
S T A T U T O R Y I N S T R U M E N T S

1959 No. 277

FOOD AND DRUGS

MILK AND DAIRIES

The Milk and Dairies (General) Regulations, 1959

<i>Made - - - - -</i>	<i>17th February, 1959</i>
<i>Laid before Parliament</i>	<i>24th February, 1959</i>
<i>Coming into Operation</i>	<i>8th March, 1959</i>

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The Minister of Agriculture, Fisheries and Food and the Minister of Health acting jointly, in exercise of the powers conferred upon them by sections twenty-nine, thirty, eighty-seven and one hundred and twenty-three of the Food and Drugs Act, 1955(a), and of all other powers them enabling in that behalf, hereby make the following regulations, after consultation with such organisations as appear to them to be representative of interests substantially affected by the regulations:—

PART I

CITATION, COMMENCEMENT, INTERPRETATION, ENFORCEMENT AND REVOCATION OF REGULATIONS

1. These regulations may be cited as the Milk and Dairies (General) Regulations, 1959, and shall come into operation on the 8th day of March, 1959.

2.—(1) In these regulations, unless the contrary intention appears—

“dairy” 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 the purpose of sale or 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 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;

“dairyman” includes an occupier of a dairy, a cow-keeper, and a purveyor of milk;

“dairy farm” means any farm, cowshed or other premises being a dairy on which milk is produced from cows, but does not include any part of any such farm or premises on which milk is manufactured into other products unless the milk produced on the farm or premises forms a substantial part of the milk so manufactured;

“dairy farmer” means a dairyman who produces milk from cows;

“distributor” means a person trading as a dairyman elsewhere than at or from premises in relation to which he is registered as a dairy farmer under these regulations but does not include (i) the Milk Marketing Board except where they are trading at or from premises where milk is handled by them or (ii) any purveyor of cream in the hermetically sealed containers in which it is delivered to his premises provided that such a purveyor is not otherwise a purveyor of milk;

“local authority” has the meaning assigned to it by section 85 of the Food and Drugs Act, 1955;

“milk” means cow’s milk intended for sale or sold for human consumption or intended for manufacture into products for sale for human consumption, and includes cream, skimmed milk and separated milk;

“milking house” means any building or part of a building or any shed in which cows are milked;

“milk product” means any food intended for human consumption which consists wholly or mainly of milk with or without colouring matter, flavouring or sweetening and includes butter, cheese, dried milk and condensed (including evaporated) milk;

“ milk room ” means any part of a dairy, not being a milking house or premises which constitute a dairy solely by the reason of the sale thereof of milk in open containers for consumption elsewhere or off the premises, in which milk is cooled, processed, handled or stored or manufactured into milk products ;

“ the Minister ” means the Minister of Agriculture, Fisheries and Food ;

“ notifiable disease ” means food poisoning, gastro-enteritis and, in relation to London, a disease notifiable under the Public Health (London) Act, 1936(a) and, in relation to any area outside London, a disease notifiable under the Public Health Act, 1936(b) ;

“ registered premises ” means any building or other premises required to be registered under the provisions of these regulations.

(2) The Interpretation Act, 1889(c), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. It shall be the duty of every local authority within their area to carry into execution and enforce the provisions of—

(a) regulations 18, 19 and 20 of these regulations ; and

(b) the remainder of these regulations except in so far as they relate to dairy farms or to the registration of persons carrying on or proposing to carry on the trade of dairy farmer.

4. Every dairy farmer and distributor shall take all practicable steps to make the provisions of these regulations known to every person in or about any registered premises in his occupation so far as such provisions impose any duties or restrictions on such person and so far as they relate to the processes carried out by such person.

5.—(1) The Milk and Dairies Regulations, 1949(d), and the Milk and Dairies (Amendment) Regulations, 1954(e), are hereby revoked but without prejudice to any proceedings in respect of any contravention thereof.

(2) Paragraph 3 and paragraph 4 (except the proviso thereto) of the Twelfth Schedule to the Food and Drugs Act, 1955 (which contain transitional provisions) shall apply for the purposes of these regulations as if there were substituted for the references therein to that Act, to any corresponding enactment in that Act and to any enactment repealed by that Act respectively references to these regulations, to any corresponding regulation in these regulations and to any regulation revoked by these regulations.

PART II

REGISTRATION OF DAIRY FARMS AND OF DAIRY FARMERS

6.—(1) The Minister shall keep a register of persons carrying on the trade of dairy farmer, and of dairy farms.

(2) Any person who wishes to be registered as a dairy farmer or to register any premises as a dairy farm shall make application in writing to the Minister.

(3) Subject to the provisions of regulation 7 hereof, the Minister, on an application in writing by any person carrying on or proposing to carry on the trade of dairy farmer or to use any farm or other premises as a dairy farm, shall register such person and such premises.

