

1983 No. 337

MILK

Milk (Amendment) Regulations (Northern Ireland) 1983

Made 26th October 1983

Coming into operation 16th November 1983

The Department of Agriculture, in exercise of the powers conferred on it by Articles 4(1)(a), 6(1), 7 and 9(1) of the Milk (Northern Ireland) Order 1983(a) and of every other power enabling it in that behalf hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Milk (Amendment) Regulations (Northern Ireland) 1983 and shall come into operation on 16th November 1983.

Amendment to the Regulations of 1981

2. The Milk Regulations (Northern Ireland) 1981(b) shall be amended as follows:—

(1) **In Regulation 2:**

- (i) the definitions of “Authorised officer” and “Untreated milk licence” shall be deleted;
- (ii) after the definition of “Milking bail” there shall be inserted the following definition:

“milk-based drink” means a liquid drink (other than a fermented drink) being a mixture comprising by weight at least 85% milk and comprising as to the remainder any of, or any mixture of, the ingredients listed in the Thirteenth Schedule.”

- (iii) after the definition of “Milking passage” there shall be inserted the following definition:

“minimum durability date” means the date up to and including the date on which the milk can reasonably be expected to retain its specific properties if properly stored.”

(2) **For Regulation 7 paragraphs (h) and (i) there shall be substituted:—**

- “(h) Whole milk which has been produced by the holders of milk licences or untreated milk licences and which has been sterilised in accordance with these Regulations, and which, if it has been stored or transported, has been stored or transported in accordance with these Regulations, shall be designated as “sterilised milk”;
- (i) Semi-skimmed milk which has been derived in accordance with these Regulations from whole milk produced by the holders of milk licences or untreated milk licences and which has been sterilised in accordance with these Regulations, and which, if it has been stored or transported, has been stored or transported in accordance with these Regulations, shall be designated as “sterilised semi-skimmed milk”;

(a) S.I. 1983/148 (N.I. 2)

(b) S.R. 1981 No. 234

- (j) Skimmed milk which has been derived in accordance with these Regulations from whole milk produced by the holders of milk licences or untreated milk licences and which has been sterilised in accordance with these Regulations, and which, if it has been stored or transported, has been stored or transported in accordance with these Regulations, shall be designated as "sterilised skimmed milk";
- (k) Milk-based drink containing whole milk produced by the holders of milk licences or untreated milk licences or milk, the butterfat content of which has been adjusted in accordance with these Regulations and which has been derived from whole milk produced by the holders of milk licences or untreated milk licences and which has been pasteurised and filled into retail containers in accordance with these Regulations, and which, if it has been stored or transported, has been stored or transported in accordance with these Regulations, shall be designated as "pasteurised milk-based drink";
- (l) Milk-based drink containing whole milk produced by the holders of milk licences or untreated milk licences or milk, the butterfat content of which has been adjusted in accordance with these Regulations and which has been derived from whole milk produced by the holders of milk licences or untreated milk licences and which has been ultra-heat treated and filled into retail containers in accordance with these Regulations, and which, if it has been stored or transported, has been stored or transported in accordance with these Regulations, shall be designated as "ultra-heat treated milk-based drink";
- (m) Milk-based drink containing whole milk produced by the holders of milk licences or untreated milk licences or milk, the butterfat content of which has been adjusted in accordance with these Regulations and which has been derived from whole milk produced by the holders of milk licences or untreated milk licences and which has been sterilised and filled into retail containers in accordance with these Regulations, and which, if it has been stored or transported, has been stored or transported in accordance with these Regulations, shall be designated as "sterilised milk-based drink".

(3) Before Regulation 8 there shall be inserted:—

"Untreated milk licences

8A. Licences referred to in Article 4(1)(a) of the Milk (Northern Ireland) Order 1983 as "farm bottling licences" shall be called "untreated milk licences".

(4) In Regulation 9 paragraph (1):—

for the words "this Part" there shall be substituted "these Regulations".

(5) For Regulation 13 there shall be substituted :—

"13. The milk from each cow shall not be permitted to remain uncovered in a milking house and shall be transferred as soon as practicable in a closed container or by pipeline to the dairy where it shall be cooled to a temperature of not more than 5°C as rapidly as possible and in any event within 2 hours of milking and it shall be maintained at that temperature while on the prescribed premises, save for temporary rises in temperature during subsequent milkings."

