
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to England and Wales give effect to the provisions of Council Directive [92/46/EEC](#), as defined in regulation 2(1), laying down the health rules for the production and placing on the market of raw milk, heat-treated milk and milk-based products. They also revoke and replace the Regulations specified in Schedule 12 and re-enact provisions that are compatible with Council Directive [92/46/EEC](#).

The Regulations also amend the Drinking Milk Regulations 1976 (S.I.[1976/1883](#)) to make it an offence to use a name to describe food in breach of article 3(2) of Council Regulation ([EEC](#)) No. [1411/71](#) (OJ No. L148, 3.7.71, p.213) (OJ/SE 1971 vol. II. p.412), the relevant amendment to which is specified in footnote (d) to regulation 24(2).

The principal changes the Regulations make are—

- (a) the provision of detailed requirements for the approval of dairy establishments;
- (b) the extension of the health rules applicable for the production of cows' milk, to the milk of sheep, goats and buffaloes;
- (c) the provision of microbiological standards for the manufacture of dairy products; and
- (d) subject to specified exemptions, a requirement for the health marking of all dairy products.

The Regulations do not apply to a production holding or dairy establishment where dairy products are produced exclusively for the consumption of the occupier and others in his household, or in the case of a dairy establishment where products are not sold in the course of a business, neither do they apply to a catering establishment or retail premises selling dairy products, or to persons engaged in the production, handling or sale of such products in a catering establishment or retail premises, (with the exception of specified requirements relating to cream, ice-cream and raw cows' milk). Farm premises where raw dairy products are sold exclusively direct to the ultimate consumer are also exempt from the approval, labelling and other specified requirements (regulation 3).

The Regulations—

- (a) prohibit the use of any premises as a production holding for the production of raw milk unless they are registered and make provision for the registration, on application, by the Minister (regulation 4);
- (b) provide for the allotment of a registration number for each registered production holding and the keeping of a list of such holdings by the Minister (regulation 5);
- (c) prohibit the use of any premises as a dairy establishment unless they are approved and make provision for the approval, on application, by the approving authority; they also make special provision for the approval of low capacity dairy establishments which may not comply with all the requirements applicable to other dairy establishments (regulation 6);
- (d) provide for the allotment of an approval number for each approved dairy establishment and make provision for the keeping of a list of such establishments by the approving authority (regulation 7);
- (e) provide for the cancellation of registrations and revocation of approvals and for a right of appeal (regulation 8);

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (f) specify the conditions to be complied with in relation to the sale for human consumption of raw, thermised or heat-treated drinking milk, or heat-treated milk intended for the manufacture of milk-based products or milk-based products, and prohibit the sale of any such dairy products unless those conditions are complied with (regulation 9);
- (g) specify the methods of analysis and testing for dairy products (regulation 10);
- (h) specify the conditions to be complied with in relation to the handling, storing, transporting, wrapping, packaging, health marking and labelling of dairy products; require the retention and production of specified documents; prohibit the use of a mark resembling a health mark and specify of a temporary exemption (regulation 11);
- (i) specify restrictions to be complied with in relation to the sale of raw cows' milk as drinking milk (regulation 12);
- (j) specify the duties of an occupier and of any person who buys raw milk for re-sale (regulation 13);
- (k) provide for a dairy farm registered under the Milk and Dairies (General) Regulations 1959 (S.I. 1959/277) to be deemed to be a registered production holding under these Regulations (regulation 14);
- (l) provide for a temporary exemption for specified dairy establishments and also enable the approving authority to prohibit dairy products prepared in such establishments from bearing a health mark (regulation 15);
- (m) make provision for the enforcement and execution of the Regulations and supervision of specified premises by the Minister and the approving authority (regulation 16);
- (n) require the approving authorities to provide specified information to the Minister (regulation 17);
- (o) create offences and prescribe penalties (regulation 18);
- (p) authorise the approving authority to grant derogations in relation to specified requirements (regulation 19);
- (q) specify various sections of the Act incorporated into the Regulations (regulation 20);
- (r) make provision for the sale of dairy products from Scotland, Northern Ireland, the Isle of Man and the Channel Islands (regulation 21)
- (s) specify import requirements (regulation 22); and
- (t) specify revocation (regulation 23), and amend the Ice Cream (Heat Treatment etc.) Regulations 1959 (S.I. 1959/734), the Drinking Milk Regulations 1976 (S.I. 1976/1883), the Food Labelling Regulations 1984 (S.I. 1984/1305) and the Food Premises (Registration) Regulations 1991 (regulation 24).

The Contracting Parties to the EEA Agreement are the fifteen Member States of the European Union, Norway, Iceland and Liechtenstein. (See also the definition of “EEA State” in regulation 2(1)).

Information as to International Dairy Federation Standards referred to in these Regulations can be obtained by post from the International Dairy Federation, 41 Square Vergote, B-1040 Brussels, Belgium.

Information as to International Organisation for Standardisation Standards referred to in these Regulations can be obtained by post from the International Organisation for Standardisation. 1 Rue de Varembe, Case Postale 56, CH-1211 Geneva 20, Switzerland

The AOAC methods referred to in Schedule 11 are used by the International Dairy Federation and the International Organisation for Standardisation and are published by the Association of Official Analytical Chemists. Copies can be obtained by post from the Assistant Business Manager, Publications, Association of Official Analytical Chemists, 1111 N 19th Street (Suite 210), Arlington, VA 22209, USA.

Document Generated: 2023-06-09

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

A Compliance Cost Assessment in relation to these Regulations has been placed in the libraries of both Houses of Parliament. Copies may be obtained from:

Milk and Milk Products Division

Ministry of Agriculture, Fisheries and Food

Room 514, Whitehall Place (East Block)

London SW1A 2HH.