1988 No. 436

MILK

Milk (Amendment) Regulations (Northern Ireland) 1988

Made . . . . . *13th December 1988*

Coming into operation . . *1st January 1989*

The Department of Agriculture, in exercise of the powers conferred on it by Articles 4, 5(3), 6(1), 7 and 9(1) of the Milk (Northern Ireland) Order 1983(**a**) and of every other power enabling it in that behalf, with the concurrence of the Department of Health and Social Services(**b**) insofar as they relate to any process of direct heat treatment by steam, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Milk (Amendment) Regulations (Northern Ireland) 1988 and shall come into operation on 1st January 1989.

Amendment to the Milk Regulations (Northern Ireland) 1987

2. The Milk Regulations (Northern Ireland) 1987(**c**) shall be amended as follows:—

(1) for regulation 20 there shall be substituted—

"*Interpretation*

20. In this Part, in Parts VII and VIII, the Seventh Schedule, Eighth Schedule and the Ninth Schedule "milk" includes milk-based drink except—

(*a*) where otherwise specified; and

(*b*) in regulations 23(1), 37(2), (3) and (5) and in the Seventh Schedule paragraph 1(1) and (2).";

(2) in regulation 21(2)(*a*) the word "raw" shall be omitted;

(3) after regulation 21 there shall be inserted—

"*Raw Milk Standard*

21A.—(1) Raw milk shall not be accepted for heat treatment by the holder of a distributor's licence unless—

(*a*) over the preceding two months not less than two samples each month of the milk licence holder's raw milk have been submitted to the total viable bacterial count test in accordance with the

---

(**a**) S.I. 1983/148 (N.I. 2)
(**b**) *See* S.I. 1983/148 (N.I. 2), Article 9(2)
(**c**) S.R. 1987 No. 229

procedure set out in the Eighth Schedule, and the geometric mean of the results of such tests is not more than 100,000 bacteria per millilitre; or

(*b*) the milk has been purchased as milk which complies with the requirements of sub-paragraph (*a*) and with a written warranty to that effect.

(2) Raw milk which is not heat treated within 36 hours of its admission to the heat treatment establishment shall not be subjected to heat treatment unless—

(*a*) the holder of a distributor's licence has, in the handling and storage of the milk, taken steps to ensure that a sample of that milk submitted to the total viable bacterial count test in accordance with the procedure set out in the Eighth Schedule, contains not more than 200,000 bacteria per millilitre; and

(*b*) a sample of that milk has been submitted to the total viable bacterial count test in accordance with the procedure set out in the Eighth Schedule.

(3) The holder of a distributor's licence who heat treats milk shall retain for a period of not less than 3 months any warranty referred to in paragraph 1(*b*).

(4) The holder of a distributor's licence who heat treats milk shall keep a record of the result of any test carried out in compliance with this regulation and shall retain the record for a period of not less than 3 months.

(5) In this regulation references to a sample of milk are references to a sample which has been taken, transported and stored in accordance with the procedure set out in the Seventh Schedule.";

(4) after regulation 22 there shall be inserted—

"*Heat treated milk which is to undergo further heat treatment*

22A.—(1) Milk which has already been heat treated in another heat treatment establishment shall not be accepted for further heat treatment unless, on its admission to the heat treatment establishment for further heat treatment, the temperature of that milk is checked by the holder of a distributor's licence, and it does not exceed 6°C.

(2) Milk accepted for further heat treatment in accordance with paragraph (1) shall be retained at a temperature of not more than 6°C until it is subjected to further heat treatment and the temperature of such milk shall be checked by the holder of a distributor's licence immediately before such further heat treatment.

(3) Milk which has been heat treated in another Member State of the European Economic Community shall not be admitted to a heat treatment establishment for further heat treatment unless it is accompanied by the certificate required under the Importation of Milk Regulations (Northern Ireland) 1988(**a**).

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

(4) The holder of a distributor's licence who heat treats milk shall retain the certificate referred to in paragraph (3) for a period of not less than 3 months from the date of further heat treatment.

(5) The holder of a distributor's licence who heat treats milk shall—

(*a*) in accordance with the procedure set out in the Seventh Schedule take samples of any milk which has already been heat treated in another heat treatment establishment before the milk is subjected to any further heat treatment;

(*b*) transport and store such samples in accordance with the procedure set out in the Seventh Schedule; and

(*c*) submit such samples to the total viable bacterial count test in accordance with the procedure set out in the Eighth Schedule.

(6) The holder of a distributor's licence who heat treats milk shall keep a record of the result of any check carried out in compliance with paragraph (1) or (2) and of any test carried out in compliance with paragraph (5) and shall retain the record for a period of not less than 3 months.'';

(5) in regulation 23(1) for ''5°C'' there shall be substituted ''6°C'';

(6) in regulation 23 for ''71.75°C'' wherever it occurs there shall be substituted ''71.7°C'';

(7) after regulation 23(1) there shall be inserted—

''(1A) Milk-based drink shall be pasteurised by being retained at a temperature of not less than 72°C for at least 15 seconds, and then cooled immediately to a temperature not exceeding 6°C.'';

(8) regulation 23(5) shall be revoked;

(9) in regulation 24 for ''132.2°C'' wherever it occurs there shall be substituted ''135°C'';

(10) in regulation 29—

(*a*) after paragraph (4)(*a*) there shall be inserted—

''(*aa*) particulars of the place of origin or provenance of the milk if failure to give such particulars might mislead a purchaser to a material degree as to the true origin or provenance of the milk;'';

(*b*) paragraph 4(*c*)(iv) shall be revoked;

(11) in regulation 30(2) for ''5°C'' wherever it occurs there shall be substituted ''6°C'';

(12) for regulation 37 there shall be substituted—

''*Quality requirements for milk*

37.—(1) Milk shall be regarded as being of the required quality if samples of the milk are taken, transported and stored in accordance with the procedure set out in the Seventh Schedule and are found to comply with the standards of quality set out in paragraphs (2), (3), (4), (5), (6), (7) and (8).