(6) For Regulation 14 there shall be substituted:—

"14.—(1) Save for any purpose connected with the dispatch thereof, milk, while on the prescribed premises, shall be kept in the dairy and while being so kept shall be protected from the direct rays of the sun and from contamination from any source.

(2) Milk intended for sale in bulk shall be kept in a closed storage tank.

(3) Storage tanks used for the dispatch of milk shall be labelled with either the name and address of the producer or marked with an identification number allocated to the producer by the Milk Marketing Board for Northern Ireland.

(4) Unless the Department gives its prior written approval, milk which is offered for sale in bulk shall be collected from the holder of a milk licence or an untreated milk licence, or delivered to the processing premises, not later than 2 days following the day of production."

(7) For Regulation 19 paragraph (5) there shall be substituted:—

“(5)(a) Until 31st October 1984 retail containers or bottle caps shall be clearly marked with the words “Untreated Milk”.

(b) After 31st October 1984 retail containers shall be marked with the words “Raw Unpasteurised Milk” in coloured lettering and where the container is a bottle the words shall appear elsewhere than on the cap.”

(8) For Regulation 19 paragraph (6) there shall be substituted:—

“(6) Retail containers or bottle caps shall be clearly marked with:

(a) in the case of milk filled into bottles the name or licence number of the licence holder or the name of the farm; and

(b) in the case of milk filled into retail containers other than bottles:—

(i) the name or business name and address of the licence holder; and
(ii) without prejudice to the requirements of Article 4 of the Weights and Measures (Milk) Order (Northern Ireland) 1980(a) an indication of the net quantity; and

(iii) an indication of the minimum durability of the milk and any storage conditions which need to be observed if the milk is to meet this indication of minimum durability.”

(9) For Regulation 19 paragraphs (7) and (8) there shall be substituted:—

“(7) The minimum durability of the milk shall be indicated by:

(a) the words “best before” followed by the minimum durability date, which may be expressed in terms of a day and a month only; or

(b) the words “sell by” followed by the latest recommended date of sale of the milk, expressed in terms of a day and a month only, and an indication of the period from the date of purchase for which the milk can reasonably be expected to retain its specific properties, if properly stored.

(8) The minimum durability date or the latest recommended date of sale may appear separately from the words “best before” or “sell by” provided that these words are followed by a reference to the place where the date appears.”

(10) For Regulation 19 paragraph (10) there shall be substituted:—

“(10) The particulars required to be marked on retail containers in accordance with sub-paragraph (5)(b) and paragraph (6) shall be easy to understand and shall be marked in a conspicuous place in such a way as to be easily visible, clearly legible and indelible. They shall not in any way be hidden, obscured or interrupted by other written or pictorial matter.”

(11) After Regulation 19 paragraph (10) there shall be inserted:—

“(11) The particulars required to be marked on retail containers other than bottles in accordance with paragraphs 5 and 6(b) (ii) and (iii) shall appear in the same field of vision.”

(12) After Regulation 20 paragraph (5) there shall be inserted:—

“(6) In this Part, in Parts VII and VIII, the Sixth Schedule, and the Seventh Schedule “milk” includes milk-based drink except:

- (i) where otherwise specified; and
- (ii) in Regulations 35(2) and 35(3) and in the Sixth Schedule paragraphs 1(1), 1(2), 5(3)(a) and 5(5)."

(13) For Regulation 23 paragraphs (1) and (2) there shall be substituted:—

“Methods of ultra-heat treatment

23.—(1)(a) Milk other than milk-based drink shall be ultra-heat treated by clarifying, homogenising, if necessary, and retaining the milk at a temperature of not less than 132.2°C for a period of at least one second as part of a continuous production process or from milk, the butterfat content of which has been adjusted in accordance with Regulation 24 by homogenising and retaining it at a temperature of not less than 132.2°C for a period of at least one second as part of a continuous production process.

