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SCOTTISH STATUTORY INSTRUMENTS

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**2003 No. 311**

**The Condensed Milk and Dried  
Milk (Scotland) Regulations 2003**

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Food Safety Act 1990;

“catering establishment” means a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business, food is prepared for delivery to the ultimate consumer and is ready for consumption without further preparation;

“designated product” means any food specified in column 2 of Schedule 1 to these Regulations (as read with the Notes relating to that Schedule);

“Directive 79/1067/EEC” means First Commission Directive [1979/1067/EEC](#)(1) laying down Community methods of analysis for testing certain partly or wholly dehydrated preserved milk for human consumption;

“Directive 87/524/EEC” means First Commission Directive [1987/524/EEC](#)(2) laying down Community methods of sampling for chemical analysis for the monitoring of preserved milk products;

“EEA Agreement” means the Agreement on the European Economic Area(3) signed at Oporto on 2nd May 1992 as adjusted by the Protocol(4) signed at Brussels on 17th March 1993;

“EEA State” means a State which is a Contracting Party to the EEA Agreement;

“partly dehydrated milk” means the liquid product, whether or not sweetened, obtained directly by the partial removal of water from milk, from wholly or partly skimmed milk or from a mixture of these products and includes such a product to which cream or totally dehydrated milk or both have been added provided the addition of totally dehydrated milk does not exceed, in the finished product, 25% of total milk solids;

“preparation” includes manufacture and any form of processing or treatment and “prepared” shall be construed accordingly;

“the 1996 Regulations” means the Food Labelling Regulations 1996(5);

“reserved description”, as respects any designated product, means any description specified in relation to that product in column 1 of Schedule 1 to these Regulations or any alternative description permitted by Schedule 2 to these Regulations and the use of any such description in these Regulations shall be construed as meaning the product to which that description relates;

“sell” includes offer or expose for sale or have in possession for sale and “sale” and “sold” shall be construed accordingly;

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(1) O.J. No. L 327, 24.12.79, p.29.

(2) O.J. No. L 306, 28.10.87, p.24.

(3) O.J. No. L 1, 3.1.94, p.1.

(4) O.J. No. L 1, 3.1.94, p.571.

(5) [S.I. 1996/1499](#); relevantly amended by [S.I. 1998/1398](#).

“totally dehydrated milk” means the solid product, where the water content does not exceed 5% by weight of the finished product, obtained directly by the removal of water from milk, from wholly or partly skimmed milk, from cream or from a mixture of these products;

“total milk solids” means all the constituents of milk other than water, including milk fat, the constituents other than milk fat being present in their natural proportions; and

“ultimate consumer” means any person who buys otherwise than—

- (a) for the purpose of resale;
- (b) for the purposes of a catering establishment; or
- (c) for the purposes of a manufacturing business.