
STATUTORY INSTRUMENTS

1992 No. 3136 (S.255)

FOOD

The Milk and Dairies (Standardisation and Importation) (Scotland) Regulations 1992

Made - - - - *9th December 1992*
Laid before Parliament *11th December 1992*
Coming into force - - *1st January 1993*

The Secretary of State, in exercise of the powers conferred on him by sections 4(1), 16(1)(e) and (f) and (3), 17(1), 18(2)(a) and (b), 19(1)(b), and 48(1) of and paragraph 4(b) of Schedule 1 to, the Food Safety Act 1990⁽¹⁾ and in exercise of the powers conferred on him by section 2(2) of the European Communities Act 1972⁽²⁾ as being one of the Ministers designated⁽³⁾ for the purposes of that section in relation to the common agricultural policy of the European Economic Community, and of all other powers enabling him in that behalf after consultation in accordance with section 48(4) of the Food Safety Act 1990 with such organisations as appear to him to be representative of interests likely to be substantially affected by the Regulations, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Milk and Dairies (Standardisation and Importation) (Scotland) Regulations 1992, and shall come into force on 1st January 1993.

Amendment of the Milk Bottles (Labelling and Cap Colour) (Scotland) Order 1976

2.—(1) The Milk Bottles (Labelling and Cap Colour) (Scotland) Order 1976⁽⁴⁾ shall have effect subject to the following amendment.

(2) For the definition of “milk” in article 2(1) there shall be substituted the following definition:—

““milk” means cow’s milk intended for sale or sold for human consumption but does not include cream, standardised whole milk, skimmed, semi-skimmed, separated, dried, condensed or evaporated milk, or buttermilk and “standardised whole milk” has the meaning assigned to it by Council Regulation (EEC) No.1411/71, as amended⁽⁵⁾”.

(1) 1990 c. 16.

(2) 1972 c. 68.

(3) S.I.1972/1811

(4) S.I.1976/875; to which there are amendments not relevant to these regulations.

(5) O.J.No L148, 3.7.71, p.412 as amended by Corregenda at O.J.No L188 and L233, 7.7.71, Act of Accession at O.J.No.L73, 1.1.73, Council Regulation No.3478/93 (O.J.No.L357, 20.12.73), No.1556/74 (O.J.No L167, 21.6.74), No.3358/75 (O.J.No/

Amendment of the Drinking Milk (Scotland) Regulations 1976

3.—(1) The Drinking Milk (Scotland) Regulations 1976((6)) shall have effect subject to the following amendments.

(2) In regulation 2(1) the definitions of “guideline figure”, “milk purveyor”, “milk year”, “sell by retail” and “sell wholesale” shall be deleted.

(3) In regulation 4(b) the words “produced in the United Kingdom” shall be deleted.

(4) In regulation 4(c) the remainder of the sub-paragraph after the words “standardized whole milk” shall be deleted.

(5) In regulation 5(1) after the words “laid down for” there shall be inserted the words “standardised whole milk or”.

(6) For regulation 6 there shall be substituted the following regulation:—

“No person shall sell, or offer or expose for sale any drinking milk the labelling of which contravenes Article 3(2) of Council Regulation (EEC) No 1411/71, as amended.”.

(7) Regulation 7 shall be deleted.

Amendment of the Milk Labelling (Scotland) Regulations 1983

4.—(1) The Milk Labelling (Scotland) Regulations 1983((7)) shall have effect subject to the following amendments.

(2) In regulation 5(1)—

(a) in sub-paragraph (a)—

(i) the words “standardised and” shall be inserted before the words “non-standardised” ;
and

(ii) at the end there shall be added the following words:—

“with or without the inclusion of the word “whole” immediately before the word “milk” in any case,”.

(b) for sub-paragraph (b) there shall be substituted the following sub-paragraph:—

“(b) in relation to standardised and non-standardised whole milk, the name shall in addition comply with the labelling requirements of Article 3(2) of Council Regulation (EEC) No. 1411/71, as amended;”.

Amendment of the Importation of Milk (Scotland) Regulations 1988

5.—(1) The Importation of Milk (Scotland) Regulations 1988((8)) shall have effect subject to the following amendments.

(2) In regulation 2(1)—

(a) in the definition commencing with the words “drinking milk”, for the words “and “standardised whole milk”” there shall be substituted the words ““standardised whole milk” and “non-standardised whole milk”” and after the figures “No. 1411/71” there shall be inserted the words “as amended”;

(b) the definitions of “designated place”, “export”, “guideline figure”, “milk year”, “officer of Customs and Excise”, “place of entry”, “separated” and “working day” shall be deleted;

L330, 26.12.75).Council Regulation No.566/76/EEC (O.J.No.L28, 1.2.88, p.1 and Council Regulation (EEC) No. 2138/92 (O.J. No. L214, 30.7.92, p.6 and 7).

(6) S.I.1976/1888; to which there are amendments not relevant to these Regulations.

(7) S.I.1983/938; to which there are amendments not relevant to these Regulations.

(8) S.I.1988/1814; to which there are amendments not relevant to these Regulations.

