

1967 No. 81 (S. 7)

FOOD AND DRUGS

**The Milk and Dairies (Channel Islands and South Devon Milk)
(Scotland) Regulations 1967**

<i>Made</i> - - -	18th January 1967
<i>Laid before Parliament</i>	1st February 1967
<i>Coming into Operation</i>	1st May 1967

In exercise of the powers conferred upon me by sections 16(2) and 56 of the Food and Drugs (Scotland) Act 1956(a) and of all other powers enabling me in that behalf, and after consultation with such organisations as appear to me to be representative of interests substantially affected by these regulations, I hereby make the following regulations:—

1. These regulations may be cited as the Milk and Dairies (Channel Islands and South Devon Milk) (Scotland) Regulations 1967, and shall come into operation on 1st May 1967.

2.—(1) In these regulations—

“the Act” means the Food and Drugs (Scotland) Act 1956;

“bulk container” has the same meaning as in the Order;

“the Order” means the Milk (Special Designations) (Scotland) Order 1965(b);

“retail container” has the same meaning as in the Order;

“special designation” has the meaning assigned to it in section 3 of the Milk and Dairies (Amendment) Act 1922(c), as enacted in section 10 of the Milk Act 1934(d);

“specified description” means a description of milk which is produced from cows of the Channel Islands breeds or the South Devon breed and which, when sold in a container, is labelled “Channel Islands Milk” or “Jersey Milk” or “Guernsey Milk” or “South Devon Milk” as the case may be (being in each case a description which, in the opinion of the Secretary of State, ascribes to the milk a quality higher than the minimum quality prescribed for milk under the Sale of Milk Regulations 1901(e)); and other expressions have the same meaning as in the Act.

(2) The Interpretation Act 1889(f) applies for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(a) 1956 c. 30. (b) S.I. 1965/253 (1965 I, p. 617). (c) 1922 c. 54. (d) 1934 c. 51.
(e) S.R. & O. 1901/657 (Rev. VIII, p. 6: 1901 p. 1). (f) 1889 c. 63.

3. The provisions of these regulations shall be enforced and executed in any area by the local authority of that area.

4. No person shall sell, for human consumption, as milk of a specified description any milk containing less than 4 per centum by weight of milk fat.

5. No person shall sell, for human consumption, milk under a specified description which does not conform to the requirements of the special designation "Premium", "Standard" or "Pasteurised", as the case may be, authorised by a licence granted in accordance with the provisions of the Order.

6. Where any milk which is to be sold under a specified description is contained in—

- (a) an unventilated bulk container, the container shall be labelled or marked in some prominent position with that specified description; or
- (b) a retail container, the container shall bear in some prominent position that specified description:

Provided that, on and after 1st May 1967, in the case where the retail container is a bottle the specified description shall be borne on the cap and may also, if the producer or the dealer, as the case may be, so desires, be borne on the bottle.

7.—(1) If any person contravenes or fails to comply with any of the foregoing provisions of these regulations he shall be guilty of an offence under these regulations.

(2) Any person who is guilty of an offence under these regulations shall be liable—

- (a) on summary conviction to—
 - (i) a fine not exceeding £100 or to imprisonment for a term not exceeding 6 months, or to both such fine and imprisonment; and
 - (ii) in the case of a continuing offence, to a further fine not exceeding £10 for every day during which the offence is continued; or
- (b) on conviction on indictment to—
 - (i) a fine not exceeding £500 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment; and
 - (ii) in the case of a continuing offence, to a further fine not exceeding £50 for every day during which the offence is continued.

8.—(1) Sections 41(2) and (5) (which relates to proceedings), 42(1), (2) and (3) (which relates to evidence of certificates of analysis), 44 (which relates to the power of a court to require analysis by the Government Chemist), 46(2) (which relates to the conditions under which a warranty may be pleaded as a defence) and 47 (which relates to offences in relation to warranties and certificates of analysis) of the Act, shall apply for the purposes of these regulations as if references therein to proceedings, or a prosecution, under or taken under the Act included references to proceedings, or a prosecution as the case may be, taken for an offence against these regulations and in addition as if—

- (a) in the case of section 44(1) of the Act, the reference therein to section 41(5) of the Act included a reference to said section 41(5) as applied by these regulations; and
- (b) in the case of section 47(1) and (2) of the Act, the references therein to an offence against the Act included references to an offence against these regulations.

(2) Section 41(4) of the Act shall apply for the purposes of these regulations as if the reference therein to section 47 of the Act included a reference to said section 47 as applied by these regulations.

9.—(1) The Milk and Dairies (Channel Islands and South Devon Milk) (Scotland) Regulations 1958(a) are hereby revoked.

(2) The Food and Drugs (Legal Proceedings) (Scotland) Regulations 1962(b) shall be amended by deleting from the schedule thereto the item relating to the Milk and Dairies (Channel Islands and South Devon Milk) (Scotland) Regulations 1958.

(3) Section 38 of the Interpretation Act 1889 shall apply as if these regulations were an Act of Parliament and as if the regulations revoked by these regulations were an Act of Parliament repealed by an Act of Parliament.

William Ross,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh, 1,
18th January 1967.

EXPLANATORY NOTE

(This Note is not part of the regulations.)

These regulations supersede the 1958 regulations of the same title. They require that milk sold for human consumption as Channel Islands, Jersey, Guernsey or South Devon milk must contain not less than 4 per cent. by weight of milk fat. They also provide that such milk shall conform to the requirements of the Milk (Special Designations) (Scotland) Order 1965 and that containers be appropriately labelled.

(a) S.I. 1958/2229 (1958 I, p. 1192). (b) S.I. 1962/1668 (1962 II, p. 2029).