

## 1992 No. 559

## FOOD

**Milk (Standardisation and Importation) Regulations  
(Northern Ireland) 1992**

*Made* . . . . . 22nd December 1992

*Coming into operation* . . . . . 1st January 1993

The Department of Agriculture and the Department of Health and Social Services, acting jointly as the Department concerned(a), in exercise of the powers conferred by Articles 15(1), (2) and (3), 16(1) and (2), 17(2), 18, 25, 26(3), 32(2), 47(2) and 48(2) of, and paragraph 4(b) of Schedule 1 to, the Food Safety (Northern Ireland) Order 1991(b) and of every other power enabling them in that behalf; after consultation in accordance with Article 47 of the said Order with such organisations as appear to them to be representative of interests substantially affected by the Regulations, hereby make the following Regulations:

*Citation and commencement*

1. These Regulations may be cited as the Milk (Standardisation and Importation) Regulations (Northern Ireland) 1992 and shall come into operation on 1st January 1993.

*Amendment of the Drinking Milk Regulations (Northern Ireland) 1977*

2.—(1) The Drinking Milk Regulations (Northern Ireland) 1977(c) shall have effect subject to the following amendments—

- (a) in regulation 2(1) the definitions of “guideline figure”, “milk purveyor”, “milk year”, “sell by retail” and “sell wholesale” shall be deleted;
- (b) in regulation 4(b) the words “produced in Northern Ireland” shall be deleted;
- (c) in regulation 4(c) the remainder of the sub-paragraph after the words “standardised whole milk” shall be deleted;
- (d) in regulation 5(1) after the words “laid down for”, there shall be inserted the words “standardised whole milk,”;
- (e) regulation 6 (labelling of standardised whole milk) shall be deleted;
- (f) regulation 7 (records of transactions in standardised whole milk) shall be deleted.

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(a) See Article 2(2) of S.I. 1991/762 (N.I. 7)

(b) S.I. 1991/762 (N.I. 7)

(c) S.R. 1977 No. 8, to which there are amendments not relevant to these Regulations

(2) In regulation 2(1) of the Drinking Milk Regulations (Northern Ireland) 1977, the term “as amended” at the end of the sub-paragraph beginning ““milk”, “drinking milk””; shall be taken to include the amendment of Council Regulation (EEC) No. 1411/71 effected by Council Regulation (EEC) No. 2138/92(a).

*Amendment of the Importation of Milk Regulations (Northern Ireland) 1988*

3.—(1) The Importation of Milk Regulations (Northern Ireland) 1988(b) shall have effect subject to the following amendments—

(2) In regulation 2(2)—

(a) for the definition of “drinking milk” and the other definitions in the same sub-paragraph as that definition there shall be substituted the following definitions—

“ “drinking milk”, “semi-skimmed milk”, “skimmed milk”, “standardised whole milk” and “non-standardised whole milk” have the meanings respectively given to them by Council Regulation (EEC) No. 1411/71, as amended(c), laying down additional rules on the common market organisation in milk and milk products for drinking milk;”;

(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;

(c) in the definition of “milk” the words “and separated milk” shall be deleted;

(d) for the definitions of “milk-based drink” and “raw milk” there shall be substituted the following definition—

“ “milk-based drink” has the same meaning as in the Milk Regulations (Northern Ireland) 1987(d)”;;

(e) in sub-paragraph (c) of the definition of “specified drinking milk” all the words after “standardised whole milk” shall be deleted and after it there shall be inserted a new sub-paragraph “(d) non-standardised whole milk”;

(f) there shall be inserted in the respective appropriate places the following definitions—

“ “raw milk” means milk which has not been heated beyond 40°C or undergone any treatment that has an equivalent effect; and “raw” in relation to cream shall be construed accordingly;

(a) O.J. No. L214, 30.7.92, p. 6

(b) S.R. 1988 No. 420

(c) O.J. No. L148, 3.7.71, p. 4 (O.J./S.E. 1971 (II), p. 412), relevant amending instruments are Act of Accession at O.J. No. L2, 1.1.73, Council Regulation (EEC) No. 566/76 (O.J. No. L67, 15.3.76, p. 23) with Corrigendum at O.J. No. L107, 24.4.76, p. 22, Commission Regulation (EEC) No. 222/88 (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)

(d) S.R. 1987 No. 229; relevant amending Regulations are S.R. 1988 No. 436, S.R. 1990 No. 13 and S.R. 1991 No. 151

“thermised milk” means raw milk which has been heated for at least 15 seconds at a temperature between 57°C and 68°C and after such treatment shows a positive reaction to the phosphatase test as described in the Eleventh Schedule to the Milk Regulations (Northern Ireland) 1987, and for the purposes of any such test milk shall be treated as showing a positive reaction if the sample of that milk taken for that test gives a reading of greater than 10 µg of p-nitrophenol/ml of milk;”.

