1992 No. 559

FOOD

Milk (Standardisation and Importation) Regulations (Northern Ireland) 1992

Made . . . . . 22nd December 1992

Coming into operation . . 1st January 1993

The Department of Agriculture and the Department of Health and Social Services, acting jointly as the Department concerned(**a**), in exercise of the powers conferred by Articles 15(1), (2) and (3), 16(1) and (2), 17(2), 18, 25, 26(3), 32(2), 47(2) and 48(2) of, and paragraph 4(*b*) of Schedule 1 to, the Food Safety (Northern Ireland) Order 1991(**b**) and of every other power enabling them in that behalf; after consultation in accordance with Article 47 of the said Order with such organisations as appear to them to be representative of interests substantially affected by the Regulations, hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Milk (Standardisation and Importation) Regulations (Northern Ireland) 1992 and shall come into operation on 1st January 1993.

Amendment of the Drinking Milk Regulations (Northern Ireland) 1977

2.—(1) The Drinking Milk Regulations (Northern Ireland) 1977(**c**) shall have effect subject to the following amendments—

(*a*) in regulation 2(1) the definitions of ''guideline figure'', ''milk purveyor'', ''milk year'', ''sell by retail'' and ''sell wholesale'' shall be deleted;

(*b*) in regulation 4(*b*) the words ''produced in Northern Ireland'' shall be deleted;

(*c*) in regulation 4(*c*) the remainder of the sub-paragraph after the words ''standardised whole milk'' shall be deleted;

(*d*) in regulation 5(1) after the words ''laid down for'', there shall be inserted the words ''standardised whole milk,'';

(*e*) regulation 6 (labelling of standardised whole milk) shall be deleted;

(*f*) regulation 7 (records of transactions in standardised whole milk) shall be deleted.

(**a**) *See* Article 2(2) of S.I. 1991/762 (N.I. 7)
(**b**) S.I. 1991/762 (N.I. 7)
(**c**) S.R. 1977 No. 8, to which there are amendments not relevant to these Regulations

(2) In regulation 2(1) of the Drinking Milk Regulations (Northern Ireland) 1977, the term ''as amended'' at the end of the sub-paragraph beginning '' ''milk'', ''drinking milk'' '', shall be taken to include the amendment of Council Regulation (EEC) No. 1411/71 effected by Council Regulation (EEC) No. 2138/92(**a**).

Amendment of the Importation of Milk Regulations (Northern Ireland) 1988

3.—(1) The Importation of Milk Regulations (Northern Ireland) 1988(**b**) shall have effect subject to the following amendments—

(2) In regulation 2(2)—

(*a*) for the definition of ''drinking milk'' and the other definitions in the same sub-paragraph as that definition there shall be substituted the following definitions—

'' ''drinking milk'', ''semi-skimmed milk'', ''skimmed milk'', ''standardised whole milk'' and ''non-standardised whole milk'' have the meanings respectively given to them by Council Regulation (EEC) No. 1411/71, as amended(**c**), laying down additional rules on the common market organisation in milk and milk products for drinking milk;'';

(*b*) the definitions of ''designated place'', ''export'', ''guideline figure'', ''milk year'', ''officer of Customs and Excise'', ''place of entry'', ''separated'' and ''working day'' shall be deleted;

(*c*) in the definition of ''milk'' the words ''and separated milk'' shall be deleted;

(*d*) for the definitions of ''milk-based drink'' and ''raw milk'' there shall be substituted the following definition—

'' ''milk-based drink'' has the same meaning as in the Milk Regulations (Northern Ireland) 1987(**d**)'';

(*e*) in sub-paragraph (*c*) of the definition of ''specified drinking milk'' all the words after ''standardised whole milk'' shall be deleted and after it there shall be inserted a new sub-paragraph ''(*d*) non-standardised whole milk'';

(*f*) there shall be inserted in the respective appropriate places the following definitions—

'' ''raw milk'' means milk which has not been heated beyond 40°C or undergone any treatment that has an equivalent effect; and ''raw'' in relation to cream shall be construed accordingly;

(**a**) O.J. No. L214, 30.7.92, p. 6

(**b**) S.R. 1988 No. 420

(**c**) O.J. No. L148, 3.7.71, p. 4 (O.J./S.E. 1971 (II), p. 412), relevant amending instruments are Act of Accession at O.J. No. L2, 1.1.73, Council Regulation (EEC) No. 566/76 (O.J. No. L67, 15.3.76, p. 23) with Corrigendum at O.J. No. L107, 24.4.76, p. 22, Commission Regulation (EEC) No. 222/88 (O.J. No. L28, 1.2.88, p. 1) and Council Regulation (EEC) No. 2138/92 (O.J. No. L214, 30.7.92, p. 6)

(**d**) S.R. 1987 No. 229; relevant amending Regulations are S.R. 1988 No. 436, S.R. 1990 No. 13 and S.R. 1991 No. 151

"thermised milk" means raw milk which has been heated for at least 15 seconds at a temperature between 57°C and 68°C and after such treatment shows a positive reaction to the phosphatase test as described in the Eleventh Schedule to the Milk Regulations (Northern Ireland) 1987, and for the purposes of any such test milk shall be treated as showing a positive reaction if the sample of that milk taken for that test gives a reading of greater than 10 μg of p-nitrophenol/ml of milk;".

(3) In regulation 4(1)—

(*a*) in sub-paragraph (*a*)(i) after the words "specified drinking milk," there shall be inserted the words "raw milk, thermised milk,";

(*b*) in sub-paragraph (*a*)(ii) prior to the words "has been pasteurised," there shall be inserted the words "unless it is raw milk, thermised milk or raw cream,";

(*c*) sub-paragraph (*a*)(vi) shall be deleted except for the word "and" at the end;

(*d*) sub-paragraph (*b*) shall be deleted.

(4) Regulation 5 (authorised places of entry) shall be deleted.

(5) Regulation 6 (importation procedure) shall be deleted.

(6) In regulation 7(2)—

(*a*) for the words "whole milk, semi-skimmed milk, skimmed milk" there shall be substituted the words "raw milk, thermised milk, specified drinking milk,";

(*b*) in sub-paragraph (*b*), prior to the words "has been subjected to", there shall be inserted the words "unless it is raw milk, thermised milk, or raw cream,".

(7) Regulation 7(3) shall be deleted.

(8) Regulation 9 (duties of authorised officers) shall be deleted.

(9) Regulation 10(3) (offences) shall be deleted.

(10) Schedule 2 shall be deleted.

Amendment of the Milk Regulations (Northern Ireland) 1987

4.—(1) The Milk Regulations (Northern Ireland) 1987 shall have effect subject to the following amendments—

(2) For the definition of "whole milk" in regulation 2 there shall be substituted the following definition—

"whole milk" includes standardised whole milk and non-standardised whole milk, and "standardised whole milk" and "non-standardised whole milk" shall have the meanings respectively assigned to them by the Council Regulation (EEC) No. 1411/71, as amended."

(3) In regulation 6—

(*a*) at the end of paragraph (*a*) there shall be added the words "or "untreated whole milk"; ";

(*b*) at the end of paragraph (*b*) there shall be added the words "or "pasteurised whole milk"; ";