1995 No. 201

FOOD

MILK AND DAIRIES

Dairy Products (Hygiene) Regulations (Northern Ireland) 1995

Made . . . . . *18th May 1995*

Coming into operation . . *1st July 1995*

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Whereas it appears to the Department of Agriculture and the Department of Health and Social Services that regulation 4 of these Regulations is expedient in the interests of the public health and for the purpose of securing that dairy products comply with food safety requirements;

Now, therefore, those Departments being the Departments concerned(**a**), in exercise of the powers conferred by Articles 15(1) to (3), 16(1) and (2), 17(2), 18, 25, 26(3), 27(2), 30(9), 32(1) and (2), 47(2) and 48(2) of, and paragraphs 4(*b*), 5, 6(1)(*a*) and 7(1) of Schedule 1 to, the Food Safety (Northern Ireland) Order 1991(**b**) and being Departments designated(**c**) for the purposes of section 2(2) of the European Communities Act 1972(**d**) in relation to the common agricultural policy of the European Community, acting jointly, in exercise of the powers conferred on them by the said section 2(2) and of every other power enabling them in that behalf, after consultation in accordance with Article 47(3) of the said Order of 1991 with such organisations as appear to them to be representative of interests likely to be substantially affected by the Regulations, hereby make the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Dairy Products (Hygiene) Regulations (Northern Ireland) 1995 and shall come into operation on 1st July 1995.

Interpretation

2.—(1) In these Regulations—

"animal" means an animal of the following species: cows, sheep, goats or buffaloes;

(**a**) *See* S.I. 1991/762 (N.I. 7) Article 2(2) for the definitions of "the Department concerned" and "regulations" and with respect to the powers conferred on each Department jointly and severally by virtue of those definitions
(**b**) S.I. 1991/762 (N.I. 7)
(**c**) S.I. 1972/1811
(**d**) 1972 c. 68

"another EEA State" means an EEA State other than the United Kingdom;

"approval" in relation to a dairy establishment means approval by the approving authority in accordance with regulation 6 or 15;

"approving authority" in relation to a dairy establishment means the Department or the district council for the district within which such establishment is situated;

"authorised officer" means a person (whether or not an officer of the Department or a district council) who is authorised in writing by the Department or a district council, either generally or specially, to act in matters arising under these Regulations;

"British Islands" means the United Kingdom, the Channel Islands and the Isle of Man;

"catering establishment" means a restaurant, canteen, club, public house, school, hospital, institution or similar establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business, food is prepared for delivery to the ultimate consumer for immediate consumption without further preparation;

"collection centre" means an establishment where raw milk is collected and where it may be cooled and filtered;

"complete cold mix" in relation to ice-cream means a product which is capable of manufacture into a mixture with the addition of water only, is sent out by the manufacturer in airtight containers, and has been made by evaporating a liquid mixture which has already been submitted to heat-treatment not less effective than that prescribed in paragraph 1 of Part V or paragraph 1 of Part VI of Schedule 6 and to which no substance other than sugar has been added;

"Council Directive 92/46" means Council Directive 92/46/EEC, laying down the health rules for the production and placing on the market of milk and milk-based products(**a**), as amended by Council Directives 92/118/EEC(**b**) and 94/71/EC(**c**), to be read with Council Directive 92/47;

"Council Directive 92/47" means Council Directive 92/47/EEC on the conditions for granting temporary and limited derogations from specific Community health rules on the production and placing on the market of milk and milk-based products(**d**);

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

"dairy establishment" means any undertaking handling dairy products and is either—

(*a*) a standardisation centre,

or any one of the following undertakings operating alone or in combination—

(**a**) OJ No. L268, 14.9.92, p. 1
(**b**) OJ No. L62, 15.3.92, p. 49
(**c**) OJ No. L368, 31.12.94, p. 33
(**d**) OJ No. L268, 14.9.92, p. 33

(*b*) a treatment establishment,

(*c*) a processing establishment, or

(*d*) a collection centre;

"dairy product" means milk or any milk-based product;

"distributor" means a person who sells drinking milk which is raw cows' milk, produced on a licensed production holding of which he is not the occupier;

"the Department" means the Department of Agriculture for Northern Ireland;

"drinking milk" means milk intended for delivery as such to the ultimate consumer and in relation to drinking milk which is cows' milk, it has the meaning assigned to it by Article 3(1) of Council Regulation (EEC) No. 1411/71(**a**) laying down additional rules on the common market organisation in milk and milk products for drinking milk, as amended(**b**);

"EEA Agreement" means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;

"EEA State" means a State which is a Contracting Party to the EEA Agreement but until the EEA Agreement comes into force in relation to Liechtenstein does not include the State of Liechtenstein;

"establishment" in Part II of Schedule 2 means a treatment establishment or a processing establishment;

"farm premises" means a farm occupied by the occupier of a licensed production holding as a single farm and includes the production holding and any processing establishment or other buildings situated on that farm and occupied by the same occupier;

"handling" includes preparing, processing, packaging, treating, wrapping or re-wrapping in the course of a business;

"health mark" means a mark applied in accordance with regulation 11(1) and of a kind and in a manner as set out in Part II of Schedule 10;

"heat-treatment" means any treatment of a dairy product involving heating that causes, immediately after such treatment, a negative reaction to the phosphatase test;

"heat-treated milk" means milk obtained by heat-treatment;

"heat-treated drinking milk" means either drinking milk intended for sale to the ultimate consumer or to institutions, obtained by heat-treatment and presented as pasteurised, UHT or sterilised milk; or milk treated by pasteurisation at the request of an individual consumer, for sale in bulk to that consumer;

(**a**) OJ No. L148, 3.7.71, p. 4 (OJ/SE 1971 vol. II, p. 412)

(**b**) The relevant amending instruments are Council Regulation (EEC) No. 566/76 (OJ No. L67, 15.3.76, p. 23), as read with the corrigendum at OJ No. L107, 24.4.76, p. 22, Commission Regulation (EEC) No. 222/88 (OJ No. L28, 1.2.88, p. 1) and Council Regulation (EEC) No. 2138/92 (OJ No. L214, 30.7.92, p. 6)