(a) 26 Geo. 5 & 1 Edw. 8. c. 50. (b) 26 Geo. 5 & 1 Edw. 8. c. 49. (c) 52 & 53 Vict. c. 63.
(d) S.I. 1949/1588 (1949 I, p. 1698). (e) S.I. 1954/1268 (1954 I, p. 914).

(4) No person shall carry on the trade of dairy farmer or use any premises as a dairy farm unless he and any such premises are registered in pursuance of these regulations.

(5) Any such registration in force immediately before the commencement of these regulations pursuant to the Milk and Dairies Regulations, 1949 to 1954, shall continue in force and have effect as if effected under this regulation.

(6) The name of any registered person ceasing to carry on the trade of dairy farmer and the description of any registered premises which cease to be used for the purpose of a dairy farm shall be removed from the register.

7.—(1) The Minister may refuse to register a person carrying on or proposing to carry on the trade of dairy farmer or a dairy farm, if in his opinion having regard to conditions existing at the premises to be registered, these regulations cannot be complied with and the registration should be refused, and may cancel the registration of a dairy farmer or dairy farm, if in his opinion these regulations are not being complied with and the registration should be cancelled.

(2) Notice shall be given by the Minister to the person affected of any intention to refuse or cancel the registration, stating the grounds on which it is alleged that the regulations cannot be or are not being complied with, as the case may be, and the rights of that person of making objections and representations in accordance with these regulations.

(3) (a) At any time within 28 days from the receipt of a notice of intention to refuse a registration the person affected may make objections in writing to the Minister, in respect of all or any of the grounds stated in the notice, that the regulations can be complied with.

(b) At any time within 21 days from the receipt of a notice of intention to cancel a registration the person affected may make objections as aforesaid that the regulations are being complied with.

(4) Any such objection shall be referred by the Minister to a tribunal constituted in accordance with the provisions contained in Part I of the Schedule to these regulations.

(5) The provisions of Part II of the Schedule shall have effect with respect to the procedure of the tribunal, the determinations of the tribunal and the reporting of such determinations to the Minister.

(6) The determinations of the tribunal shall be communicated by the Minister to the person objecting and the determinations of the tribunal as stated in their report to the Minister shall, for the purpose of the proposal to refuse or cancel registration, be conclusive evidence of the facts found thereby.

(7) Either in addition to or instead of making objections on receipt of a notice of intention to refuse or cancel a registration, the person affected may at any time within 28 days from the receipt of a notice of intention to refuse a registration or within 21 days from the receipt of a notice of intention to cancel a registration, make representations in writing to the Minister that the registration should not be refused or cancelled, as the case may be, on the grounds stated in such notice.

(8) No registration shall be cancelled—

(a) in any case, until the expiration of the period within which objection may be made or within which representations may be made :

- (b) where an objection is made, until the report of the tribunal thereon has been received and considered by the Minister ;
- (c) where representations are made to the Minister, until the representations have been considered by him.

PART III

REGISTRATION OF DAIRIES OTHER THAN DAIRY FARMS AND OF DISTRIBUTORS

8.—(1) Every local authority shall keep a register of persons carrying on the trade of distributor at or from premises within their district (whether or not such premises are occupied by the distributor) and of premises within their district which are used as dairies, not being dairy farms, and shall remove from such register the name of any person who ceases so to trade and the address of any premises which cease to be so used.

(2) Any person who wishes to be registered as a distributor or to register any premises as a dairy, not being a dairy farm, shall make application in writing to the registering authority.

(3) Subject to the provisions of Part I of the Second Schedule to the Food and Drugs Act, 1955, the registering authority, on an application in writing by any person carrying on or proposing to carry on at or from premises within their district (whether or not such premises are occupied by such person) the trade of distributor or to use premises in the district as a dairy, not being a dairy farm, shall register such person or such premises.

(4) Subject as aforesaid no person shall carry on the trade of distributor or use any such premises as a dairy, not being a dairy farm, unless he or, as the case may be, those premises are registered in pursuance of these regulations.

(5) Any such registration in force immediately before the commencement of these regulations pursuant to the Milk and Dairies Regulations, 1949 to 1954, shall continue in force and have effect as if effected under this regulation.

PART IV

INSPECTION AND HEALTH OF CATTLE

9.—(1) The Minister may cause to be made such inspections of cattle as he may consider necessary and proper for the purpose of the Food and Drugs Act, 1955, and of these regulations.

(2) A veterinary inspector authorised pursuant to section 6 of the Diseases of Animals Act, 1950(a), to inspect animals and poultry may inspect the cattle on any dairy farm for the purpose of these regulations.

(3) Where any such inspector has given notice in writing to a dairy farmer of his intention to inspect the cattle on a dairy farm, the dairy farmer shall cause such cattle to be confined or secured so that a proper veterinary examination may be made.

10. A veterinary inspector making an inspection of cattle for the purpose of these regulations may require any cow to be milked in his presence and may take samples of the milk and may require that the milk from any particular teat shall be kept separate and he may take separate samples thereof.

