

**1981 No. 1261 (S.129)****FOOD AND DRUGS****The Milk Prices (Scotland) Order 1981***Made* - - - - 31st August 1981*Laid before Parliament* 10th September 1981*Coming into Operation* 1st October 1981

In exercise of the powers conferred on me by sections 6 and 7 of the Emergency Laws (Re-enactments and Repeals) Act 1964(a), and of all other powers enabling me in that behalf, I hereby make the following Order:—

*Citation, commencement and extent*

1. This order may be cited as the Milk Prices (Scotland) Order 1981, shall apply to Scotland only, and shall come into operation on 1st October 1981.

*Interpretation*

2. In this order unless the context otherwise requires—

“Channel Islands milk” means milk which is lawfully sold as Channel Islands milk pursuant to the Milk and Dairies (Channel Islands and South Devon Milk) (Scotland) Regulations 1967(b);

“dairy” means premises where milk is subjected to heat treatment or where milk in retail containers is stored in bulk while remaining in the ownership of the person by whom the milk was heat treated;

“delivery terms” has the meaning assigned to it by paragraph 2 of Schedule 1 to this order;

“heat treatment” means any heat treatment of milk whereby the milk becomes Homogenised milk or of milk in respect of which the special designations “Pasteurised milk”, “Sterilised milk” or “Ultra Heat Treated milk” may be used;

“Homogenised milk” means milk which (i) has been subjected to heat treatment, (ii) has been so processed as to break up the globules of butterfat and cause them to remain uniformly distributed throughout the milk instead of rising to the surface and (iii) when sold in a container is labelled “Homogenised milk”;

“human consumption” does not include use in the preparation of food for sale for human consumption;

“milk” means liquid cows’ milk but does not include skimmed or semi-skimmed milk, condensed milk or evaporated milk;

“Pasteurised milk” means milk in respect of which the special designation “Pasteurised” is lawfully used pursuant to the Milk (Special Designations) (Scotland) Order 1980(c), but does not include Pasteurised

(a) 1964 c. 60; section 6 is continued in force by the Milk (Extension of Period of Control of Maximum Prices) Orders 1969, 1974 and 1979 — S.I. 1969/1058, 1974/2139 and 1979/1602.

(b) S.I. 1967/81.

(c) S.I. 1980/1866.

Homogenised, Pasteurised Channel Islands, Pasteurised South Devon, Pasteurised Kosher or Pasteurised Kedassia milk, or any flavoured Pasteurised milk;

“price” means, as appropriate, the actual price paid for—

- (a) raw milk after taking into consideration any discounts or allowances or rebates made in relation to that milk, but does not include any levy charged by the seller for publicity for milk and other related services in respect of milk;
- (b) packaged Pasteurised milk;

“sell” includes offer or agree to sell or expose for sale;

“South Devon milk” means milk which is lawfully sold as South Devon milk pursuant to the Milk and Dairies (Channel Islands and South Devon Milk) (Scotland) Regulations 1967;

“wholesale terms” has the meaning assigned to it by paragraph 2 of Schedule 2 to this Order.

#### *Maximum Prices*

3.—(1) No person shall sell any raw milk for heat treatment and re-sale for human consumption at a price exceeding the maximum price applicable in accordance with the provisions of Schedule 1 to this Order.

(2) No person shall sell from a dairy on wholesale terms any Pasteurised milk for human consumption at a price exceeding the maximum price applicable in accordance with the provisions of Schedule 2 to this Order.

#### *Revocation*

4. The Milk (Great Britain) (No. 2) Order 1980(a) in its application to Scotland is hereby revoked.

*George Younger,*  
One of Her Majesty's  
Principal Secretaries  
of State.

New St Andrew's House,  
EDINBURGH.  
31st August 1981.

## Article 3(1)

## SCHEDULE 1

## MAXIMUM PRICE OF RAW MILK ON SALE FOR HEAT TREATMENT AND RESALE

1. Subject to the provisions of this Schedule, the maximum price of raw milk on sale for heat treatment and resale at a dairy in Scotland (excluding the islands other than the islands of Arran, Bute, Coll, Gigha, Islay and The Great Cumbrae and those comprising the Islands Area of Orkney) on delivery terms as defined in paragraph 2 below shall be 16.860 pence per litre.

2. "Delivery terms" means terms incorporated in a contract, made for a period of at least twelve months, notwithstanding any provision for premature termination, and under which terms the milk is delivered daily by the seller or his agent to the purchaser's dairy in bulk tankers and without undue variations in quantity from day to day.

3. In the case of Channel Islands or South Devon milk, a charge at the rate of 3.014 pence per litre may be made in addition to the maximum price specified in paragraph 1 above.

4. Where the milk is sold on terms which are less or more favourable to the purchaser than the delivery terms defined in paragraph 2 above, the maximum price shall have effect subject to a reduction or increase of such amount as is appropriate to reflect the different terms agreed by the parties to the sale.

5. A reasonable additional charge may be made by the seller in respect of any milk which is so treated by the purchaser as to become Homogenised milk.

## Article 3(2)

## SCHEDULE 2

## MAXIMUM WHOLESALE PRICE OF PASTEURISED MILK ON SALE FROM A DAIRY

1. Subject to the following provisions of this Schedule, the maximum price of Pasteurised milk on sale from a dairy in Scotland (excluding the islands other than the islands of Arran, Bute, Coll, Gigha, Islay and the Great Cumbrae and those comprising the Islands Area of Orkney) on wholesale terms as defined in paragraph 2 below shall be 116.000 pence per gallon/25.517 pence per litre.

2. "Wholesale terms" means terms incorporated in a contract, made for a period of at least twelve months, notwithstanding any provision regarding premature termination, and under which terms a minimum quantity of 5,000 gallons/22,750 litres of Pasteurised milk in retail containers is purchased each week and uplifted from the dairy by the purchaser or his agent and without undue variations of quantity from day to day.

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order, which applies to Scotland only, comes into operation on 1 October 1981.

It revokes the Milk (Great Britain) (No. 2) Order 1980 in its application to Scotland and provides for the control of—

- (a) the maximum price of raw milk sold in bulk to processing dairies, and
- (b) the maximum price of packaged Pasteurised milk sold (on wholesale terms as defined in paragraph 2 of Schedule 2 to the Order) from processing dairies.

As regards (a), the Order repeats the relevant provisions of the revoked Order. As regards (b), the Order replaces the revoked Order's control of maximum retail milk prices with a maximum price of Pasteurised milk at the point of sale from the processing dairy.

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