- (3) In regulation 4(1)—
  - (a) in sub-paragraph (a)(i) after the words “specified drinking milk,” there shall be inserted the words “raw milk, thermised milk,”;
  - (b) in sub-paragraph (a)(ii) prior to the words “has been pasteurised,” there shall be inserted the words “unless it is raw milk, thermised milk or raw cream,”;
  - (c) sub-paragraph (a)(vi) shall be deleted except for the word “and” at the end;
  - (d) sub-paragraph (b) shall be deleted.
- (4) Regulation 5 (authorised places of entry) shall be deleted.
- (5) Regulation 6 (importation procedure) shall be deleted.
- (6) In regulation 7(2)—
  - (a) for the words “whole milk, semi-skimmed milk, skimmed milk” there shall be substituted the words “raw milk, thermised milk, specified drinking milk,”;
  - (b) in sub-paragraph (b), prior to the words “has been subjected to”, there shall be inserted the words “unless it is raw milk, thermised milk, or raw cream,”.
- (7) Regulation 7(3) shall be deleted.
- (8) Regulation 9 (duties of authorised officers) shall be deleted.
- (9) Regulation 10(3) (offences) shall be deleted.
- (10) Schedule 2 shall be deleted.

*Amendment of the Milk Regulations (Northern Ireland) 1987*

4.—(1) The Milk Regulations (Northern Ireland) 1987 shall have effect subject to the following amendments—

(2) For the definition of “whole milk” in regulation 2 there shall be substituted the following definition—

“whole milk” includes standardised whole milk and non-standardised whole milk, and “standardised whole milk” and “non-standardised whole milk” shall have the meanings respectively assigned to them by the Council Regulation (EEC) No. 1411/71, as amended.”

- (3) In regulation 6—
  - (a) at the end of paragraph (a) there shall be added the words “or “untreated whole milk”,”;
  - (b) at the end of paragraph (b) there shall be added the words “or “pasteurised whole milk”,”;

- (c) at the end of paragraph (e) there shall be added the words “or “ultra-heat treated whole milk””;
- (d) at the end of paragraph (h) there shall be added the words “or “sterilised whole milk””.
- (4) For regulation 19(5) there shall be substituted the following paragraph—
- “(5)(a) Retail containers shall be marked with the words “Untreated Milk” or “Untreated Whole Milk” and with the words “This milk has not been heat treated and may therefore contain organisms harmful to health.”
- (b) Retail containers shall in addition comply with the labelling requirements of Article 3(2) of Council Regulation (EEC) No. 1411/71, as amended.”.
- (5) In regulation 29—
- (a) after paragraph (4) there shall be inserted the following paragraph—
- “(5) Retail containers or bottle caps shall in addition comply with the labelling requirements of Article 3(2) of Council Regulation (EEC) No. 1411/71, as amended.”;
- (b) in paragraph (8) for the words “paragraph (4)” there shall be substituted the words “paragraphs (4) and (5)”;
- (c) in paragraph (9) for the words “paragraph 4(a), (c)(ii) and (iii)” there shall be substituted the words “paragraphs (4)(a), (c)(ii) and (iii) and (5)”.

Sealed with the Official Seal of the Department of Agriculture on 22nd December 1992.

(L.S.)

*P. T. Toal*

Assistant Secretary

Sealed with the Official Seal of the Department of Health and Social Services on 22nd December 1992.

(L.S.)

*W. F. T. Green*

Assistant Secretary

## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations 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 processor, and with respect to fat content meets one of the following requirements:

- standardised whole milk, i.e. milk with a fat content of at least 3.5%;
- non-standardised whole milk, i.e. milk with a fat content that has not been altered since the milking stage either by the addition or separation 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 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 Regulations (Northern Ireland) 1977 (regulation 2), the Importation of Milk Regulations (Northern Ireland) 1988 (regulation 3(2)(a), (b), (c) and (e) and the Milk Regulations (Northern Ireland) 1987 (regulation 4(2)), and consequential minor amendments are made to them;
- (b) in relation to the sale of whole milk, provision is made in the Milk Regulations (Northern Ireland) 1987 for labelling which includes standardised whole milk (regulation 4(3) and (5)).

Provision is made in the Regulations for the implementation in part of Council Directive (EEC) No. 89/662, as amended (O.J. No. L395, 30.12.89, p. 13) on veterinary checks in intra-Community trade by removing place of entry checks on imports of milk coming from other Member States in the Importation of Milk Regulations (Northern Ireland) 1988 (regulation 3(2)(c), 3(3)(c) and 3(4), 3(5), and 3(8) to (10)).

The Regulations also provide for the removal of the ban on imports of raw cows' milk and thermised cows' milk (milk subjected to heat treatment below pasteurisation temperature) coming from other Member States in the Importation of Milk Regulations (Northern Ireland) 1988 (regulation 3(2)(f) and 3(3)(a) and (b)).

The Regulations also remove restrictions on the marketing of raw milk and thermised milk brought to Northern Ireland from Great Britain (regulation 3(6)).