(a) 14 Geo. 6. c. 36.

PART V

GENERAL PROVISIONS RELATING TO BUILDINGS AND WATER SUPPLIES

11.—(1) No person shall use as a milking house, milk room or for the handling, processing or storage of milk, any building or part of a building, which is so situated or constructed as to give rise to the risk of contamination of the milk.

(2) No person shall use as a milking house, milk room or for the handling, processing or storage of milk, any building or part of a building (other than a cold store) on registered premises, which is not provided with a sufficient number of openings suitably placed and so used as to secure that the air therein is kept in a fresh and wholesome condition.

(3) No person shall use as a milking house, milk room or for the handling, processing or storage of milk, any building or part of a building on registered premises, which is not provided with such windows or such means of artificial lighting as are necessary to enable the milking of cows and any other process connected with milk to be conducted in a good and proper light:

Provided that any building or part of a building on a dairy farm being used as a milking house or milk room at the commencement of these regulations which does not conform with the requirements of this paragraph may, notwithstanding its failure to conform with such requirements, continue to be so used for such period as the Minister may allow.

(4) No person shall house cows in any building or part of a building on a dairy farm, not being a milking house, unless it is provided with light and ventilation adequate for the maintenance of the health of the cows. The approach and access to any building or part of a building, not being a milking house, in which cows are housed shall be kept clear of any accumulation of dung or other offensive matter. The conditions in which the cows are kept shall be such as to prevent gross and avoidable soiling of the animals.

12.—(1) All registered premises shall be provided with a supply of water suitable and sufficient for the requirements of these regulations.

(2) Every receptacle used for the storage or conveyance of water shall be emptied and cleansed as often as may be necessary to prevent the pollution of the water and to maintain it in a suitable condition for the purpose for which it is required.

(3) The water supply used for the watering of cows shall, as far as is reasonably possible, be protected against contamination caused by the drainage of foul water or otherwise.

13. No occupier of any building, part of a building or shed shall use it as a milking house unless—

(a) those parts of the surface of the floor liable to soiling by cows are impervious and constructed of such material and in such manner as render it practicable to remove any liquid matter which may fall thereon and to prevent, as far as is reasonably practicable, the soiling of the cows;

(b) the floor is so sloped and provided with gutters or channels of some impervious material as to ensure that any liquid matter which falls on the floor, or in the gutters or channels, is thereby conveyed to a suitable drain outside the building and thence to a suitable place of disposal, but

nothing in this regulation shall be deemed to prohibit the practice of providing for the absorption of such liquid matter into some removable material which is afterwards disposed of outside the building ;

- (c) those parts of the surface of any walls liable to soiling or infection by cows are impervious and capable of being readily cleansed :

Provided that for the purposes of this regulation—

- (i) any building, part of a building or shed being used as a milking house at the commencement of these regulations which does not conform with the requirements of this regulation may, notwithstanding its failure to conform with such requirements, continue to be so used for such period as the Minister may allow ;
- (ii) in the case of any building, part of a building or shed which is used as a milking house but not for the housing of cattle, the floor may be provided with a suitable and properly trapped internal drain if no other means of drainage is reasonably practicable ; and
- (iii) the requirements of sub-paragraphs (a) and (b) of this regulation shall not apply to a milking house which is a movable shed, but that shed shall be moved with sufficient frequency to avoid the risk of contamination of the milk.

14. The occupier of any milk room or building or part of a building in which milk is handled, processed or stored, or is kept or used for the purpose of sale or manufacture into any milk product for sale, shall—

- (a) cause the interior thereof and any furniture and fittings therein to be cleansed as often as may be necessary to maintain them at all times in a state of thorough cleanliness ; and
- (b) except in the case of a building or part of a building in which milk is solely or mainly dealt with by way of retail sale—
 - (i) cause the floor thereof to be constructed of such material and in such a manner as to render the surface impervious so that it is practicable to remove any liquid matter which may fall thereon, and cause such floor to be so sloped as to convey such liquid matter to a suitable and properly trapped drain ;
 - (ii) cause the surface of any wall or part of a wall liable to splashing by milk or otherwise to be smooth and impervious ; and
 - (iii) cause such floor and any such wall or part thereof to be cleansed with water at least once in every day.

PART VI

SPECIAL PROVISIONS APPLICABLE TO THE PRODUCTION OF MILK AND THE TREATMENT, HANDLING AND STORAGE OF MILK

15. Every dairy farmer shall—

- (a) cause every part of the interior of every milking house in his occupation to be kept in such a state of cleanliness as will prevent contamination of the milk ;
- (b) cause all dung and other offensive matter to be removed at least once every day from any milking house in his occupation ; and
- (c) cause the access to and immediate vicinity of any milking house or milk room to be kept free from any accumulation of dung or offensive matter.

