

1977 No. 2055

## FOOD AND DRUGS

**The Milk (Northern Ireland) Order 1977***Made - - - - 8th December 1977**Laid before Parliament 9th December 1977**Coming into Operation 1st January 1978*

The Minister of Agriculture, Fisheries and Food, in exercise of the powers conferred on him by section 6 (continued in force by the Milk (Extension of Period of Control of Maximum Prices) Orders 1969(a) and 1974(b)) and sections 7 and 22(3) of the Emergency Laws (Re-enactments and Repeals) Act 1964(c) and of all other powers enabling him in that behalf, hereby makes the following order:—

*Citation, commencement and extent*

1.—(1) This order may be cited as the Milk (Northern Ireland) Order 1977, and shall come into operation on 1st January 1978.

(2) This order shall apply only to Northern Ireland.

*Interpretation*

2. In this order—

“catering business” means the business or undertaking of an inn, public house, hotel, restaurant, cafe, tea shop, buffet, coffee-stall or any place of refreshment open to the public, or of a club, boarding house, apartment house, refreshment contractor, staff dining room or canteen, or of any school feeding centre, school premises or other educational establishment where milk is provided for pupils; and “caterer” shall be construed accordingly;

“farm bottled milk” and “pasteurised milk” have the meaning respectively assigned to them under sections 1 and 3 of the Milk Act (Northern Ireland) 1950(d) as amended by the Milk (Amendment) Act (Northern Ireland) 1963(e);

“dairy” means the premises where the milk is to be subjected to heat treatment;

“the Department” means the Department of Agriculture for Northern Ireland;

“heat treatment” means any heat treatment of milk whereby the milk becomes pasteurised milk;

(a) S.I. 1969/1058 (1969 II, p. 3103).  
(b) S.I. 1974/2139 (1974 III, p. 8399).  
(c) 1963 c. 11 (N.I.).

(c) 1964 c. 60.  
(d) 1950 c. 31 (N.I.).

“human consumption” does not include use in the preparation of food for sale for human consumption;

“milk” means liquid cows’ milk but does not include separated milk, skimmed milk, condensed milk or evaporated milk;

“normal delivery terms” means terms incorporated in a contract, made for a period of at least twelve months notwithstanding any provision regarding premature termination, and under which the milk is delivered daily by the vendor to the purchaser’s dairy in bulk tankers and without undue variations of quantity from day to day;

“price” means the actual price paid for milk after taking into consideration any discounts or allowances or rebates made in relation to that milk, but does not include any levy charged by the seller for publicity for milk and other related services in respect of milk;

“sale by retail” means any sale to a person buying otherwise than for the purpose of resale and includes any sale to a person for the purposes of his catering business or a sale for export (other than for use as ships’ stores) to any place outside the United Kingdom;

“sell” includes offer or agree to sell or expose for sale.

#### *Maximum prices and exemptions*

3.—(1) No person shall sell by retail any milk at a price exceeding the maximum price specified in relation thereto in Schedule 1 to this order:

Provided that where any milk is sold in a quantity of one-third of a pint or half a pint and, in either case, the maximum price thereof in accordance with the foregoing provisions of this article would include an odd fraction of a penny, other than one-half of a penny, that maximum price shall be increased to the next higher half of a penny if the said fraction is less than one-half or to the next higher whole penny if the said fraction is greater than one half.

(2) No person shall sell any raw milk for heat treatment and resale for human consumption, at a price exceeding the maximum price applicable in accordance with the provisions of Schedule 2 to this order.

(3) No person shall, in connection with the sale or disposition or proposed sale or disposition of any milk in relation to which in accordance with the provisions of paragraphs (1) and (2) of this article a maximum price applies, enter or offer to enter into any artificial transaction or make or demand any unreasonable charge.

(4) The provision of paragraph (1) of this article shall not apply as respects any supply of milk (a) by a caterer in the course of his catering business, or (b) from any automatic vending machine.

#### *Licences or authorisations*

4.—(1) The provisions of this order are subject to any licence or authorisation which may be granted under this order by the Department.

(2) Every person holding a licence or authorisation granted under this order shall comply with every condition imposed by such licence or authorisation.

