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STATUTORY INSTRUMENTS

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**1995 No. 1372**

**The Dairy Products (Hygiene) (Scotland) Regulations 1995**

**PART VI**

**CONDITIONS RELATING TO ALL DAIRY ESTABLISHMENTS**

**Duties of occupier or purchaser of raw milk for re-sale**

- 13.—**(1) Subject to paragraph (3) below, the occupier of a dairy establishment shall—
- (a) take all necessary measures to ensure that, at all stages of handling of dairy products at that dairy establishment, the appropriate requirements of these Regulations are complied with;
  - (b) carry out his own checks to ensure that—
    - (i) critical points in the dairy establishment relative to the processes used there are identified;
    - (ii) methods for monitoring and controlling such critical points are established;
    - (iii) appropriate tests are carried out to detect any residues of substances having pharmacological or hormonal action, and of antibiotics, pesticides, detergents and other substances which are harmful to human health or which might alter the organoleptic characteristics of dairy products or make their consumption harmful to human health, if those residues exceed permitted tolerance limits;
    - (iv) appropriate checks are carried out to detect the presence of any added water in raw milk in accordance with Part III of Schedule 3 and in heat-treated drinking milk in compliance with Part III of Schedule 4;
    - (v) the standards for animal health prescribed in Part I of Schedule 3 are complied with; and
    - (vi) samples taken for the purpose of checking the cleaning and disinfection methods, or for the purpose of checking compliance with the standards for dairy products prescribed in Part II of Schedule 3, and Schedules 4, 5 and 6, are analysed and examined as appropriate in a laboratory acceptable to the food authority;
  - (c) ensure that insofar as is reasonable and practicable a record in permanent form is kept of the matters specified in sub-paragraph (b) above and in Schedule 2, Part II, paragraph A7(1)(a)(v)—
    - (i) in the case of any dairy product which cannot be stored at an ambient temperature, for a period of not less than two months, calculated from the end of the minimum durability indication or “use by” date on the product, and
    - (ii) in the case of any other dairy product, for a period of not less than two years, calculated from the date to which such record relates;
  - (d) upon demand by an authorised officer produce or cause to be produced any record the occupier is required to keep by sub-paragraph (c) above for inspection by the authorised officer and allow him to take copies and make extracts from it;

- (e) ensure that health marking is controlled and carried out properly;
  - (f) ensure that the food authority is notified immediately when a laboratory examination of samples or any other information in the occupier's possession or under his control reveals a serious health risk;
  - (g) furnish the food authority with such information and assistance as it may reasonably request so as to enable it to take such action as it may consider necessary under these Regulations or the Act; and
  - (h) ensure, in the event of an immediate human health risk, the withdrawal from the market of the quantity of dairy products obtained under technologically similar conditions and likely to present the same risk; and also ensure that any quantity of the dairy product so withdrawn is held under the supervision and control of the food authority until it is destroyed, or used for purposes other than human consumption, or, with the agreement of the food authority, reprocessed in a manner appropriate to ensure its safety for human consumption.
- (2) The occupier of any dairy establishment shall ensure that workers at that dairy establishment are given instruction and training with regard to hygiene matters, but the instructions and training given to a worker need only be such as is appropriate to any task undertaken by the worker.
- (3) Where raw milk is purchased from a production holding by any person other than the occupier of an approved dairy establishment for re-sale as milk intended for processing, such person shall ensure that the following obligations in relation to that milk are complied with:—
- (a) the carrying out of appropriate tests to detect any residues of substances as specified in paragraph (1)(b)(iii) above;
  - (b) the carrying out of appropriate checks to detect the presence of added water in accordance with Part III of Schedule 3;
  - (c) the taking of samples for the purpose of checking compliance of the milk with the standards for dairy products prescribed in Part II of Schedule 3;
  - (d) the carrying out of checks to ensure compliance with the standards for animal health prescribed in Part I of Schedule 3;
  - (e) the requirements specified in paragraph (1)(c) to (h) above, as appropriate; and
  - (f) the requirements specified in Schedules 7 and 8.