16. Every dairy farmer shall cause the following precautions to be taken in connection with the milking of cows:—

- (a) No dry bedding, hay or other dusty matter shall be moved in the milking house during the milking or within half an hour before the milking commences, in such manner as to cause risk of contamination of the milk.
- (b) The milking shall be carried out in a good and proper light, whether in the daytime or in the hours of darkness.
- (c) Before milking is begun all dirt on or around the flanks, tail, udder and teats of each cow shall be removed and the udder and teats shall be kept thoroughly clean during milking.
- (d) The hands of the milker shall be thoroughly washed and dried before milking and shall throughout the milking be kept clean, free from contamination and, as far as practicable, dry.
- (e) All milking stools shall be kept thoroughly clean.
- (f) The foremilk of each cow shall be separately drawn into a receptacle for immediate visual examination and shall be subsequently discarded in such a manner as to avoid risk of infection.
- (g) As soon as possible after milking, the milk shall be removed to a milk room and pending and during removal the milk shall be kept in a covered receptacle: provided that—
 - (i) where no milk room is available, the milk may be removed to some other place for the time being approved by the Minister: or
 - (ii) where the milk is intended for use in the manufacture of butter, treated cream or cheese on the premises where it is produced, that milk may be removed to a room suitable for that purpose;
 - (iii) the requirements of this sub-paragraph shall not apply in any case where the Minister has given his approval under regulation 23 hereof to the milk being cooled in a closed container in a milking house not used for the housing of cattle where the cows are milked by means of a mechanical milking appliance and the milk passes direct from each cow to such container.

17.—(1) Every dairy farmer after milking, unless—

- (a) the milk is to be immediately heat-treated or is to be used for the manufacture of any milk product at the premises where it is produced; or
 - (b) the dairy farmer sells the milk to a consumer, who takes delivery of it at or shortly after the time of milking on the day of production, at the premises where it is produced; or
 - (c) the dairy farmer delivers the milk to a distributor, and he, and that distributor, satisfy the Minister that the time between the production of the milk and its receipt by the distributor makes cooling by the dairy farmer unnecessary; or
 - (d) in any other circumstances the Minister decides to grant exemption for a specified period or otherwise;
- shall, without any delay other than that caused by any process of straining or centrifugalisation to which the milk may be subjected, cause the milk to be cooled either (i) to a temperature not exceeding 50°F., or (ii) if the temperature of the water supply available for cooling is 45°F. or above, to a temperature not more than 5°F. above the temperature of that supply.

(2) Every distributor on receiving at his registered premises milk which has not been previously cooled to a temperature not exceeding 50° F. shall, without delay, cause such milk to be so cooled unless—

- (a) it is received in the containers in which, without disturbance, it is to be delivered by him to the consumer ; or
- (b) it is received in sealed containers and, the seals being unbroken, it is forwarded to another distributor ; or
- (c) it is to be heat-treated or used on the said premises for the manufacture of any milk product.

PART VII

PROVISIONS WITH REGARD TO INFECTION OF MILK

18.—(1) Every person having access to milk or to churns or other milk receptacles in or about any registered premises as soon as he becomes aware that he or any other member of his household is suffering from any notifiable disease shall notify the occupier of such premises of the fact and the occupier shall forthwith notify the medical officer of health of the district in which the premises are situated.

(2) Where the medical officer of health of a district becomes aware that any person having access to milk or to churns or to other milk receptacles in or about any registered premises is suffering from or has recently been in contact with a person suffering from any disease liable to cause infection of milk, he shall forthwith notify the occupier of such premises of the fact, and where such medical officer of health is not the medical officer of health of the district in which the premises are situated, he shall also notify the medical officer of health of that district.

19.—(1) Where the medical officer of health of a district has cause to suspect that any of the persons in or about any registered premises who have access to the milk or to the churns or other milk receptacles is suffering from or has recently been in contact with a person suffering from a disease liable to cause infection of milk or is in such a condition that there is a danger of his causing the milk to become infected, he may give notice to the occupier of such premises that he considers it necessary to make an examination of any or all of such persons; and where he gives such notice the said occupier and every person concerned shall give to the medical officer of health all reasonable facilities for making such examination.

(2) Where from the result of such examination or otherwise the medical officer of health is of opinion that the employment of any such person is likely to lead to the spread of any disease, he may give notice in writing to that effect to the occupier of the registered premises and to the person concerned specifying the disease in question and requiring that, during a period to be specified in such notice, the person to whom the notice relates shall not milk cows or handle vessels used for containing milk or in any way take part in the production, processing, distribution or storage of milk.

(3) A person to whom a notice under the last preceding paragraph relates and any person regarding whom the occupier of the registered premises has received notification, either from the person himself or from the medical officer of health in accordance with regulation 18 hereof shall not, and no dairyman shall knowingly, allow any such person to milk cows or handle vessels used for containing milk or in any way take part in the production.

processing, distribution or storage of milk until the expiry of the period mentioned in the notice, or, as the case may be, until all danger of communication of disease by means of the milk has ceased.

