1983 No. 337

MILK

Milk (Amendment) Regulations (Northern Ireland) 1983

Made . . . . . 26th October 1983
Coming into operation . . . 16th November 1983

The Department of Agriculture, in exercise of the powers conferred on it by Articles 4(1)(*a*), 6(1), 7 and 9(1) of the Milk (Northern Ireland) Order 1983(**a**) and of every other power enabling it in that behalf hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Milk (Amendment) Regulations (Northern Ireland) 1983 and shall come into operation on 16th November 1983.

Amendment to the Regulations of 1981

2. The Milk Regulations (Northern Ireland) 1981(**b**) shall be amended as follows:—

(1) **In Regulation 2:**

(i) the definitions of "Authorised officer" and "Untreated milk licence" shall be deleted;

(ii) after the definition of "Milking bail" there shall be inserted the following definition:

"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 Thirteenth Schedule."

(iii) after the definition of "Milking passage" there shall be inserted the following definition:

"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."

(2) **For Regulation 7 paragraphs (h) and (i) there shall be substituted:—**

"(*h*) Whole milk which has been produced by the holders of milk licences or untreated milk licences and which has been sterilised in accordance with these Regulations, and which, if it has been stored or transported, has been stored or transported in accordance with these Regulations, shall be designated as "sterilised milk";

(*i*) Semi-skimmed milk which has been derived in accordance with these Regulations from whole milk produced by the holders of milk licences or untreated milk licences and which has been sterilised in accordance with these Regulations, and which, if it has been stored or transported, has been stored or transported in accordance with these Regulations, shall be designated as "sterilised semi-skimmed milk";

(**a**) S.I. 1983/148 (N.I. 2)
(**b**) S.R. 1981 No. 234

(*j*) Skimmed milk which has been derived in accordance with these Regulations from whole milk produced by the holders of milk licences or untreated milk licences and which has been sterilised in accordance with these Regulations, and which, if it has been stored or transported, has been stored or transported in accordance with these Regulations, shall be designated as ''sterilised skimmed milk'';

(*k*) Milk-based drink containing whole milk produced by the holders of milk licences or untreated milk licences or milk, the butterfat content of which has been adjusted in accordance with these Regulations and which has been derived from whole milk produced by the holders of milk licences or untreated milk licences and which has been pasteurised and filled into retail containers in accordance with these Regulations, and which, if it has been stored or transported, has been stored or transported in accordance with these Regulations, shall be designated as ''pasteurised milk-based drink'';

(*l*) Milk-based drink containing whole milk produced by the holders of milk licences or untreated milk licences or milk, the butterfat content of which has been adjusted in accordance with these Regulations and which has been derived from whole milk produced by the holders of milk licences or untreated milk licences and which has been ultra-heat treated and filled into retail containers in accordance with these Regulations, and which, if it has been stored or transported, has been stored or transported in accordance with these Regulations, shall be designated as ''ultra-heat treated milk-based drink'';

(*m*) Milk-based drink containing whole milk produced by the holders of milk licences or untreated milk licences or milk, the butterfat content of which has been adjusted in accordance with these Regulations and which has been derived from whole milk produced by the holders of milk licences or untreated milk licences and which has been sterilised and filled into retail containers in accordance with these Regulations, and which, if it has been stored or transported, has been stored or transported in accordance with these Regulations, shall be designated as ''sterilised milk-based drink''.''

(3) **Before Regulation 8 there shall be inserted:—**

''Untreated milk licences

8A. Licences referred to in Article 4(1)(*a*) of the Milk (Northern Ireland) Order 1983 as ''farm bottling licences'' shall be called ''untreated milk licences''.''

(4) **In Regulation 9 paragraph (1):—**

for the words ''this Part'' there shall be subsitituted ''these Regulations''.

(5) **For Regulation 13 there shall be substituted :—**

''13. The milk from each cow shall not be permitted to remain uncovered in a milking house and shall be transferred as soon as practicable in a closed container or by pipeline to the dairy where it shall be cooled to a temperature of not more than 5°C as rapidly as possible and in any event within 2 hours of milking and it shall be maintained at that temperature while on the prescribed premises, save for temporary rises in temperature during subsequent milkings.''

(6) **For Regulation 14 there shall be substituted:—**

''14.—(1) Save for any purpose connected with the dispatch thereof, milk, while on the prescribed premises, shall be kept in the dairy and while being so kept shall be protected from the direct rays of the sun and from contamination from any source.

