



Food Act 1984

1984 CHAPTER 30

PART II

MILK, DAIRIES AND CREAM SUBSTITUTES

Milk and dairies

32 Meaning of "dairy", "dairy farm" etc.

(1) In the following provisions of this Act—

(a) "dairy"—

- (i) includes any farm, cowshed, milking house, milk store, milk shop or other premises from which milk is supplied on or for sale, or in which milk is kept or used for purposes of sale or for the purposes of manufacture into butter, cheese, dried milk or condensed milk for sale, or in which vessels used for the sale of milk are kept, but
- (ii) does not include a shop from which milk is supplied only in the properly closed and unopened vessels in which it is delivered to the shop, or a shop or other place in which milk is sold for consumption on the premises only;

(b) "dairy farm"—

- (i) means any premises (being a dairy) on which milk is produced from cows, but
- (ii) does not include any part of any such premises on which milk is manufactured into other products unless the milk produced on the premises forms a substantial part of the milk so manufactured ;

(c) "dairy farmer" means a dairyman who produces milk from cows; and

(d) "dairyman" includes an occupier of a dairy, a cow keeper, and a purveyor of milk.

(2) If any question arises under paragraph (b)(ii) of subsection (1) whether the milk produced on a farm or other premises forms a substantial part of the milk that is

Status: This is the original version (as it was originally enacted).

manufactured into other products on that farm or on those premises, that question shall be determined by the Minister.

33 Milk and Dairies Regulations

- (1) The Ministers may make regulations, called " Milk and Dairies Regulations ", providing—
- (a) for the inspection of cattle on dairy farms;
 - (b) for the inspection of dairies, and of persons in or about dairies who have access to the milk, or to the churns or other milk vessels;
 - (c) with respect to the lighting, ventilation, cleansing, drain age and water-supply of dairies;
 - (d) for securing the cleanliness of churns and other milk vessels and appliances and for prohibiting, subject to prescribed exceptions, the use of churns, (whether by the persons to whom they belong or other persons) otherwise than as containers for milk, where the churns are in use for the purposes of the business of a dairyman ;
 - (e) for prescribing the precautions to be taken for protecting milk against infection or contamination ;
 - (f) for preventing danger to health from the sale of infected, contaminated or dirty milk, and in particular for prohibiting the supply or sale of milk suspected of being infected;
 - (g) for imposing obligations on dairymen and their employees in regard to cases of infectious illness ;
 - (h) for regulating the cooling, storage, conveyance and distribution of milk;
 - (j) with respect to the labelling, marking or identification, and the sealing or closing, of churns and other vessels used for the conveyance of milk, the labelling of vessels in which milk is sold or offered or exposed for sale or delivered, and the display of the vendor's name and address on any stall, or any cart, barrow or other vehicle; from which milk is sold or delivered;
 - (k) in cases where no express provision is made by this Act, for prohibiting or restricting—
 - (i) the addition of any substance to milk, or the abstraction from milk of fat or any other constituent,
 - (ii) the sale of milk to which any such addition, or from which any such abstraction, has been made, or which has been otherwise artificially treated;
 - (l) for prohibiting or restricting, subject to prescribed exceptions, the sale for human consumption, as milk of any specified description, of milk containing less than a specified quantity of any specified normal constituent;
 - (m) for requiring, subject to prescribed exceptions, cream or separated milk to be subjected to a specified treatment before being sold for human consumption;
 - (n) for prohibiting, subject to prescribed exceptions, the sale for human consumption of milk obtained from cows milked—
 - (i) at any stage of a journey to or from a dairy farm,
 - (ii) at a slaughterhouse or knacker's yard, or
 - (iii) in any market or other place where cattle are collected for the purposes of sale or showing, whether or not the market or place is registered in pursuance of Milk and Dairies Regulations as a dairy farm;

- (o) for requiring, subject to prescribed exceptions, any milk to which regulations in force under paragraph (n) apply to be stained or otherwise treated for the purposes of identification.
- (2) In subsection (1)—
 - (a) "prescribed exceptions" means such exceptions as may be allowed by or under Milk and Dairies Regulations ; and
 - (b) except in paragraph (o), "milk" means milk intended for sale or sold for human consumption, or intended for manufacture into products for sale for human consumption.
- (3) Paragraph (m) of subsection (1), so far as it relates to cream, shall be without prejudice to the power of the Ministers under section 4 to make regulations applying to cream, but regulations made under paragraph (j), paragraph (k) or paragraph (l) of that subsection shall not apply in relation to cream in so far as they are made for any purpose for which regulations relating to cream may be made under section 4.
- (4) Milk and Dairies Regulations may be general regulations or regulations limited to a particular area.