(4) Where any person sustains any damage or loss by reason of the exercise of any of the powers of this regulation in relation to any matter as to which he is not himself in default, he shall be entitled to compensation from the local authority whose medical officer of health exercised such powers.

20.— (1) Where the medical officer of health of a district is in possession of evidence which satisfies him in respect of any milk supplied within the district from any registered premises that any person is suffering from disease caused by the consumption of such milk or that such milk is infected with disease communicable to man, he may by a notice in writing to the occupier of the premises, specifying such evidence, require that no milk from those premises, or that no such milk therefrom as is specified, whether by reference to its category or place of origin, or both, in the notice, shall—

- (a) if the premises are within the district, be sold for human consumption, or used in the manufacture of products for human consumption ; or
- (b) if the premises are without the district, be sold for human consumption within the district ; or
- (c) in case (a) above be sold or used, or in case (b) above be so sold, unless it has been treated, or, in the case of a sale, is sold subject to its being treated before consumption, in such a way as to secure to the satisfaction of the medical officer of health that it may, with safety, be so disposed of.

(2) Where the medical officer of health of a district, without being in possession of such evidence as aforesaid, has reasonable grounds for suspecting that any person is so suffering, or that any milk is so infected, as aforesaid, he may, by such notice as aforesaid, specifying the grounds of his suspicion, make such of the requirements specified in sub-paragraph (c) of the last preceding paragraph as are appropriate in the circumstances of the case.

(3) Any such notice shall—

- (a) if it is served in respect of milk infected or suspected of being infected with a notifiable disease other than tuberculosis, operate for such period not exceeding twenty-four hours from the receipt of the notice, as may be specified therein, but may be renewed for a further period or periods of twenty-four hours, and
- (b) in any other case, operate until it is withdrawn, and
- (c) in any case, be withdrawn forthwith upon the medical officer of health by whom it was served being satisfied that the milk in respect of which it was served is no longer likely to cause disease through infection.

(4) Where a medical officer of health of a district—

- (a) serves any notice under this regulation, he shall forthwith send a copy thereof to the Minister, and where the notice is served in respect of milk obtained from registered premises without the district he shall also send forthwith a copy thereof to the medical officer of health of the district within which the premises are situated ;

(b) withdraws any notice served under this regulation, he shall forthwith give notice to the Minister of such withdrawal.

(5) No person shall sell or use milk contrary to the terms of a notice given by a medical officer of health under this regulation.

(6) Where any person sustains any damage or loss by reason of a notice served under this regulation he shall be entitled to compensation from the local authority whose medical officer of health issued the notice—

(a) unless, in the case of a notice served under paragraph (1) of this regulation, disease was in fact caused by the consumption of milk supplied from the premises to the occupier of which the notice was addressed or, as the case may be, milk at those premises was infected with disease communicable to man ; or

(b) unless, in the case of a notice served under paragraph (2) of this regulation, there were in fact reasonable grounds for the medical officer of health's suspicion ; or

(c) if in any case, the notice was not withdrawn or suffered to lapse as soon as the circumstances required.

(7) Any dispute as to compensation arising under paragraph (4) of regulation 19 hereof or under the last foregoing paragraph shall be determined, and any compensation awarded thereunder shall be recoverable, in like manner as if the dispute had arisen or the award had been made under the Food and Drugs Act, 1955, and section 121 of that Act shall apply accordingly.

PART VIII

GENERAL PROVISIONS FOR PROTECTING MILK AGAINST CONTAMINATION OR INFECTION

21.—(1) Milk shall not be handled, processed or stored in any place where it is liable to become contaminated or infected. In particular it shall not be handled, processed or stored—

(a) in any room used as a kitchen, scullery, living-room or sleeping-room ;
or

(b) in any room or part of a building which communicates directly by door, window or otherwise with—

(i) any sanitary convenience, cesspool or receptacle for ashes or other refuse, or a boiler house or fuel store or a room in which an internal combustion engine is operated unless the exhaust is discharged into the external air ;

(ii) any room which is used as a sleeping-room or any room which is occupied by a person suffering from a notifiable disease ; or

(c) in any room or part of a building in which there is any direct inlet to a drain which is not suitably and properly trapped :

Provided that the foregoing provisions of this paragraph shall not be deemed to prohibit—

(i) the deposit or keeping of milk intended for use in the manufacture of butter, treated cream or cheese on the premises where it is produced, in a room used as a kitchen ;

(ii) the use of an electric or gas boiler in a milking house or milk room.

(2) No article except—

(a) milk or milk products ;

(b) articles used in connection with the production, treatment, handling, storage or distribution of milk or milk products ; or

(c) ice-cream ;

may be deposited in a milk room.

(3) Vessels containing milk shall be properly covered or the milk shall be otherwise effectively protected from dust, dirt, flies or other sources of contamination.

(4) No foul or noxious matter or soiled bed or body clothing shall be conveyed through any part of a building used for the keeping or storage of milk.