(2) Samples of milk produced for sale by the holder of an untreated milk licence shall contain not more than 50,000 bacteria per millilitre

when subjected to the total viable bacterial count test in accordance with the procedure set out in the Eighth Schedule.

(3) In the case of milk which has already been heat treated in another heat treatment establishment samples of that milk taken before any further heat treatment shall, when subjected to the total viable bacterial count test in accordance with the procedure set out in the Eighth Schedule, contain not more than 100,000 bacteria per millilitre.

(4) Samples of milk which has been pasteurised by the holder of a distributor's licence shall, when subjected to the coliform test in accordance with the procedure set out in the Ninth Schedule, contain less than one coliform bacterium per millilitre.

(5) Samples of milk which has been pasteurised by the holder of a distributor's licence shall—

(*a*) when subjected to the total viable bacterial count test in accordance with the procedure set out in the Eighth Schedule, contain not more than 30,000 bacteria per millilitre; and

(*b*) when subjected to the total viable bacterial count test in accordance with the procedure set out in the Tenth Schedule contain not more than 100,000 bacteria per millilitre.

(6) Samples of pasteurised milk, pasteurised semi-skimmed milk and pasteurised skimmed milk which have been pasteurised by the holder of a distributor's licence shall—

(*a*) when subjected to the phosphatase test in accordance with the procedure set out in the Eleventh Schedule, give a reading of not more than 10 microgrammes p-nitrophenol per millilitre; and

(*b*) when subjected to the peroxidase test in accordance with the procedure set out in the Twelfth Schedule, give a positive result.

(7) Samples of milk which has been ultra-heat treated by the holder of a distributor's licence shall contain not more than 100 bacteria per millilitre when subjected to the total viable bacterial count test in accordance with the procedure set out in the Eighth Schedule.

(8) Samples of milk which has been sterilised by the holder of a distributor's licence shall contain not more than 100 bacteria per millilitre when subjected to the total viable bacterial count test in accordance with the procedure set out in the Eighth Schedule and except in the case of sterilised milk-based drink, shall give a negative result when subjected to the turbidity test in accordance with the procedure set out in the Fifth Schedule.";

(13) for the Seventh Schedule there shall be substituted—

"SEVENTH SCHEDULE regulations 20, 21A(5), 22A(5) and 37(1)

The Taking, Transport and Storage of Samples of Milk for Testing

Taking of samples

1.—(1) Samples of milk produced by the holder of an untreated milk licence may be taken at any time when the milk is in the possession of the licence holder or at any subsequent time before delivery to the consumer.

(2) Samples of milk produced by the holder of a milk licence may be taken at any time when the milk is:

(*a*) in the possession of the licence holder;

(*b*) in the course of delivery to any distributor or manufacturer;

(*c*) in the possession of such distributor or manufacturer provided that the milk has not been mixed with any other milk.

(3) Subject to sub-paragraph (4) samples of milk which has been pasteurised or ultra-heat treated or sterilised may be taken at any time after heat treatment and before delivery to the consumer.

(4) Samples of milk which has been pasteurised shall only be subjected to microbiological testing if they have been taken in the heat treatment establishment as soon as possible after processing.

(5) For the purposes of this paragraph microbiological tests are those detailed in the Eighth, Ninth and Tenth Schedules.

2. When the milk is in containers not exceeding two litres in capacity, the sample shall consist of one such container which shall be delivered intact to the testing laboratory.

3. When the milk is in containers exceeding two litres in capacity a representative sample shall be taken of the milk in that container by aseptic means and transferred to a bottle or test tube, which shall be immediately stoppered, or closed with a close fitting overlapping metal cap.

4. The sampling containers and appliances shall be sterile.

Transport and holding of samples

5.—(1) Samples of milk except milk which has been ultra-heat treated or sterilised shall be transported to the testing laboratory with the least possible delay.

(2) Samples of milk which has been ultra-heat treated or sterilised shall be transported promptly to the testing laboratory.

(3) Samples of milk produced by the holder of a milk licence, untreated milk and milk which has been pasteurised shall with the least possible delay be placed in an insulated box containing an adequate quantity of suitable refrigerant capable of cooling the samples to a temperature of 5°C and maintaining them at a temperature of not more than 5°C until arrival at the testing laboratory.

(4) Samples of milk shall, on arrival at the testing laboratory, be removed from the carrying box and, if stored, shall be placed in a refrigerator capable of maintaining them at a temperature of not more than 5°C. Any sample of milk which has been pasteurised which does not arrive at the testing laboratory on the day on which it is taken shall be discarded.

Identification of samples

6. For the purposes of the identification of the sample, the person taking it shall mark or label the container at the time of sampling with the following particulars:—