EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order, which comes into operation on 23rd March, 1965, sets out the statutory minimum remuneration payable in substitution for that fixed by the Laundry Wages Regulation Order (Northern Ireland) 1961 (Order N.I.L. (62)) as amended by the Laundry Wages Regulation (Amendment) Order (Northern Ireland) 1964 (Order N.I.L. (66)).

Order N.I.L. (66) is revoked.

New provisions in the Schedule are printed in italics.

1965. No. 44 **[C]**

FOOD AND DRUGS

Composition and Labelling

Dried Milk

REGULATIONS, DATED 10TH MARCH, 1965, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER SECTIONS 4, 7 AND 68 OF THE FOOD AND DRUGS ACT (NORTHERN IRELAND) 1958.

The Ministry of Health and Social Services, in exercise of the powers conferred upon it by Sections 4, 7 and 68 of the Food and Drugs Act (Northern Ireland) 1958(a), having consulted with such organisations as appear to it to be representative of interests substantially affected by these regulations, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Dried Milk Regulations (Northern Ireland) 1965 and shall come into operation as follows:—

(*a*) this regulation and regulation 7(1) shall come into operation on the making of these regulations;

(*b*) in all other respects, these regulations shall come into operation on 11th March, 1965.

Interpretation

2.—(1) In these regulations—

"the Act" means the Food and Drugs Act (Northern Ireland) 1958;

"container" includes any form of packaging of dried milk for sale as a single item, whether by way of wholly or partly enclosing the dried milk or by way of attaching the dried milk to some other article, and in particular includes a wrapper or confining band;

(a) 1958. c. 27.

"dried milk" means milk, partly skimmed milk or skimmed milk, intended for sale for human consumption, which has been concentrated to the form of powder or solid by the removal of water, and includes any such milk which has been sweetened, modified or compounded;

"gross weight", of a container, means the weight of the container and of its contents;

"retail sale" means any sale to a person buying otherwise than for the purpose of resale, but does not include a sale to a caterer for the purposes of his catering business, or a sale to a manufacturer for the purposes of his manufacturing business;

"sell" includes offer or expose for sale or have in possession for sale; and "sale" and "seller" shall be construed accordingly;

"skimmed milk" includes separated or machine-skimmed milk;

"sugar" means the product usually known as sugar in commercial usage, consisting principally of sucrose.

(2) Percentages shall be calculated by weight.

(3) These regulations apply to dried milk to which no other substance has been added and to the dried milk contained in any powder or solid of which not less than 70 per cent. consists of dried milk.

General Exemptions

3.—(1) The following provisions of these regulations shall not apply—

(*a*) in relation to any dried milk intended at the time of sale for exportation to any place outside the United Kingdom;

(*b*) in relation to any dried milk supplied or intended for supply under Government Contracts for consumption by Her Majesty's Forces or intended at the time of sale for consumption by a visiting force within the meaning of any of the provisions of Part I of the Visiting Forces Act 1952(**a**);

(*c*) in relation to any sale of dried milk to a caterer for the purposes of his catering business or to a manufacturer for the purposes of his manufacturing business.

(2) Until the Public Health (Dried Milk) Regulations 1925(**b**) are revoked in accordance with regulation 7(2) hereof the following provisions of these regulations shall not have effect in relation to any dried milk sold in compliance with the provisions of the said regulations; and the provisions of the said regulations shall not have effect (pending their revocation in accordance with regulation 7(2) hereof) in relation to any dried milk which is sold in compliance with the following provisions of these regulations or to which any of the exemptions in these regulations apply.

Composition and description of dried milk

4.—(1) Dried milk of each description specified in column 1 of Schedule 1 shall contain a percentage of milk fat within the limits specified in relation thereto in column 2 of that Schedule and shall contain not more than 5·0 per cent. of moisture, and no person shall sell any dried milk which does not comply with this regulation.

(2) No person shall sell any food under such a description as to lead an intending purchaser to believe that he is purchasing dried milk of a description to which paragraph (1) applies, unless such food complies with this regulation.

(**a**) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 67. (**b**) S.R. & O. (N.I.) 1925, No. 168.

(3) Where a person sells any food to a purchaser in response to a request for dried milk of a description to which paragraph (1) applies, he shall be deemed to sell dried milk of that description unless he clearly notifies the purchaser at the time of sale that the food is not dried milk of that description.

Labelling of containers of dried milk

5.—(1) Save as hereinafter provided, no person shall sell any dried milk except in a container bearing a label in accordance with the provisions of Schedule 2.

(2) No person shall expose or offer for sale by retail any dried milk in any such container if the container is wrapped in paper or some other wrapper through which the label on the container is not clearly visible unless the outermost wrapper also bears a label as if it were a container to which paragraph (1) applies.

(3) The provisions of this regulation shall not apply in relation to any sale of dried milk for immediate consumption on or at the premises of the seller or in or at any stall or mobile refreshment vehicle.

Penalties

6.—(1) If any person contravenes or fails to comply with any of the provisions of these regulations he shall be guilty of an offence and shall be liable on summary conviction—

(*a*) to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and such imprisonment; and

(*b*) in the case of a continuing offence, to a further fine not exceeding five pounds for each day during which the offence continues after conviction.

(2) The requirements of section 47(3) of the Act (which requires notice to be given to the Ministry of Health and Social Services of intention to begin a prosecution for an offence against any provisions of these regulations relating to labelling or marking) shall not apply as respects any proceedings instituted by a health authority for an offence against any such provisions.

Revocation

7.—(1) The Dried Milk Regulations (Northern Ireland) 1964(a) are hereby revoked.

(2) The Public Health (Dried Milk) Regulations 1925 shall be revoked on 10th September, 1965.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 10th day of March, 1965.

(L.S.)

N. Dugdale,
Senior Assistant Secretary.

(a) S.R. & O. (N.I.) 1964, No. 156.

Regulation 4

SCHEDULE 1

Description and composition of dried milk

Column 1	*Column 2*
Description of dried milk	*Percentage of milk fat*
Dried full cream milk	Not less than 26
Dried three-quarter cream milk	Less than 26 and more than 17
Dried half cream milk	Not more than 17 and not less than 14
Dried quarter cream milk	Less than 14 and not less than 8
Dried partly skimmed milk	Less than 8 and not less than 1·5
Dried skimmed milk	Less than 1·5