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STATUTORY INSTRUMENTS

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**1989 No. 2382**

**FOOD**

**MILK AND DAIRIES**

**The Milk and Dairies (Semi-skimmed and Skimmed Milk)  
(Heat Treatment and Labelling) (Amendment) Regulations 1989**

*Made* - - - - *18th December 1989*  
*Laid before Parliament* *21st December 1989*  
*Coming into force* - - *1st April 1990*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred by sections 33, 74(3) and 118 of the Food Act 1984<sup>(1)</sup> and now vested in them<sup>(2)</sup> and of all other powers enabling them in that behalf, after consultation in accordance with section 118(6) of that Act with such organisations as appear to them to be representative of interests substantially affected by the Regulations, hereby make the following Regulations:—

**Title and commencement**

1. These Regulations may be cited as the Milk and Dairies (Semi-skimmed and Skimmed Milk) (Heat Treatment and Labelling) (Amendment) Regulations 1989, and shall come into force on 1st April 1990.

**Amendment of the Milk and Dairies (Semi-skimmed and Skimmed Milk) (Heat Treatment and Labelling) Regulations 1988**

2. The Milk and Dairies (Semi-skimmed and Skimmed Milk) (Heat Treatment and Labelling) Regulations 1988<sup>(3)</sup> shall be amended as follows:—

- (a) by omitting from regulation 2(1) the definitions of “atmospheric shade box” and “atmospheric shade temperature”;
- (b) by omitting “II,” from regulation 3(2)(c);

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(1) 1984 c. 30; section 132(1) contains a definition of “the Ministers” relevant to the exercise of the statutory powers under which these Regulations are made.

(2) In the case of the Secretary of State for Health, by virtue of S.I. 1988/1843

(3) S.I. 1988/2206

- (c) by substituting for paragraphs A5(2) and (3) of Part I of Schedule 2 the following paragraphs:—

“(2) A sample of the milk taken in accordance with Part I of Schedule 3 at the heat treatment establishment after pasteurisation shall after incubation for 120 hours + or – 2 hours at 6 degree C satisfy the plate count test prescribed in Part IV of that Schedule. The sample shall be deemed to satisfy the test if the plate count is not more than 100,000 per ml.

(3) A sample of milk taken in accordance with Part I of Schedule 3 after pasteurisation and before delivery to the consumer shall satisfy the phosphatase test prescribed in Part V of that Schedule. The sample shall be deemed to satisfy the test if the milk gives a reading of 10 ug or less of p-nitrophenol/ml. of milk.”;

- (d) by substituting for paragraph 5 of Part I of Schedule 3 the following paragraph:—

“5. The bottle or container containing any sample of milk shall be transferred forthwith to an insulated container for transport to the testing laboratory. The sample shall be transported to the testing laboratory with the least possible delay. Any sample, other than a sample of sterilised milk or of milk treated by the ultra high temperature method, which does not arrive at the testing laboratory on the day on which it is taken shall be discarded.”;

- (e) by omitting Part II of Schedule 3 (the methylene blue test for pasteurised semi-skimmed milk and skimmed milk);

- (f) by adding after paragraph 2 of Part IV of Schedule 3 the following paragraph:—

“3. The plated sample shall —

- (a) in the case of pasteurised milk produced from raw milk or from milk heat treated for transportation, be incubated for 25 hours at 21 degree C.,  
(b) in any other case, be incubated for 72 hours at 30 degree C.”.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on December 1989.

L.S.

*John Selwyn Gummer*  
Minister of Agriculture, Fisheries and Food

18th December 1989

*Kenneth Clarke*  
Secretary of State for Health

12th December 1989

*Peter Walker*  
Secretary of State for Wales

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations apply to England and Wales only and come into force on 1st April 1990. They amend the Milk and Dairies (Semi-skimmed and Skimmed Milk) (Heat Treatment and Labelling) Regulations 1988.

The principal amendments are:

- (a) a sample of pasteurised milk taken in specified circumstances is required to satisfy a plate count test and a phosphatase test; the requirement under the 1988 Regulations for such sample to satisfy a methylene blue test has been omitted (regulation 2(c));
- (b) the requirement under the 1988 Regulations that an insulated container containing a sample of milk for transport to a testing laboratory shall not be artificially cooled, has been omitted (regulation 2(d));
- (c) the incubation periods and temperatures for plated samples of milk to be submitted to a plate count test have been specified (regulation 2(f)).