(b) Ultra-heat treated milk-based drink shall be produced by being retained at a temperature of not less than 140°C for at least two seconds or at such other temperature for such other period as has equivalent effect in relation to the rendering of the milk-based drink free from viable micro-organisms and their spores.

(2) Any apparatus in which milk is to be heated shall be provided with a device which shall automatically divert or stop the flow of any milk which has not been heated to a temperature of at least 132.2°C or, in the case of milk-based drink, to a temperature of at least 140°C or other temperature sufficient for the purposes of paragraph (1)(b)."

(14) After Regulation 23 paragraph (5) there shall be inserted:—

“Methods of sterilisation

23A.—(1) Milk other than milk-based drink shall be sterilised by clarifying and homogenising, if necessary, and by thereafter being retained at a temperature of not less than 100°C for such period as to ensure that it will give a negative result when submitted to the turbidity test in accordance with the procedure set out in the Twelfth Schedule. Heat treatment shall be carried out either—

- (a) in bottles and in such manner that on or before completion of the treatment the bottles shall be sealed with an airtight seal; or
- (b) by a continuous-flow method.

(2) Milk-based drink shall be sterilised by being retained at a temperature of not less than 108°C for not less than 45 minutes or at such other temperature for such other period as has equivalent effect in relation to rendering the milk-based drink free from viable micro-organisms and their spores.

(3) Indicating and recording thermometers marked with graduations not greater than 1°C or 2°F adequately spaced to give clear readings shall be installed in suitable places in the appliance in which milk is to be sterilised to indicate and continuously record the sterilisation temperature. All such records shall be correctly dated and retained for a period of not less than 12 months.

(4) Any apparatus in which the milk is to be heated by a continuous-flow method shall be provided with a device which shall automatically divert the flow of any milk not retained at a temperature at least equal to the required temperature."

(15) Regulation 23 paragraph (6) shall cease to have effect.

(16) For Regulation 24 paragraph (3) there shall be substituted:—

"(3) Where milk, the butterfat content of which has been adjusted is not immediately subjected to pasteurisation, ultra-heat treatment or sterilisation it shall be cooled immediately to and maintained at a temperature not exceeding 5°C."

(17) For Regulation 25 there shall be substituted:—

“Preparation of milk-based drinks

25.—(1) The milk and other ingredients shall, if mixed to make a milk-based drink before commencement of the heat treatment of that milk-based drink, be so mixed not more than four hours before such treatment.

(2) Where any milk-based drink is not subjected to heat treatment within one hour of mixing, it shall be cooled to and retained at a temperature not exceeding 7°C.”

(18) For Regulation 26 paragraph (1) there shall be substituted:—

“(1) The holder of a distributor’s licence shall ensure that before any vessel or appliance is used for heat treating or storing whole milk, milk, the butterfat content of which has been adjusted, or milk-based drinks it shall be cleansed in accordance with these Regulations if it had previously been used for heat treating or storing milk of a different type. The provisions of this paragraph shall not apply to vessels or appliances used for heat treating or storing milk-based drink immediately after being used for heat treating or storing milk, other than milk-based drink, of the same type.”

(19) In Regulation 26 paragraphs (3), (4) and (5) the words “ultra-heat treated milk” where they appear shall be followed by the words “or sterilised milk”.

(20) For Regulation 27 paragraph (2) there shall be substituted:—

“(2) Milk which has been ultra-heat treated and milk which has been sterilised by a continuous-flow method shall be aseptically packaged into sterile retail containers on the premises where it has been heat-treated.”

(21) For Regulation 27 paragraph (4)(a) there shall be substituted:—

“(a) the designation of the milk except that:

- (i) in any designation involving the words “ultra-heat treated” these words may be replaced by the letters “UHT”; and
- (ii) in any designation involving the words “milk-based drink” those words may be replaced by the words “milk drink”; and”

(22) For Regulation 27 paragraph (4)(c) there shall be substituted:—

“(c) in the case of milk filled into retail containers other than bottles:—

- (i) the name or business name and address of the licence holder responsible for heat-treating the milk; or the name or business name and address of the seller;
- (ii) without prejudice to the requirements of Article 4 of the Weights and Measures (Milk) Order (Northern Ireland) 1980 an indication of the net quantity; and
- (iii) an indication of the minimum durability of the milk and any storage conditions which need to be observed if the milk is to meet this indication of minimum durability; and
- (iv) particulars of the place of origin or provenance of the milk if failure to give such particulars might mislead a purchaser to a material degree as to the true origin or provenance of the milk; and”

(23) Regulation 27 paragraph (4)(d) and (e) shall cease to have effect.