(5) A milk room shall not be used for any purposes other than the cooling, processing and handling of milk, the manufacturing of milk into milk products, the storage of milk, milk products or ice-cream and the cleansing and storing of utensils used for milk or milk products, but this paragraph shall not be deemed to prohibit the use of a milk room for cleansing bottles which immediately before cleansing have contained any food of a kind commonly sold by dairymen.

22.—(1) Every person engaged in the milking of cows or the distribution or measuring of milk or otherwise having access to milk or to churns or other milk receptacles, shall keep his outer clothing and person clean at all times when so engaged.

(2) Every person engaged in the milking of cows or otherwise having access to milk in open containers, other than a person engaged in the transport or delivery of milk, shall wear a clean and washable overall and a clean and washable head covering.

(3) Every person engaged in the milking of cows or in a milk room shall at all times when so engaged—

(a) keep any open cut or abrasion on any exposed part of his person covered with a suitable waterproof dressing ;

(b) refrain from spitting ;

(c) refrain from the use of tobacco (including snuff).

(4) The occupier of all premises where milk is produced, handled, sold or stored, shall provide thereon facilities for persons mentioned in paragraph (1) of this regulation to wash and cleanse themselves, including an adequate supply of soap, or other suitable detergent, nail brushes, and clean towels or other suitable drying facilities and clean water, both hot and cold :

Provided that this paragraph shall not apply in relation to premises where no milk is kept otherwise than in sealed containers.

(5) The occupier of every dairy or dairy farm shall provide and maintain thereon, in a readily accessible position, for the use of all persons engaged in the handling of milk on or about that dairy or dairy farm suitable and sufficient bandages, dressings (including waterproof dressings) and antiseptic for first-aid treatment.

23. No person shall carry out any process of cooling, bottling, sterilising or pasteurising milk or any other process connected with milk, or keep any appliances connected with any such process, in a milking house or in any place where the milk or appliances would be liable to contamination arising from any cowshed, stable, manure-heap or otherwise :

Provided that, where the Minister so approves, this regulation shall not be deemed to prohibit the cooling of milk in a closed container in a milking house not used for the housing of cattle where the cows are milked by means of a mechanical milking appliance and the milk passes direct from each cow to such container.

24.—(1) No person shall keep any swine or poultry in any milking house or in any room or shed communicating directly therewith.

(2) No person shall keep any animal or poultry in any milk room, or room in which milk is processed, handled or stored or in which utensils used in connection therewith are kept, or in any room or shed communicating directly therewith.

25. No person shall use or cause to be used any milk churn otherwise than as a container for milk where that churn is in use for the purposes of the business of a dairyman.

PART IX

PROVISIONS RELATING TO THE CLEANSING AND STORAGE OF VESSELS, UTENSILS AND APPLIANCES

26. No person shall use, or cause to be used, for the treatment or handling of milk any receptacle or appliance, other than a carton or similar non-returnable container, which is incapable of being readily cleansed.

27.—(1) Every dairy farmer or distributor shall ensure that every vessel (including the lid) used for containing milk shall, immediately before use by him, be in a state of thorough cleanliness, and if he has reason to believe that since last being used for containing milk, any such vessel has not been cleansed in accordance with the provisions of this regulation or has, subsequent to such cleansing been rendered unclean, shall cause the vessel to be cleansed or recleansed as the case may be, and if he is unable so to cleanse or recleanse the vessel he shall not use it for containing milk.

(2) Every dairy farmer or distributor shall cause any appliance used by him for any purpose for which it is brought into contact with milk to be cleansed in accordance with the provisions of this regulation and to be, immediately before use, in a state of thorough cleanliness.

(3) All vessels and appliances shall be cleansed in a place where they are not liable to become contaminated and after cleansing they shall, when not in use, be stored in a clean place and shall be protected from dust, dirt and contamination. Cartons and similar non-returnable containers, bottle-caps and filter media shall, before use, be stored in a clean place and shall be protected from dust, dirt and contamination.

(4) Every dairy farmer or distributor on despatching empty after they have contained milk any vessels other than milk tankers and milk bottles shall cause such vessels to be cleansed in accordance with the provisions of this regulation and to be securely closed.

(5) Every distributor on returning empty after it has contained milk any milk tanker shall cause it to be thoroughly rinsed and securely closed before it leaves his registered premises.

(6) For the purpose of cleansing or recleansing any milk tanker, vessel or appliance in accordance with the provisions of this regulation—

(a) such milk tanker, vessel or appliance shall as soon after use as is practicable be thoroughly rinsed and washed with or without detergents and, before it is used again, shall be scalded with boiling water or steam or otherwise effectively cleansed with a chemical agent, approved jointly by the Minister and the Minister of Health, but this sub-paragraph shall not be deemed to require that any glass bottle which is effectively cleansed in a bottle-washing machine shall be scalded with boiling water or steam or cleansed with any approved chemical agent ;

- (b) no chemical agent, other than one approved as aforesaid shall be used as an alternative to boiling water or steam ; and
- (c) if any chemical agent or detergent has been used for cleansing any milk tanker, vessel or appliance, the person using such agent or detergent shall remove all trace thereof from such milk tanker, vessel or appliance before it is again brought into contact with milk.

