1981 No. 234

MILK

Milk Regulations (Northern Ireland) 1981

Made . . . . . *10th July 1981*

Coming into operation . . . *31st July 1981*

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

Regulation
1. Citation and commencement.
2. Interpretation.

PART II

ISSUE OF LICENCES

3. Application.
4. Form of licence.
5. Conditions.
6. Duration.

PART III

MILK DESIGNATIONS

7. Milk designations.

PART IV

UNTREATED MILK LICENCES AND MILK LICENCES

8. Sale of milk.
9. Premises.
10. Cleanliness of premises and animals.
11. Pre-milking conditions.
12. Milking.
13. After milking.
14. Storage and dispatch of milk.
15. Milk from diseased animals.
16. Vessels and appliances.

PART V

SPECIAL PROVISIONS APPLICABLE TO THE HOLDERS OF UNTREATED MILK LICENCES

17. General.
18. Cleansing of re-usable retail containers.
19. Packaging.

PART VI

HEAT TREATMENT

20. Premises.
21. Cooling of raw milk.
22. Method of pasteurisation.
23. Methods of ultra-heat treatment.
24. Method of adjustment of the butterfat content of milk.
25. Preparation of flavoured milks.
26. Cleanliness of vessels and appliances.
27. Packaging.

PART VII

STORAGE AND DISTRIBUTION

28. Premises.
29. Storage.
30. Transport.
31. Wholesale sales of milk in retail containers.
32. Collection and storage of re-usable containers.
33. Exemptions for storage of milk in shops.

PART VIII

MISCELLANEOUS AND GENERAL

34. Water supplies.
35. Quality requirements for milk.
36. Protection of milk.
37. Opening of vessels during transport.
38. Cleanliness of vehicles.
39. Cleanliness of vessels.
40. Records.
41. Cleanliness of persons.
42. Vessels and appliances.

PART IX

REVOCATION

43. Revocation.

SCHEDULES

First Schedule —Applications for licences.
Second Schedule —Licences.
Third Schedule —Premises.
Part I—Dairy.
Part II—Byre.
Part III—Milking Parlour.
Part IV—Milking Bail.
Part V—Building or Yard.
Fourth Schedule —Permitted boiler feed water treatment compounds.
Fifth Schedule —The testing of cans and tankers.
Part I—Tests for cans.
Part II—Tests for tankers.
Sixth Schedule —The taking, transport and storage of samples of milk for testing.
Seventh Schedule —Bacterial colony count test.
Eighth Schedule —The Resazurin test.
Ninth Schedule —The Coliform test.
Tenth Schedule —The Phosphatase test.
Eleventh Schedule —The Peroxidase test.
Twelfth Schedule —The Turbidity test.

The Department(**a**) of Agriculture, in exercise of the powers conferred on it by sections 1(3)(*a*) and 1(3)(*b*)(**b**), 1(6), 2(1), 2(6), 3(1)(**c**), 4(1) and 9(1) of the Milk Act (Northern Ireland) 1950(**d**) and of every other power enabling it in that behalf, with the concurrence of the Department(**a**) of Health and Social Services(**e**) insofar as they relate to the direct injection method of ultra-heat treating milk, hereby makes the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Milk Regulations (Northern Ireland) 1981 and shall come into operation on 31st July 1981, save where a later date is prescribed in relation to a particular Regulation or paragraph.

Interpretation

2. In these Regulations:

"the Act" means the Milk Act (Northern Ireland) 1950(**d**).

"Authorised officer" means an officer of the Department authorised under section 8(1) of the Act.

"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.

(**a**) Formerly Ministry: *see* Northern Ireland Constitution Act 1973 (c. 36) Sch. 5 para. 8(1)
(**b**) As substituted by 1963 c. 11 (N.I.) s. 1(1), amended by 1967 c. 15 (N.I.) s. 9.
(**c**) As substituted by 1963 c. 11 (N.I.) s. 2, amended by 1967 c. 15 (N.I.) s. 10(1)
(**d**) 1950 c. 31 (N.I.)
(**e**) *See* 1950 c. 31 (N.I.) s. 9 (1A) as inserted by 1967 c. 15 (N.I.) s. 11

"Handling" in relation to milk means any process involved in the production or processing of milk.

"Licence" means any licence specified in section 1 of the Act.

"Licence holder" means the holder of a licence under the Act.

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

"Milking passage" means the floor space in a byre behind the cows.

"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 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%.

"Untreated milk licence" means a licence of the class prescribed in section 1(3)(*a*) of the Act.

"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

Application

3. An application for the issue or renewal of any licence shall be in one of the forms set out in the First Schedule.

Form of licence

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

Conditions

5.—(1) A licence shall be issued and held subject to the conditions prescribed by these Regulations and to any directions that may be issued or given by the Department in writing under powers conferred by the Act.

(2) A licence shall not be transferable.

Duration

6.—(1) A licence issued before 1st November 1983 shall, unless suspended or revoked by the Department or surrendered by the licence-holder, remain in force until 31st October 1983, and shall be renewable on 1st November 1983 and at the end of each period of 4 years thereafter.

(2) A licence issued after 31st October 1983 shall, unless suspended or revoked by the Department or surrendered by the licence-holder, remain in force until the end of the 4 year period prescribed in paragraph (1) in which it was issued.

PART III

MILK DESIGNATIONS

Milk designations

7. The following designations shall apply to milk of the descriptions hereinafter set forth in relation thereto:

(*a*) Raw whole milk which has been produced by the holders of untreated milk licences and which has been filled into retail containers in accordance with these Regulations shall be designated as "untreated milk";

(*b*) Whole milk which has been 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";

(*c*) 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 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 semi-skimmed milk";

(*d*) 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 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 skimmed milk";

(*e*) Whole milk which has been 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";

(*f*) 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 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 semi-skimmed milk";

(*g*) 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 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 skimmed milk";

(*h*) Milk of a specified butterfat percentage 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 pasteurised in accordance with these Regulations, and to which has been added in accordance with these Regulations flavourings, flavouring agents, flavouring syrup or other additives permitted under the Preservatives in Food Regulations (Northern Ireland) 1980(**a**) and which has been filled into retail

(**a**) S.R. 1980 No. 28 as amended by S.R. 1980 No. 380