(24) For Regulation 27 paragraphs (5), (6), (7) and (8) there shall be substituted:—

“(5) The minimum durability of milk which has been pasteurised shall be indicated by:

- (a) the words "best before" followed by the minimum durability date, which may be expressed in terms of a day and month only; or
- (b) the words "sell by" followed by the latest recommended date of sale of the milk, expressed in terms of a day and month only, and an indication of the period from the date of purchase for which the milk can reasonably be expected to retain its specific properties, if properly stored.

(6) The minimum durability date or the latest recommended date of sale of pasteurised milk may appear separately from the words "best before" or "sell by" provided that these words are followed by a reference to the place where the date appears.

(7) The minimum durability of milk which has been ultra-heat treated and milk which has been sterilised shall be indicated by:

- (a) the words "best before" followed by the minimum durability date expressed in terms of a month and year only but this date may appear separately from the words "best before" if these words are followed by a reference to the place on the container where the minimum durability date appears; or
- (b) the words "best before end" followed by the minimum durability date, expressed in terms of a month and year only, but this date may appear separately from the words "best before end" if these words are followed by a reference to the place on the container where the minimum durability date appears.

(8) The particulars required to be marked on retail containers in accordance with paragraph (4) shall be easy to understand and shall be marked in a conspicuous place in such a way as to be easily visible, clearly legible and indelible. They shall not in any way be hidden, obscured or interrupted by other written or pictorial matter.

(9) The particulars required to be marked on retail containers other than bottles in accordance with paragraph (4)(a), (c)(ii) and (iii) shall appear in the same field of vision.

(10) The provisions of paragraphs (4), (8) and (9) shall not apply to milk intended for export outside the European Economic Community."

(25) **In Regulation 29 paragraph (3)** after the words "ultra-heat treated" there shall be inserted the words "or sterilised".

(26) **In Regulation 29 paragraph (4)** for the words "flavoured milk" there shall be substituted the words "milk-based drink".

(27) **In Regulation 35 paragraph (1)** for the words "and (6)." there shall be substituted ", (6) and (7)."

(28) For Regulation 35(4) there shall be substituted:—

"(4)(a) Samples of milk other than milk-based drink which has been pasteurised shall when submitted to the coliform test in accordance with the procedure set out in Part I of the Ninth Schedule contain no coliform bacteria in one-tenth of a millilitre.

(b) Samples of pasteurised milk-based drink shall when submitted to the coliform test in accordance with the procedure set out in Part II of the Ninth Schedule contain no coliform bacteria in one-tenth of a millilitre."

(29) For Regulation 35 paragraph (6) there shall be substituted:—

"(6) Samples of milk which has been ultra-heat treated shall contain not more than 1000 bacteria per millilitre when submitted to the bacterial colony count test in accordance with the procedure set out in the Seventh Schedule."

(30) After Regulation 35 paragraph (6) there shall be inserted:—

“(7) Samples of milk which has been sterilised shall contain not more than 1000 bacteria per millilitre when submitted to the bacterial colony count test in accordance with the procedure set out in the Seventh Schedule and except in the case of sterilised milk-based drinks shall give a negative result when submitted to the turbidity test in accordance with the procedure set out in the Twelfth Schedule.”

(31) For Regulation 43 there shall be substituted:—

“43. The following Regulations are hereby revoked:—

the Milk Regulations (Northern Ireland) 1963(a);
 the Milk (Amendment) Regulations (Northern Ireland) 1965(b);
 the Milk (Amendment No. 2) Regulations (Northern Ireland) 1967(c);
 the Milk (Amendment) Regulations (Northern Ireland) 1973(d);
 the Milk (Amendment) Regulations (Northern Ireland) 1974(e);
 the Milk (Amendment) Regulations (Northern Ireland) 1976(f);
 the Milk (Amendment) Regulations (Northern Ireland) 1980(g); and
 the Milk (Amendment No. 2) Regulations (Northern Ireland) 1980(h).”

