STATUTORY RULES OF NORTHERN IRELAND

1998 No. 359

FOOD

Drinking Milk Regulations (Northern Ireland) 1998

Made - - - -	*15th October 1998*
Coming into operation	*1st December 1998*

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 15(1), 16(2), 25(1) and (3), 26(3) and 47(2) of the Food Safety (Northern Ireland) Order 1991(**1**) and of all other powers enabling it in that behalf and after consultation in accordance with Article 47(3) of the said Order with such organisations as appear to it to be representative of interests likely to be substantially affected by the Regulations, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Drinking Milk Regulations (Northern Ireland) 1998 and shall come into operation on 1st December 1998.

Interpretation

2. In these Regulations—

"the Council Regulation" means Council Regulation (EC) No. 2597/97 laying down additional rules on the common organisation of the market in milk and milk products for drinking milk(**2**);

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

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

Sale or delivery of milk and use of sales descriptions

3. No person shall sell or deliver milk, or use or omit to use a sales description for any product, in contravention of Article 2 of the Council Regulation (as read with Article 3 of that Regulation and, after 31st December 1998, as read also with Article 4 of that Regulation).

(**1**) S.I.1991/762 (N.I. 7) as amended by S.I. 1996/1933 (N.I. 12). *See* Article 2(2) for the definitions of "the Department concerned" and "regulations"

(**2**) O.J. No. L351, 23.12.97, p. 13

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

4. No person shall import into Northern Ireland from outside the European Community any product for sale as drinking milk in contravention of Article 5 of the Council Regulation.

Enforcement

5. Each district council shall enforce and execute these Regulations within its district.

Offences and penalty provision

6. If any person contravenes regulation 3 or 4 he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Defence in relation to exports

7. In any proceedings for an offence under these Regulations it shall be a defence for the person charged to prove—

(a) that the product in respect of which the offence is alleged to have been committed was intended for export to a country which has legislation analogous to these Regulations and that such product complies with that legislation; and

(b) in the case of export to another member State, that the legislation complies with the Council Regulation.

Application of provisions of the Order

8. The following provisions of the Order shall apply for the purposes of these Regulations and any reference in those provisions to the Order shall be construed as a reference to these Regulations—

(a) Articles 2(4) and 3 (extended meaning of "sale" etc.);

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

(c) Article 19 (offences due to fault of another person);

(d) Article 20 (defence of due diligence) as it applies for the purposes of Article 7, 13 or 14 of the Order;

(e) Article 30(8) (which relates to documentary evidence);

(f) Article 34 (obstruction, etc., of officers);

(g) Article 36 (punishment of offences) in so far as it relates to offences under Article 34(1) and (2).

Revocations

9. The statutory provisions specified in the Schedule are hereby revoked to the extent specified in column 3 of that Schedule.

Amendments

10.—(1) In the Dairy Products (Hygiene) Regulations (Northern Ireland) 1995(**3**), in regulation 2(1) (interpretation), for the definition of "drinking milk" there shall be substituted—

""drinking milk"—

(**3**) S.R. 1995 No. 201, to which there are amendments not relevant to these Regulations