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 STATUTORY INSTRUMENTS
 

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**1986 No. 791 (S. 74)**

**FOOD**

**The Milk and Dairies (Semi-skimmed and Skimmed Milk) (Heat Treatment and Labelling) (Scotland) Amendment Regulations 1986**

<i>Made - - - -</i>	<i>30th April 1986</i>
<i>Laid before Parliament</i>	<i>9th May 1986</i>
<i>Coming into Operation</i>	<i>1st June 1986</i>

The Secretary of State, in exercise of the powers conferred on him by sections 4, 7, and 56 of the Food and Drugs (Scotland) Act 1956(a), and of all other powers enabling him in that behalf, after consultation in accordance with section 56(6) of that Act with such organisations as appear to him to be representative of interests substantially affected by these regulations, hereby makes the following regulations:-

*Citation and commencement*

1. These regulations may be cited as the Milk and Dairies (Semi-skimmed and Skimmed Milk) (Heat Treatment and Labelling) (Scotland) Amendment Regulations 1986 and shall come into operation on 1st June 1986.

*Amendment of the Milk and Dairies (Semi-skimmed and Skimmed Milk) (Heat Treatment and Labelling) (Scotland) Regulations 1974*

2.—(1) The Milk and Dairies (Semi-skimmed and Skimmed Milk) (Heat Treatment and Labelling) (Scotland) Regulations 1974(b) shall be amended in accordance with the following provisions of this regulation.

(2) In the proviso to regulation 3(2) (heat treatment of semi-skimmed and skimmed milk) -

(a) in paragraph (a) after the word “Wales” in both places where it occurs there shall be inserted the words “or Northern Ireland”; and

(b) paragraph (b) shall be deleted.

(3) In regulation 5 (labelling of semi-skimmed and skimmed milk containers), for the words “Part I, II or III respectively of Schedule 5 to these regulations.”

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(a) 1956 c.30; section 4 was amended by the European Communities Act 1972 (c.68), Schedule 4, paragraph 3(1); section 56 was amended by the Weights and Measures Act 1963 (c.31), Schedule 9, Part II, the European Communities Act 1972, Schedule 4, paragraph 3(2), the Criminal Justice Act 1982 (c.48), Schedule 15, paragraph 8, the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c.73), section 41 and S.I. 1984/526.

(b) S.I. 1974/1356, amended by S.I. 1983/940, 1526 and 1985/1068; regulation 3 was disapplied in part in relation to permitted imported milk by S.I. 1983/1545.

there shall be substituted the words “the Milk Labelling (Scotland) Regulations 1983(a).”.

(4) In regulation 7 (penalties) for the words “any of the foregoing provisions” there shall be substituted the words “any of the provisions of regulation 3 or regulation 5”.

(5) In Schedule 2 (special requirements in relation to the heat treatment of semi-skimmed and skimmed milk) -

(a) in Part I (pasteurisation), to paragraph 4 there shall be added the following proviso:-

“Provided that nothing in this paragraph shall prevent the pasteurisation of semi-skimmed milk by reason only that any constituent part of such milk has already been subject to a process of pasteurisation.”; and

(b) in Part III (treatment by the ultra high temperature method) to paragraph 6 there shall be added the following proviso:-

“Provided that nothing in this paragraph shall prevent the treatment by the ultra high temperature method of semi-skimmed milk by reason only that any constituent part of such milk has already been subject to a process of pasteurisation.”.

(6) In Schedule 4 (testing of samples) -

(a) in Part II, paragraph 4(i) and Part III, paragraph 2(c) (which specify the apparatus to be used for tests) the words “either B.S.625:1959 or” shall be deleted; and

(b) in Part II, paragraph 5, for sub-paragraphs (3) and (4) there shall be substituted the following sub-paragraph:-

“(3) New glassware shall be cleaned and free from contamination from substances which may interfere with the test.”.

(7) Schedule 5 (requirements as to labelling) shall be deleted.

#### *Revocation*

3. The Milk and Dairies (Semi-skimmed and Skimmed Milk) (Heat Treatment and Labelling) (Scotland) Amendment Regulations 1983(b) are revoked.

*Gray of Contin,*  
Minister of State,  
Scottish Office.

New St. Andrew's House,  
Edinburgh.  
30th April 1986.

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(a) S.I. 1983/938, amended by S.I. 1985/1068.  
(b) S.I. 1983/940.

## EXPLANATORY NOTE

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

These regulations amend the Milk and Dairies (Semi-skimmed and Skimmed Milk) (Heat Treatment and Labelling) (Scotland) Regulations 1974.

The principal amendment is the removal of the restriction on the importation into Scotland of semi-skimmed and skimmed milk produced in Northern Ireland. Such milk is now subject to controls similar to those which apply to semi-skimmed and skimmed milk originating in England and Wales (regulation 2(2)).

These regulations also -

- (a) remove a duplication of provision in relation to the labelling of semi-skimmed and skimmed milk (regulations 2(3) and (7) and 3);
- (b) correct a drafting error in the penalties provision (regulation 2(4));
- (c) permit the heat treatment of semi-skimmed milk notwithstanding that any constituent parts have previously undergone a process of pasteurisation (regulation 2(5)); and
- (d) make minor amendments concerning the apparatus used in the testing of heat treated semi-skimmed and skimmed milk (regulation 2(6)).

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