- (c) in the definition of “specified drinking milk”, in sub-paragraph (c) all the words after “standardised whole milk” shall be deleted and after that sub-paragraph there shall be added the following sub-paragraph “(d) non-standardised whole milk”; and
- (d) there shall be inserted in the appropriate places the following definitions:—
 - ““Raw milk” means milk which has not been heat-treated beyond 40°C or undergone any treatment that has an equivalent effect and “raw” in relation to cream shall be construed accordingly;”;
 - ““Thermised milk” means raw milk which has been heat-treated for at least 15 seconds at a temperature between 57°C and 68°C such that after treatment the milk shows a positive reaction to the phosphatase test.”.
- (3) In regulation 4—
 - (a) in paragraph (a) after the words “specified drinking milk,”, there shall be inserted the words “raw milk, thermised milk,”;
 - (b) in paragraph (b), before the words “has been pasteurised” there shall be inserted the words “subject to the exception of raw milk, thermised milk or raw cream.”; and
 - (c) paragraph (f) shall be deleted.
- (4) Regulations 5, 6, 8, 9, 10(3) and Schedule 2 shall be deleted.
- (5) In Schedule 3(a) paragraph 2(a) shall be deleted; and
 - (b) in paragraph 4 for the reference to “the Milk and Dairies (Semi-skimmed and Skimmed Milk) (Heat Treatment and Labelling) (Scotland) Regulations 1974(9)” there shall be substituted a reference to “the Milk and Dairies (Semi-skimmed and Skimmed Milk (Heat Treatment) (Scotland) Regulations 1988(10)”.

Amendment of the Milk (Special Designations) (Scotland) Order 1988

6.—(1) The Milk (Special Designations) (Scotland) Order 1988(11) shall have effect subject to the following amendment.

- (2) For the definition of “milk” in article 2(1) there shall be substituted the following definition:—
 - ““Milk” means cow’s milk, and includes standardised whole milk and non-standardised whole milk, but does not include cream or separated, skimmed, dried, condensed or evaporated milk or butter milk. “Standardised whole milk” and “non-standardised whole milk” have the meanings respectively assigned to them by Council Regulation (EEC) 1411/71, as amended;”.

Amendment of the Milk and Dairies (Scotland) Regulations 1990

7.—(1) The Milk and Dairies (Scotland) Regulations 1990((12)) shall have effect subject to the following amendment.

- (2) For the definition of “milk” in regulation 2(1) there shall be substituted the following definition:—
 - ““Milk” means cow’s milk intended for sale or sold for human consumption and includes standardised whole milk and non-standardised whole milk, cream, skimmed milk and separated milk. “Standardised whole milk” and “non-standardised whole milk” have the meanings assigned to them by Council Regulation (EEC) 1411/71, as amended.”.

(9) S.I.1974/1356; to which there are amendments not relevant to these Regulations.

(10) S.I. 1988/2190.

(11) S.I.1988/2191; to which there are amendments not relevant to these Regulations

(12) S.I. 1990/2507.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Andrew's House,
Edinburgh
9th December 1992

Hector Monro
Parliamentary Under Secretary of State, Scottish
Office St

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend a number of Milk and Dairies Regulations in order to implement certain European Community requirements.

They provide for the implementation of Council Regulation (EEC) No 2138/92 amending Council Regulation (EEC) No 1411/71 as amended on the ending of the arrangements by which Member States have to choose between allowing the sale of standardised whole milk or non-standardised whole milk, but not both.

Under Article 3(1)(b) of Council Regulation (EEC) No 1411/71, as amended, “whole milk” means milk which has been subjected to at least one heat treatment or authorised treatment of equivalent effect by a milk producer and with respect to fat content meets one of the following requirements:—

- (a) standardised whole milk, ie milk with a fat content of at least 3.5%;
- (b) non-standardised whole milk, ie milk with a fat content that has not been adjusted since the milking stage either by the addition or removal of milk fats or by mixture with milk, the natural fat content of which has been altered. However, the fat content may not be less than 3.5%.

Under Article 3(2) of the Council Regulation (EEC) No 1411/71 as amended, in relation to the sale of whole milk, the name of the whole milk has to be followed by a further description to inform the purchaser whether the product has undergone the process of standardisation or not in all cases where omission of such information could create confusion in the mind of the purchaser.

To give effect to the above, the Regulations make the following principal changes—

- (a) restrictions on import and sale of standardised whole milk are removed from the Drinking Milk (Scotland) Regulation 1976 (regulation 3), the Importation of Milk (Scotland) Regulations 1988 (regulation 5), the Milk (Special Designations) (Scotland) Order 1988 (regulation 6), the Milk and Dairies (Scotland) Regulations 1990 (regulation 7) and the Milk Bottles (Labelling and Cap Colour) (Scotland) Order 1976 (regulation 2);
- (b) in relation to the sale of whole milk, provision is made for labelling in the Milk Labelling (Scotland) Regulations 1983 (regulation 4).

Provision is made in the Regulations for the implementation in part of Council Directive 89/662 as amended (O.J. No. L395 30.12.89, p.13) on veterinary checks in intra-Community trade by removing part of entry checks on imports of milk coming from other Member States in the Importation of Milk (Scotland) Regulations 1988 (regulation 5).

The Regulations also provide for the removal of the ban on imports of raw cow’s milk and thermised cow’s milk (milk subjected to heat treatment below pasteurisation temperature) coming from other Member States. Such milk will be permitted entry provided it is accompanied by a certificate indicating that it has met certain production requirements (regulation 5).