(32) In the Sixth Schedule in paragraphs 1(3), 5(1) and 5(2) after the words “ultra-heat treated” where they occur there shall be inserted the words “or sterilised”.

(33) In the Eighth Schedule paragraph 1(a), the Ninth Schedule paragraph 1(a), the Tenth Schedule paragraph 1(d), the Eleventh Schedule paragraph 1(e) and the Twelfth Schedule paragraph 1(c) after the figures “625:1959” there shall be inserted the word and figures “or 3218:1982”.

(34) In the first line of the Ninth Schedule for the words “The Coliform Test” there shall be substituted the words “Part I — The Coliform Test for milk other than milk-based drink”.

(35) Immediately after paragraph 7 of the Ninth Schedule there shall be inserted:—

“PART II—The Coliform Test for milk-based drink

Apparatus

1. The apparatus shall consist of:

- (a) culture medium tubes which shall be test tubes complying with British Standard 625: 1959 or 3218:82, 150/16 and shall be closed with closely fitting metal caps; each tube shall contain an inverted Durham tube conforming to British Standard 625: 1959 or 3218:1982, 35/8;
- (b) dilution tubes or flasks which shall be stoppered by means of solid stopper or tightly fitting cover;
- (c) pipettes which shall be 1.0 ml straight-sided blow-out delivery pipettes.

2. The medium, diluent and all glassware, stoppers, covers and caps shall be sterile.

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- (a) S.R. & O. (N.I.) 1963 No. 44
 (b) S.R. & O. (N.I.) 1965 No. 46
 (c) S.R. & O. (N.I.) 1967 No. 8
 (d) S.R. & O. (N.I.) 1973 No. 30
 (e) S.R. 1974 No. 128
 (f) S.R. 1976 No. 376
 (g) S.R. 1980 No. 286
 (h) S.R. 1980 No. 320

Medium

3. (a) The medium shall be Brilliant Green Lactose Bile Broth (BGLBB) (single strength) made according to the following formula and shall have a final pH of 7.4:

| | |
|-----------------|----------|
| Peptone | 10 g |
| Lactose | 10 g |
| Bile Salts | 20 g |
| Brilliant Green | 0.0133 g |
| Distilled Water | 1,000 ml |

- (i) Because of difficulties in standardising the bile salts and brilliant green a complete dehydrated medium should be purchased.
- (ii) The solid components should be added to 1 litre of distilled or de-ionised water in accordance with the manufacturer's instructions.
- (iii) The pH should be adjusted if necessary so that after sterilisation it is 7.4.
- (iv) The broth should be mixed well, distributed in 5 ml amounts into the culture tubes fitted with Durham tubes and sterilised at 121°C for 15 minutes.

Diluent

4. The diluent shall be as specified for the bacterial colony count test (paragraph 4 of the Seventh Schedule).

Method of carrying out the test

5. Each dilution tube or flask shall contain sterile diluent of a volume not less than 8.9 ml and not more than 9.1 ml.

6. A 1 in 10 dilution of the pasteurised milk-based drink sample shall be prepared in the manner prescribed for the bacterial colony count test in paragraph 5(1) of the Seventh Schedule. After mixing, a fresh pipette shall be introduced into the 1 in 10 dilution and a 1ml portion transferred to each of 3 culture tubes containing about 5ml of BGLBB. The culture tubes shall be incubated at 30°C±1°C for 48±2 hours and examined for gas production. Since the presence of sugars may affect the result of the test, tubes showing gas production shall be sub-cultured into fresh tubes of BGLBB, re-incubated and examined again for gas production

Interpretation

7. The sample of pasteurised milk-based drink shall be deemed to contain no coliform bacteria in one-tenth of a millilitre if (after sub-culture and re-incubation if required) 2 out of 3 tubes are found to be free from gas."

- (36) For paragraph 4 of the Twelfth Schedule there shall be substituted:—

"4. The test shall be deemed to give a negative result when the milk sample treated as in paragraph 3 gives a filtrate showing no sign of turbidity."

