SCHEDULE 1 Regulation 2(1)

Partly or totally dehydrated preserved milk products and their reserved descriptions

Reserved Description	*Designated Products*
1. Partly dehydrated milk	
—Types of unsweetened condensed milk	
(a) Condensed high-fat milk	Partly dehydrated milk containing, by weight, not less than 15% fat, and not less than 26.5% total milk solids.
(b) Condensed milk	Partly dehydrated milk containing, by weight, not less than 7.5% fat, and not less than 25% total milk solids.
(c) Condensed partly skimmed milk	Partly dehydrated milk containing, by weight, not more than 1% and less than 7.5% fat, and not less than 20% total milk solids.
(d) Condensed skimmed milk	Partly dehydrated milk containing, by weight, not more than 1% fat, and not less than 20% total milk solids.
—Types of sweetened condensed milk	
(e) Sweetened condensed milk	Partly dehydrated milk with an admixture of sucrose (semi-white sugar, white sugar or extra-white sugar) and containing, by weight, not less than 8% fat and not less than 28% total milk solids.
(f) Sweetened condensed partly skimmed milk	Partly dehydrated milk with an admixture of sucrose (semi-white sugar, white sugar or extra-white sugar) and containing, by weight, not less than 1% and less than 8% fat, and not less than 24% total milk solids.
(g) Sweetened condensed skimmed milk	Partly dehydrated milk with an admixture of sucrose (semi-white sugar, white sugar or extra-white sugar) and containing, by weight, not more than 1% fat and not less than 24% total milk solids.
2. Totally dehydrated milk	
(a) Dried high-fat milk or high-fat milk powder	Totally dehydrated milk containing, by weight, not less than 42% fat.
(b) Dried whole milk or whole milk powder	Totally dehydrated milk containing, by weight, not less than 26% and less than 42% fat.
(c) Dried partly skimmed milk or partly skimmed milk powder	Totally dehydrated milk containing, by weight, more than 1.5% and less than 26% fat.
(d) Dried skimmed milk or skimmed-milk powder	Totally dehydrated milk containing, by weight, not more than 1.5% fat.

Notes

1. Any designated product may contain—
   (a) any substance permitted pursuant to Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives; and

(b) vitamins and minerals in accordance with the requirements of Regulation (EC) No 1925/2006 on the addition of vitamins and minerals and of certain other substances to foods.

2. An additional quantity of lactose, not greater than 0.03% by weight of the finished product, may be added in the manufacture of any designated product referred to in paragraph 1(e), (f) or (g) in the table in this Schedule.

3. Without prejudice to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin(**1**) as last amended by Commission Regulation (EU) 2017/1981 amending Annex III to Regulation (EC) No 853/2004 of the European Parliament and of the Council as regards temperature conditions during transport of meat(**2**), the preservation of the designated products must be achieved—

(a) by heat treatment for the products referred to in paragraph 1(a) to (d) in the table in this Schedule;

(b) by the addition of sucrose for the products referred to in paragraph 1(e) to (g) in the table in this Schedule; and

(c) by dehydration for the products referred to in paragraph 2(a) to (d) in the table in this Schedule.

4.—(1) Without prejudice to the compositional requirements set out in the table in this Schedule, the protein content of milk may be adjusted to a minimum content of 34% by weight (expressed on fat-free dry matter) by the addition or withdrawal (or both) of milk constituents in such a way as not to alter the ratio of whey protein to casein in the milk being adjusted.

(2) Authorised raw materials for protein adjustment purposes referred to in paragraph (1) are as follows—

(a) milk retentate, which is the product obtained by concentrating milk protein by ultrafiltration of milk, partly skimmed milk or skimmed milk;

(b) milk permeate, which is the product obtained by removing milk proteins and milk fat from milk, partly skimmed milk or skimmed milk by ultrafiltration; and

(c) lactose, which is a natural constituent of milk normally obtained from whey with an anhydrous lactose content of not less than 99.0% m/m (mass over mass) on a dry basis, and which may be anhydrous or contain one molecule of water of crystallisation or be a mixture of both forms.

5. The levels of dry matter, moisture content, fat, sucrose, lactic acid and lactates and phosphatase activity in the designated products must be determined in accordance with the methods set out in First Commission Directive 79/1067/EEC(**3**).

