

## ELIZABETH II



# Importation of Milk Act 1983

## 1983 CHAPTER 37

An Act to make provision as to the importation of milk and as to imported milk and milk brought to Northern Ireland from Great Britain. [13th May 1983]

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Regulations under this section—

- (a) may, with a view to protecting human health, make provision as to the importation of milk ; and
- (b) may make provision as to the use of imported milk and of milk brought to Northern Ireland from Great Britain.

Importation  
and use of milk.

(2) The power conferred by subsection (1) above is exercisable—

- (a) in relation to England and Wales, by the appropriate Ministers acting jointly ;
- (b) in relation to Scotland, by the appropriate Minister ; and
- (c) in relation to Northern Ireland, by the Department of Agriculture for Northern Ireland.

(3) Such regulations may provide for prohibiting the importation of milk and excluding from the prohibition milk which—

- (a) is of a description specified by or under the regulations ;
- (b) is imported at an authorised place of entry ;
- (c) is accompanied by such certificate relating to the milk as may be required by or under the regulations for milk of that description ; and
- (d) satisfies such other conditions as to the importation of milk of that description as may be specified by or under the regulations.

(4) Such regulations may include provision—

- (a) as to the quality of milk ;
- (b) for the inspection and testing of imported milk (whether at an authorised place of entry or elsewhere) and for prohibiting the removal of such milk until inspection or testing is completed ;
- (c) for dealing with milk imported in contravention of any requirement imposed by or under the regulations or with imported milk which fails to meet any such requirement (including provision for such milk to be taken out of the United Kingdom) ;
- (d) for an appeal to an appropriate court against any decision of a person on whom functions are conferred by or under the regulations ;

and may contain such ancillary and incidental provision as the Ministers or, as the case may be, the Department consider necessary or expedient.

(5) Such regulations may provide for the creation of offences—

- (a) where milk is imported in contravention of any requirement imposed by or under the regulations ;
- (b) where milk required by or under the regulations to be dealt with is not dealt with in accordance with the requirement ;
- (c) where, in connection with the importation of milk, a person makes a statement or uses a document which he knows to be false in a material particular or recklessly makes a statement or uses a document which is false in a material particular ;

and their punishment on summary conviction with a fine of an amount not exceeding that specified in the regulations.

(6) The amount that may be so specified is an amount not exceeding, in England and Wales and Scotland, level 5 on the standard scale (which has the meaning given by section 75 of

the Criminal Justice Act 1982) and, in Northern Ireland, 1982 c. 48. £1,000.

(7) In relation to imported milk or milk brought to Northern Ireland from Great Britain, such regulations may provide for the application (with or without modifications) of any provision—

- (a) made by or under any enactment, and
- (b) relating to any description of milk, whether or not it also relates to other substances,

or for excluding the application of, or making provision corresponding to, any such provision.

(8) Without prejudice to the generality of any power conferred on any Minister of the Crown or Northern Ireland department by any enactment to make provision by subordinate legislation in relation to any description of milk, any such power includes power to make separate provision in relation to imported milk.

(9) Subsections (3) to (7) above are not to be taken as prejudicing the generality of subsection (1) above.

2.—(1) Any power to make regulations under section 1 of this Act shall be exercisable— Provisions supplementary to section 1.

- (a) in relation to England and Wales or to Scotland, by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament ; and
- (b) in relation to Northern Ireland, by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979, which shall be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954. S.I. 1979/1573 (N.I. 12).  
1954 c. 33 (N.I.).

(2) In this Act—

“ appropriate court ” means—

- (a) in relation to England and Wales, a magistrates’ court ;
- (b) in relation to Scotland, the sheriff ; and
- (c) in relation to Northern Ireland, a court of summary jurisdiction ;

“ appropriate Minister ” means, in relation to England, the Minister of Agriculture, Fisheries and Food and, in relation to Scotland or Wales, the Secretary of State ;

“ authorised place of entry ” means any port, aerodrome or other place of entry authorised by or under regulations under section 1 of this Act for the importation of milk and, in relation to milk in a particular consignment,

includes any place of entry so authorised for the importation of that consignment ;

“importation” has the same meaning as it has for the purposes of the Customs and Excise Acts 1979, and “imported” shall be construed accordingly ;

“milk” includes cream and separated or skimmed milk, but not dried or condensed milk ;

“use” includes handling, treatment, storage, conveyance and sale.

(3) For the purposes of section 1 of this Act, any description of the manner in which milk is packed or of its origin is a description of the milk.

(4) Any power to make provision in relation to milk by or under regulations under section 1 of this Act includes power to make provision in relation to any liquid consisting of milk to which there has been added, to such extent as may be specified by such regulations, any substance so specified ; and the references in section 1(7)(b) and (8) of this Act to milk include a reference to any liquid containing milk.

(5) There shall be paid out of money provided by Parliament any administrative expenses incurred by a Minister of the Crown under this Act and any increase attributable to this Act in the sums payable out of money so provided under any other Act.

Short title and extent.

3.—(1) This Act may be cited as the Importation of Milk Act 1983.

(2) This Act extends to Northern Ireland.

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