- (37) Immediately after the Twelfth Schedule there shall be inserted:

"THIRTEENTH SCHEDULE**Ingredients permitted in milk-based drinks**

The following are the ingredients which are permitted in milk-based drinks:

- (a) any substance, suitable for use as food and commonly used as food, which is wholly a natural product, whether or not that substance has been subjected to any process or treatment;
- (b) flavouring;

- (c) any permitted solvent as defined in the Solvents in Food Regulations (Northern Ireland) 1967(a);
- (d) any permitted colouring matter as defined in the Colouring Matter in Food Regulations (Northern Ireland) 1973(b);
- (e) any permitted emulsifier as defined in the Emulsifiers and Stabilisers in Food Regulations (Northern Ireland) 1981(c);
- (f) any permitted stabiliser as defined in the Emulsifiers and Stabilisers in Food Regulations (Northern Ireland) 1981;
- (g) any permitted miscellaneous additive as defined in the Miscellaneous Additives in Food Regulations (Northern Ireland) 1981(d)
- (h) any permitted sweetener as defined in the Sweeteners in Food Regulations (Northern Ireland) 1983(e);
- (i) starch (whether modified or not);
- (j) salt;
- (k) any vitamin preparation;
- (l) any mineral preparation;
- (m) water fit for human consumption and used in combination with any of the other ingredients listed in this paragraph."

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 26th October 1983.

(L.S.)

S. R. Armstrong

Assistant Secretary

(a) S.R. & O. (N.I.) 1967 No. 282 as amended by S.R. 1981 No. 192

(b) S.R. & O. (N.I.) 1973 No. 466 as amended by S.R. 1975 No. 283, S.R. 1976 No. 382, S.R. 1979 No. 49

(c) S.R. 1981 No. 194 as amended by S.R. 1982 No. 257

(d) S.R. 1981 No. 193 as amended by S.R. 1981 No. 305, S.R. 1982 No. 258

(e) S.R. 1983 No. 265

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Milk Regulations (Northern Ireland) 1981 so as to implement, so far as concerns milk, certain outstanding requirements of Council Directive No. 79/112/EEC (O.J. No. L.33, 8.2.79 p.1.) on the approximation of the laws of the Member States relating to the labelling of foodstuffs for sale to the ultimate consumer.

In implementation of the Directive the Regulations:—

- (a) define the term “minimum durability date”; (Regulation 2(1))
- (b) require retail containers, other than bottles, of untreated milk to be marked with the name and address of the producer; (Regulation 2(8))
- (c) require retail containers of milk other than bottles to be marked with an indication of the minimum durability of the milk; (Regulations 2(8) and 2(22))
- (d) require retail containers, other than bottles, of heat treated milk to be marked with the name and address either of the person responsible for carrying out the heat treatment or of the seller and in certain cases particulars of the place of origin of the milk; (Regulation 2(22)) and
- (e) permit alternative methods of indicating the minimum durability of milk which has been ultra-heat treated (Regulation 2(24)).

The Regulations further amend the 1981 Regulations by:—

- (a) deleting certain unnecessary definitions; (Regulation 2(1))
- (b) replacing the designations in respect of flavoured milk with designations in respect of milk-based drink (Regulation 2(2)) and providing for the preparation and heat treatment of milk-based drinks; (Regulations 2(13), 2(14) and 2(17))
- (c) prescribing designations for and providing for the heat treatment, packaging, storage and transport and prescribing quality standards for sterilised milk; (Regulations 2(2), 2(14), 2(20), 2(25) and 2(30))
- (d) deleting references to the storage and dispatch of ex-farm milk in cans; (Regulation 2(6))
- (e) removing the prohibition on the sale of milk in glass bottles marked with coloured matter and the use of the colour green in the labelling of containers of milk other than for untreated milk; (Regulations 2(9) and 2(24))
- (f) removing the requirement that ultra-heat treated milk must be produced from raw milk and must not be subject to a second heat treatment; (Regulation 2(15))
- (g) applying the turbidity test to sterilised milk which is not a milk-based drink instead of to ultra-heat treated milk; (Regulations 2(29) and 2(30))
- (h) revoking earlier Regulations (Regulation 2(31)).