34 Registration

- (1) Milk and Dairies Regulations—
 - (a) may provide for the registration of persons carrying on, or proposing to carry on, the trade of a dairyman and for the registration of dairies, and for prohibiting any person from carrying on that trade unless he and any premises used by him as a dairy are duly registered; and
 - (b) shall provide for the registration by the Minister of dairy farms and of persons carrying on, or proposing to carry on, the trade of a dairy farmer.
- (2) Regulations made for the purposes of this section may make special provision—
 - (a) for the registration of premises used temporarily as dairies or dairy farms, and of the occupiers of such premises;
 - (b) for the removal from the register of such premises and occupiers at the expiry of the period for which the registration is effected.
- (3) Part I of Schedule 2 has effect, subject to subsection (5), with respect to refusing or cancelling the registration of dairymen.
- (4) Subject to subsection (5), regulations made for the purposes of paragraph (b) of subsection (1) shall provide in accordance with Part II of Schedule 2 for dealing with the refusal and cancellation of any such registration as is mentioned in that paragraph.
- (5) Schedule 2 does not apply to registration in pursuance of regulations made by virtue of subsection (2), or to persons registered or applying to be registered under them.

35 Sale of milk from diseased cows

- (1) A person is guilty of an offence who—
 - (a) sells, or offers or exposes for sale, for human consumption, or
 - (b) uses in the manufacture of products for sale for human consumption,

Status: This is the original version (as it was originally enacted).

the milk of any cow which to his knowledge has given tuberculosis milk, or is suffering from emaciation due to tuberculosis, or from tuberculosis of the udder or any other disease of cows to which this section applies.

- (2) In proceedings under this section, the defendant shall be deemed to have known that a cow had given tuberculosis milk, or was suffering as mentioned above, if he could with ordinary care have ascertained the fact.
- (3) The diseases of cows to which this section applies are those listed in Schedule 3 and any other disease to which the provisions of this section are extended by Milk and Dairies Regulations.

36 Adulteration

- (1) A person is guilty of an offence—
 - (a) who adds any water or colouring matter, or any dried or condensed milk or liquid reconstituted from it, to milk intended for sale for human consumption ;
 - (b) who sells, or offers or exposes for sale, or has in his possession for the purpose of sale, for human consumption, any milk to which any addition has been made in contravention of paragraph (a);
 - (c) who sells, or offers or exposes for sale, under the designation of milk, any liquid in the making of which any dried or condensed milk has been used.
- (2) For the purposes of paragraph (b) of subsection (1), a person shall be deemed to retain the possession of milk which is deposited in any place for collection until it is actually collected.
- (3) Nothing in subsection (2) shall be taken as prejudicing the defence available under section 81(4) to a person charged with an offence in respect of a sample of milk taken after the milk has left his possession.
- (4) The treatment of milk by the application of steam shall not be treated for the purposes of this section as the making of an addition of water to that milk in contravention of the foregoing provisions of this section if—
 - (a) Milk (Special Designation) Regulations under section 38 are in force prescribing a special designation in relation to milk subjected to that treatment; and
 - (b) that treatment is carried out in accordance with the conditions prescribed by those regulations as the conditions subject to which licences authorising the use of that special designation are granted ; and
 - (c) those conditions include a condition that both the percentage of the milk consisting of milk fat and the percentage of the milk consisting of milk solids other than milk fat are the same after that treatment as before it.

37 Appointment of veterinary inspectors

The functions of veterinary inspectors under any enactments relating to milk or to dairies shall, in accordance with directions given by the Minister, be discharged by veterinary inspectors appointed for the purpose by him under section 5 of the Board of Agriculture Act 1889.