PART X

CONVEYANCE AND DISTRIBUTION OF MILK

28. Every person shall cause every milk tanker, vessel or other receptacle (other than bottles or cartons) in which he despatches milk to comply with the following requirements :—

- (a) the name and address of the consignor of the milk shall be distinctly and legibly marked on every milk tanker, vessel or other receptacle or on a label properly and securely affixed thereto ; and
- (b) every such milk tanker, vessel or other receptacle shall be provided with a lid without openings, which shall be so constructed and fitted as to prevent the access to the milk of dirt, dust or rain water or the return to the interior of the receptacle of any milk which may have been splashed above the lid.

29. Every person shall cause every milk tanker, vessel or other receptacle used by him for the conveyance or storage of skimmed or separated milk or for containing such milk at any time when it is exposed for sale to be marked with the words “ Skimmed Milk ” or “ Separated Milk ” as the case may require, in large and legible letters.

30.—(1) Except in pursuance of any statutory authority in that behalf, no person shall open any vessel or other receptacle containing milk in the course of conveyance or distribution or transfer such milk from one receptacle to another at any place other than registered premises :

Provided that this regulation—

- (a) shall not be deemed to prohibit a dairyman or his servant or agent—
 - (i) from transferring milk to a milk tanker from a milk tank on or near a farm ;
 - (ii) from transferring milk from a milk tanker to another milk tanker ;
 - (iii) when taking delivery of milk, from opening a milk tanker, vessel or other receptacle containing milk for the purpose of checking the contents thereof or from transferring milk to another receptacle for the purpose of sampling ;
- (b) shall not apply when milk is sold otherwise than in bottles or cartons—
 - (i) on final delivery on a retail sale ; or
 - (ii) as, or as part of, a meal or refreshments ;
 if all practicable precautions are taken to prevent contamination of the milk by dust or otherwise.

(2) Every person shall cause every bottle or carton in which he intends to deliver milk to consumers to be filled and closed on registered premises ; and except—

- (a) in pursuance of any statutory authority in that behalf, or
- (b) where the milk is being sold as, or as part of, a meal or refreshments,

no person shall remove or tamper with any cap or other device used for closing the bottle at any time after it has left such premises and before it is delivered to the consumer.

31. Every person engaged in the sale, conveyance or distribution of milk shall use all practicable precautions for preventing the milk from being unnecessarily exposed to heat and from being contaminated by dirt, dust, rain water or otherwise, and in particular—

(a) no such person shall leave or cause to be left any bottles or cartons containing milk on a public highway except upon final delivery on a retail sale ;

(b) every person who habitually uses any particular place for the deposit of milk to await collection or further conveyance, shall so far as is practicable afford such place protection from the direct rays of the sun.

32. The interior of every vehicle when used for the conveyance of milk shall be kept clean. No live animal or bird or any article likely to contaminate the milk shall be conveyed in such a vehicle at the same time as the milk and no such vehicle which has been used for the conveyance of offensive matter shall be used for the conveyance of milk until that vehicle has been thoroughly cleansed and purified.

33. Every person who, himself or by his servant, in a street or other place of public resort, sells, or offers or exposes for sale, milk from a stall, or from a vehicle, or from a vessel used without a stall or vehicle, shall have his name and address legibly and conspicuously displayed on the stall, vehicle or vessel as the case may be. Any person who fails to comply with the provisions of this regulation shall be guilty of an offence and shall be liable on conviction to a penalty not exceeding two pounds.

PART XI

PENALTIES

34. If any person contravenes or fails to comply with any of the provisions of these regulations he shall be guilty of an offence, and shall, except where a smaller penalty is provided by these regulations, be liable on conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both, and, in the case of a continuing offence, to a further fine not exceeding five pounds for each day during which the offence continues after conviction.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed this sixteenth day of February, nineteen hundred and fifty-nine.

(L.S.)

John Hare,

Minister of Agriculture, Fisheries and Food.

Given under the Official Seal of the Minister of Health this seventeenth day of February, nineteen hundred and fifty-nine.

(L.S.)

Derek Walker-Smith,

Minister of Health.

PART I

Constitution of tribunals under the provisions of section 30 and the Second Schedule of the Food and Drugs Act, 1955.