SCHEDULE 2

Regulation 2(1)

Permitted alternative descriptions to the reserved descriptions specified in Schedule 1

1. The term “evaporated milk” may be used instead of the term “condensed milk” in the case of partly dehydrated milk containing, by weight, at least 9% fat and 31% total milk solids.

(**1**) OJ No L 139, 30.4.04, p 55
(**2**) OJ No L 285, 1.11.2017, p10
(**3**) OJ No L 327, 24.12.79, p 29

2. The term "evaporated semi-skimmed milk" may be used instead of the term "condensed partly skimmed milk" in the case of partly dehydrated milk containing, by weight, between 4% and 4.5% fat and not less than 24% total milk solids.

3. The term "semi-skimmed milk powder" or dried semi-skimmed milk" may be used instead of the term "dried partly skimmed milk" or "partly skimmed milk powder" in the case of totally dehydrated milk with a fat content of between 14% and 16%.

SCHEDULE 3 Regulation 6

Application and modification of provisions of the Order

PART 1

Modification of Article 9(1)

1. For Article 9(1) of the Order (improvement notices) substitute—

"(1) If an authorised officer has reasonable grounds for believing that a person is failing to comply with any of regulations 3, 4 or 5 of the Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018, the authorised officer may, by a notice served on that person (in this Order referred to as an "improvement notice")—

(a) state the officer's grounds for believing that the person is failing to comply with the relevant provision;

(b) specify the matters which constitute the person's failure so to comply;

(c) specify the measures which, in the officer's opinion, the person must take in order to secure compliance; and

(d) require the person to take those measures, or measures that are at least equivalent to them, within such period as may be specified in the notice."

PART 2

Application and modification of other provisions of the Order

Column 1 *Provision of the Order*	*Column 2* *Modifications*
Article 3 (application to food offered as prizes etc.)	For "this Order" substitute "the Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018"
Article 4 (presumptions that food intended for human consumption)	In paragraph (1), for "this Order" substitute "the Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018".
Article 19 (offences due to fault of another person)	For "any of the preceding provisions of this Part" substitute "Article 9(2), as applied by regulation 6 and Schedule 3 of the Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018,".
Article 20 (1) and (5) (defence of due diligence)	In paragraph (1), for "any of the preceding provisions of this Part" substitute "Article 9(2), as applied by regulation 6 and Schedule 3 of

Column 1 *Provision of the Order*	*Column 2* *Modifications*
	the Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018,”.
Article 29 (procurement of samples)	After the words “authorised officer”, insert, when carrying out duties under this Article in relation to the Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018, must exercise and perform those duties in accordance with the methods described in the Annex to First Commission Directive 87/524/EEC laying down Community methods of sampling for chemical analysis for the monitoring of preserved milk products and”.
Article 30(8) (which relates to evidence of certificates given by a food analyst or examiner)	For “this Order” substitute “the Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018”.
Article 34 (obstruction etc of officers)	In paragraph (1), for “this Order” (in each place occurring) substitute “the Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018”.
Article 36(1) and (2) (punishment of offences)	In paragraph (1), after “Article 34(1)”, insert, “as applied and modified by regulation 6 of, and Schedule 3 to, the Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018,”. After paragraph (1), insert— “(1A) A person guilty of an offence under Article 9(2), as applied by regulation 6 of the Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018, shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.”. In paragraph (2)— (a) for “any other offence under this Order”, substitute “an offence under Article 34(2), as applied by regulation 6 of, and Schedule 3 to, the Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018,”; and (b) in paragraph (b), for “the relevant amount”, substitute “the statutory maximum”.
Article 37 (Appeals)	For paragraph (1) substitute “Any person who is aggrieved by a decision of an authorised officer to serve an improvement notice under Article 9(1) as applied and modified by regulation 6 and Schedule 3 of the Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018 may appeal to a court of summary jurisdiction.”. For paragraph (2A) substitute “The period within which such an appeal as is mentioned in paragraph (2) may be brought shall be, in the case of an appeal under paragraph (1), that period or the period specified in the improvement notice, whichever ends the earlier.”.

Column 1 *Provision of the Order*	*Column 2* *Modifications*
Article 38 (Appeals against improvement notices)	In paragraphs (1) and (2), after "improvement notice" insert "as applied by regulation 6 and Schedule 3 of the Condensed Milk and Dried Milk Regulations (Northern Ireland) 2018.".