(3) Every licence or authorisation granted under this order is and shall remain the property of the Department; and the licence or any person in possession of any such licence or authorisation shall, if requested to do so by or on behalf of the Department, produce or deliver it to such person or to a person of such class or description, and within such time as may be specified in the request.

*Revocation*

5. The Milk (Northern Ireland) Order 1971(a), the Milk (Northern Ireland) (Amendment) (No. 2) Order 1974(b), the Milk (Northern Ireland) (Amendment) Order 1977(c) are hereby revoked:

Provided that unless the contrary intention appears any licence or authorisation granted under the Milk (Northern Ireland) Order 1971, as amended, or having effect by virtue thereof, and subsisting immediately before the coming into operation of this order, shall continue to have effect as though granted by the Department under the corresponding provision of this order.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 8th December 1977.

(L.S.)

*John Silkin,*

Minister of Agriculture, Fisheries and Food.

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(a) S.I. 1971/1037 (1971 II, p. 3105).  
(c) S.I. 1977/858 (1977 II, p. 2366).

(b) S.I. 1974/1548 (1974 III, p. 5867).

## SCHEDULE 1

*Article 3(1)*

## MAXIMUM RETAIL PRICES OF MILK

Milk	Maximum Price (Rate per Pint)
Farm bottled milk ... ..	P 12½
Pasteurised milk ... ..	12½

## Article 3(2)

## SCHEDULE 2

## MAXIMUM PRICES OF RAW MILK ON SALE FOR HEAT TREATMENT AND RESALE

On a sale for heat treatment	Maximum Price (Rate per litre)
<p>(a) At a dairy situated within the following districts, for sale by retail thereafter within those districts:</p> <ul style="list-style-type: none"> <li>(i) the wards of Ballyrobin and Templepatrick in the local government district of Antrim;</li> <li>(ii) the wards of Ballygowan, Central, Comber North, Comber South, Scrabo and Ulsterville and the townlands of Corporation North and Movilla in the local government district of Ards Borough;</li> <li>(iii) the local government district of Belfast City;</li> <li>(iv) the wards of Boney Before, Castle, Clipperstown, Knockagh, Love Lane, Lower Greenisland, Middle Greenisland, Northland, Sunnylands, Trooperslane and Victoria in the local government district of Carrickfergus Borough;</li> <li>(v) the local government district of Castlereagh;</li> <li>(vi) the wards of Ballymacbrennan, Blaris, Collin, Derryaghy, Drumbo, Dunmurry, Hilden, Hillhall, Knockmore, Lagan Valley, Lambeg, Lisnagarvy, Magheralave, Old Warren, Seymour Hill, Tallyrusk and Tonagh in the local government district of Lisburn Borough;</li> <li>(vii) the wards of Ballyhenry, Bradan, Carnmoney, Cloughfern, Coole, Dunanney, Glengormley, Hopefield, Jordanstown, Mallusk, Monkstown, Mossgrove, Mossley, Rostulla, Whiteabbey, Whitehouse, and Whitewell in the local government district of Newtownabbey;</li> <li>(viii) the wards of Craigavad, Cultra, Holywood Demesne, Holywood Priory and Loughview in the local government district of North Down Borough.</li> </ul>	<p>p 12·720</p>
<p>(b) At a dairy situated outside the above districts, for sale by retail thereafter within those districts provided that the milk shall have been delivered to a depot with a cold store, situated within those districts prior to its sale by retail.</p>	<p>12·720</p>
<p>(c) At a dairy situated in Northern Ireland, and not falling within (a) or (b) above.</p>	<p>12·811</p>

1. Where milk is sold on terms which are less or more favourable to the purchaser than normal delivery terms the appropriate maximum price shall have effect subject to a reduction or increase respectively of such amount as is appropriate in the circumstances.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order, which comes into operation on 1st January 1978

- (a) supersedes the Milk (Northern Ireland) Order 1971 as amended;
- (b) prescribes maximum prices for the sale in Northern Ireland of raw milk for heat treatment;
- (c) increases by 1p per pint the maximum retail prices of milk on sales in Northern Ireland.

SI 1977/2055  
ISBN 0-11-072055-5