1. A tribunal shall consist of a chairman and two other members.
- 2.—(1) The chairman shall be an independent person appointed by the Minister.
(2) One member shall be a person appointed by the Minister from a panel nominated jointly by the National Farmers' Union and the Milk Marketing Board.
(3) One member shall be a person appointed by the Minister after consultation with the Minister of Health as being representative of the consumers' interest.
- 3.—(1) The chairman shall hold office for three years and shall be eligible to be re-appointed as chairman.
(2) The chairman may resign his office by notice in writing served on the Minister.
(3) If the Minister is satisfied that the chairman is incapacitated by infirmity of mind or body from discharging the duties of his office, or is adjudged bankrupt or makes a composition or arrangement with his creditors, he may revoke the appointment.
(4) If the Minister is satisfied that the chairman is prevented by sickness or any other reason from acting on any reference to the tribunal, he may appoint an independent person to act in place of the chairman on that reference.

PART II

Procedure

1. Where in accordance with regulation 7 of these regulations any objection in respect of any of the grounds stated in the notice of intention to refuse or cancel a registration is required to be referred to a tribunal by the Minister, that Minister shall forthwith inform the chairman of the tribunal of the reference to the tribunal, and of the name and address of the person making objection. He shall send to the chairman and to the members of the tribunal copies of his notice of intention to refuse or cancel the registration, as the case may be, and of the objection made by the person affected.
2. The chairman on being informed of the reference to the tribunal shall fix a convenient date and place for the hearing of the reference.
- 3.—(1) The person making objection may appear at the hearing on his own behalf or may be represented or assisted by any person whom he may appoint for the purpose.
(2) The Minister may be represented by any person instructed in that behalf.
- 4.—(1) At the hearing of the reference, the tribunal shall give an opportunity to the person making objection or to his representative to address the tribunal and to produce evidence. The representative of the Minister may put questions to any witness called by or on behalf of the person making objection, including such person.
(2) The tribunal shall give the representative of the Minister an opportunity to address the tribunal and to produce evidence. The person making objection or his representative may put questions to any witness called by or on behalf of the Minister.
5. The tribunal shall if required by the objecting person or if they so wish, visit and inspect the premises in respect of which objection is made.
6. The tribunal shall determine whether the objections are made out and, if not, on which of the grounds on which they are made, they are not made out.

7. The tribunal may take notice of the circumstances existing at the date of the hearing, where there has been any change of circumstances since the date of the notice issued by the Minister.

8. The tribunal may adjourn the hearing from time to time if for any reason it appears to them necessary or desirable so to do.

9. In the event of a difference of opinion amongst the members of the tribunal the determination of the majority of them shall be the determination of the tribunal.

10. The chairman shall report the determination of the tribunal to the Minister in writing.

11. The hearing shall be open to the public.

12. Save as in this Schedule expressly provided, the tribunal shall have power to regulate their own business.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations re-enact with amendments the Milk and Dairies Regulations, 1949 to 1954. The principal changes are:—

- (a) the registration of distributors is now required to be effected only with the local authority in whose area the premises from which the milk is distributed are situated (regulation 8 (1));
- (b) suitable and properly trapped internal drains are permitted in a milking house which is not used for the housing of cattle where no other means of drainage is reasonably practicable (regulation 13 (c) (ii));
- (c) provision is made for the local authority to pay compensation to a person who sustains damage or loss through being debarred from certain employment connected with cows or with milk because he is suffering, or has been in contact with a person suffering, from a disease liable to cause infection of milk (regulation 19 (4));
- (d) where milk is infected, or suspected of being infected, with disease—
 - (i) the appropriate notice may be served by a medical officer of health on the occupier of registered premises outside (as well as inside) his district (regulation 20 (1)) and, in the case of tuberculosis, it shall operate until it is withdrawn (regulation 20 (3));
 - (ii) the conditions as to compensation have been considerably modified (regulation 20 (6));
- (e) an electric or gas boiler may be used in a milking house or milk room (proviso to regulation 21 (1)) and bottles which have contained certain foods other than milk may be cleansed in a milk room (regulation 21 (5));
- (f) there are new provisions as to personal cleanliness, precautions against contamination or infection of milk (regulation 22 (2) and (3)) and the provision of first aid equipment (regulation 22 (5));
- (g) the Minister may permit milk to be cooled in a closed container in a milking house not used for the housing of cattle where the cows are milked by mechanical means direct to such container (proviso to regulation 23);

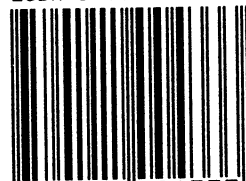
- (h) there are new provisions relating to the misuse of milk churns (regulation 25), the cleansing of vessels and appliances, the storage of cartons and non-returnable containers (regulation 27 (3)) and the use of a bottle-washing machine for cleansing glass bottles (regulation 27 (6) (a)) ;
- (i) the collection of milk by milk tanker from a tank on a farm is permitted (proviso (a) (i) to regulation 30 (1)) ;
- (j) a person selling milk as, or as part of, a meal or refreshments is exempted from the prohibition against opening any receptacle containing milk or transferring milk from one receptacle to another elsewhere than on registered premises (regulation 30 (2) (b) and proviso (b) (ii) to regulation 30 (1)).

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