1987 No. 229

MILK

Milk Regulations (Northern Ireland) 1987

Made . . . . . *21st May 1987*
Coming into operation . . *1st July 1987*

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The Department of Agriculture in exercise of the powers conferred on it by Articles 4, 5(3) and (6), 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:

(**a**) S.I. 1983/148 (N.I. 2)
(**b**) *See* S.I. 1983/148 (N.I. 2) Art. 9(2)

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Milk Regulations (Northern Ireland) 1987 and shall come into operation on 1st July 1987.

Interpretation

2. In these Regulations—

"cleanse" means rinse, wash and sterilise in accordance with these Regulations;

"dairy herd" or "herd" means all the cows kept by the holder of a milk licence or an untreated milk licence for the production of milk for sale and includes such cows as are temporarily not producing milk;

"handling" in relation to milk means any process involved in the production or processing of milk;

"licence holder" means the holder of a licence under the Order;

"milking bail" means a prefabricated milking parlour capable of being readily moved as a unit;

"milk-based drink" means a liquid drink (other than a fermented drink) being a mixture comprising by weight at least 85% milk and comprising as to the remainder any of, or any mixture of, the ingredients listed in the First Schedule;

"milking passage" means the floor space in a byre behind the cows;

"minimum durability date" means the date up to and including the date on which the milk can reasonably be expected to retain its specific properties if properly stored;

"the Order" means the Milk (Northern Ireland) Order 1983;

"raw milk" means milk which has not been subjected to heat treatment;

"retail container" means any bottle, carton, can or other container in which milk is sold to consumers;

"sell" includes offer or expose for sale, and supply of milk under any arrangements which may be in operation for the free supply of milk to a consumer;

"selling milk by retail" means selling milk to a consumer;

"selling milk by wholesale" means selling milk other than by retail;

"semi-skimmed milk" means milk the butterfat content of which is not less than 1.5% and not more than 1.8%;

"skimmed milk" means milk the butterfat content of which is not more than 0.3%;

"ultimate consumer" means any person who buys otherwise than—

(*a*) for the purpose of resale; or

(*b*) for the purposes of a catering business; or

(*c*) for the purposes of a manufacturing business;

"whole milk" means the milk produced by the natural secretion of one or more cows the butterfat content of which has not been altered and which is not less than 3.0%.

PART II

ISSUE OF LICENCES

Form of licence

3. A licence shall be in one of the forms set out in the Second Schedule.

Conditions

4.—(1) A licence shall be issued and held subject to the conditions prescribed by these Regulations.

(2) A licence shall not be transferable.

Duration

5.—(1) A licence issued before 1st November 1987 to a licence holder in respect of premises situated in County Londonderry or County Tyrone shall, unless suspended or revoked by the Department or surrendered by the licence holder, remain in force until 31st October 1987 and shall be renewable on 1st November 1987 and at the end of each period of 3 years thereafter.

(2) A licence issued before 1st November 1988 to a licence holder in respect of premises situated in County Down or County Fermanagh or the local government district of Belfast shall, unless suspended or revoked by the Department or surrendered by the licence holder, remain in force until 31st October 1988 and shall be renewable on 1st November 1988 and at the end of each period of 3 years thereafter.

(3) A licence issued before 1st November 1989 to a licence holder in respect of premises situated in County Antrim or County Armagh shall, unless suspended or revoked by the Department or surrendered by the licence holder, remain in force until 31st October 1989 and shall be renewable on 1st November 1989 and at the end of each period of 3 years thereafter.

(4) A licence issued after 31st October 1987 to a licence holder in respect of premises situated in County Londonderry or County Tyrone shall unless suspended or revoked by the Department or surrendered by the licence holder, remain in force until the end of the 3 year period prescribed in paragraph (1) in which it was issued.

(5) A licence issued after 31st October 1988 to a licence holder in respect of premises situated in County Down or County Fermanagh or the local government district of Belfast shall, unless suspended or revoked by the Department or surrendered by the licence holder, remain in force until the end of the 3 year period prescribed in paragraph (2) in which it was issued.

(6) A licence issued after 31st October 1989 to a licence holder in respect of premises situated in County Antrim or County Armagh shall, unless suspended or revoked by the Department or surrendered by the licence holder, remain in force until the end of the 3 year period prescribed in paragraph (3) in which it was issued.