(2) Milk intended for sale in bulk shall be kept in a closed storage tank.

(3) Storage tanks used for the dispatch of milk shall be labelled with either the name and address of the producer or marked with an identification number allocated to the producer by the Milk Marketing Board for Northern Ireland.

(4) Unless the Department gives its prior written approval, milk which is offered for sale in bulk shall be collected from the holder of a milk licence or an untreated milk licence, or delivered to the processing premises, not later than 2 days following the day of production.''

(7) **For Regulation 19 paragraph (5) there shall be substituted:—**

''(5)(*a*) Until 31st October 1984 retail containers or bottle caps shall be clearly marked with the words ''Untreated Milk''.

(*b*) After 31st October 1984 retail containers shall be marked with the words ''Raw Unpasteurised Milk'' in coloured lettering and where the container is a bottle the words shall appear elsewhere than on the cap.''

(8) **For Regulation 19 paragraph (6) there shall be substituted:—**

''(6) Retail containers or bottle caps shall be clearly marked with:

(*a*) in the case of milk filled into bottles the name or licence number of the licence holder or the name of the farm; and

(*b*) in the case of milk filled into retail containers other than bottles:—

(i) the name or business name and address of the licence holder; and

(ii) without prejudice to the requirements of Article 4 of the Weights and Measures (Milk) Order (Northern Ireland) 1980(a) an indication of the net quantity; and

(iii) an indication of the minimum durability of the milk and any storage conditions which need to be observed if the milk is to meet this indication of minimum durability.''

(9) **For Regulation 19 paragraphs (7) and (8) there shall be substituted:—**

''(7) The minimum durability of the milk shall be indicated by:

(*a*) the words ''best before'' followed by the minimum durability date, which may be expressed in terms of a day and a month only; or

(*b*) the words ''sell by'' followed by the latest recommended date of sale of the milk, expressed in terms of a day and a month only, and an indication of the period from the date of purchase for which the milk can reasonably be expected to retain its specific properties, if properly stored.

(8) The minimum durability date or the latest recommended date of sale may appear separately from the words ''best before'' or ''sell by'' provided that these words are followed by a reference to the place where the date appears.''

(10) **For Regulation 19 paragraph (10) there shall be substituted:—**

''(10) The particulars required to be marked on retail containers in accordance with sub-paragraph (5)(*b*) and paragraph (6) shall be easy to understand and shall be marked in a conspicuous place in such a way as to be easily visible, clearly legible and indelible. They shall not in any way be hidden, obscured or interrupted by other written or pictorial matter.''

(11) **After Regulation 19 paragraph (10) there shall be inserted:—**

''(11) The particulars required to be marked on retail containers other than bottles in accordance with paragraphs 5 and 6(*b*) (ii) and (iii) shall appear in the same field of vision.''

(12) **After Regulation 20 paragraph (5) there shall be inserted:—**

''(6) In this Part, in Parts VII and VIII, the Sixth Schedule, and the Seventh Schedule ''milk'' includes milk-based drink except:

(a) S.R. 1980 No. 33

(i) where otherwise specified; and
(ii) in Regulations 35(2) and 35(3) and in the Sixth Schedule paragraphs 1(1), 1(2), 5(3)(*a*) and 5(5).''

(13) **For Regulation 23 paragraphs (1) and (2) there shall be substituted:—**

''Methods of ultra-heat treatment

23.—(1)(*a*) Milk other than milk-based drink shall be ultra-heat treated by clarifying, homogenising, if necessary, and retaining the milk at a temperature of not less than 132.2°C for a period of at least one second as part of a continuous production process or from milk, the butterfat content of which has been adjusted in accordance with Regulation 24 by homogenising and retaining it at a temperature of not less than 132.2°C for a period of at least one second as part of a continuous production process.

(*b*) Ultra-heat treated milk-based drink shall be produced by being retained at a temperature of not less than 140°C for at least two seconds or at such other temperature for such other period as has equivalent effect in relation to the rendering of the milk-based drink free from viable micro-organisms and their spores.

(2) Any apparatus in which milk is to be heated shall be provided with a device which shall automatically divert or stop the flow of any milk which has not been heated to a temperature of at least 132.2°C or, in the case of milk-based drink, to a temperature of at least 140°C or other temperature sufficient for the purposes of paragraph (1)(*b*).''

