce the provisions of these Regulations within its district.

### Offences and penalties

**6.** Any person who fails to comply with regulation 3 or 4 is guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

### Application of provisions of the 1991 Order

**7.** The following provisions of the 1991 Order shall apply for the purposes of these Regulations with the modification that any reference in those provisions to the 1991 Order or Part thereof shall be construed as a reference to these Regulations—

(a) Article 2(4) (which relates to extended meaning of "sale");

(b) Article 3 (application to food offered as prizes etc.);

(c) Article 4 (presumptions that food intended for human consumption);

(**6**) 1954 c.33 (N.I.)