(14) **After Regulation 23 paragraph (5) there shall be inserted:—**

''Methods of sterilisation

23A.—(1) Milk other than milk-based drink shall be sterilised by clarifying and homgenising, if necessary, and by thereafter being retained at a temperature of not less than 100°C for such period as to ensure that it will give a negative result when submitted to the turbidity test in accordance with the procedure set out in the Twelfth Schedule. Heat treatment shall be carried out either—

(*a*) in bottles and in such manner that on or before completion of the treatment the bottles shall be sealed with an airtight seal; or

(*b*) by a continuous-flow method.

(2) Milk-based drink shall be sterilised by being retained at a temperature of not less than 108°C for not less than 45 minutes or at such other temperature for such other period as has equivalent effect in relation to rendering the milk-based drink free from viable micro-organisms and their spores.

(3) Indicating and recording thermometers marked with graduations not greater than 1°C or 2°F adequately spaced to give clear readings shall be installed in suitable places in the appliance in which milk is to be sterilised to indicate and continuously record the sterilisation temperature. All such records shall be correctly dated and retained for a period of not less than 12 months.

(4) Any apparatus in which the milk is to be heated by a continuous-flow method shall be provided with a device which shall automatically divert the flow of any milk not retained at a temperature at least equal to the required temperature.''

(15) **Regulation 23 paragraph (6) shall cease to have effect.**

(16) **For Regulation 24 paragraph (3) there shall be substituted:—**

''(3) Where milk, the butterfat content of which has been adjusted is not immediately subjected to pasteurisation, ultra-heat treatment or sterilisation it shall be cooled immediately to and maintained at a temperature not exceeding 5°C.''

(17) **For Regulation 25 there shall be substituted:—**

"Preparation of milk-based drinks

25.—(1) The milk and other ingredients shall, if mixed to make a milk-based drink before commencement of the heat treatment of that milk-based drink, be so mixed not more than four hours before such treatment.

(2) Where any milk-based drink is not subjected to heat treatment within one hour of mixing, it shall be cooled to and retained at a temperature not exceeding 7°C."

(18) **For Regulation 26 paragraph (1) there shall be substituted:—**

"(1) The holder of a distributor's licence shall ensure that before any vessel or appliance is used for heat treating or storing whole milk, milk, the butterfat content of which has been adjusted, or milk-based drinks it shall be cleansed in accordance with these Regulations if it had previously been used for heat treating or storing milk of a different type. The provisions of this paragraph shall not apply to vessels or appliances used for heat treating or storing milk-based drink immediately after being used for heat treating or storing milk, other than milk-based drink, of the same type."

(19) **In Regulation 26 paragraphs (3), (4) and (5)** the words "ultra-heat treated milk" where they appear shall be followed by the words "or sterilised milk".

(20) **For Regulation 27 paragraph (2) there shall be substituted:—**

"(2) Milk which has been ultra-heat treated and milk which has been sterilised by a continuous-flow method shall be aseptically packaged into sterile retail containers on the premises where it has been heat-treated."

(21) **For Regulation 27 paragraph (4)(*a*) there shall be substituted:—**

"(*a*) the designation of the milk except that:

(i) in any designation involving the words "ultra-heat treated" these words may be replaced by the letters "UHT"; and

(ii) in any designation involving the words "milk-based drink" those words may be replaced by the words "milk drink"; and"

(22) **For Regulation 27 paragraph (4)(*c*) there shall be substituted:—**

"(*c*) in the case of milk filled into retail containers other than bottles:—

(i) the name or business name and address of the licence holder responsible for heat-treating the milk; or the name or business name and address of the seller;

(ii) without prejudice to the requirements of Article 4 of the Weights and Measures (Milk) Order (Northern Ireland) 1980 an indication of the net quantity; and

(iii) an indication of the minimum durability of the milk and any storage conditions which need to be observed if the milk is to meet this indication of minimum durability; and

(iv) 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; and"

(23) **Regulation 27 paragraph (4)(*d*) and (*e*) shall cease to have effect.**

(24) **For Regulation 27 paragraphs (5), (6), (7) and (8) there shall be substituted:—**

"(5) The minimum durability of milk which has been pasteurised shall be indicated by: