

1991 No. 151

MILK

Milk (Amendment) Regulations (Northern Ireland) 1991

Made 11th April 1991

Coming into operation 20th May 1991

The Department of Agriculture, in exercise of the powers conferred on it by Articles 4(1), (2) and (3), 6(1) and (2) and 9(1) of the Milk (Northern Ireland) Order 1983(a) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Milk (Amendment) Regulations (Northern Ireland) 1991 and shall come into operation on 20th May 1991.

(2) In these Regulations—

(a) “the Milk Regulations” means the Milk Regulations (Northern Ireland) 1987(b); and

(b) expressions which are also used in the Milk Regulations shall have the same meaning as in those Regulations.

Amendment to the Milk Regulations

2. The Milk Regulations shall be amended as provided in regulations 3 to 6.

3. In regulation 19—

(a) for paragraph (6)(b)(iii) there shall be substituted:—

“(iii) the appropriate durability indication as prescribed by the Thirteenth Schedule.”; and

(b) paragraphs (7) and (8) shall be omitted.

(a) S.I. 1983/148 (N.I. 2)

(b) S.R. 1987 No. 229 as amended by S.R. 1988 No. 436 and S.R. 1990 No. 13

4. In regulation 29—

(a) for paragraph (4)(c)(iii) there shall be substituted:—

“(iii) the appropriate durability indication as prescribed by the Thirteenth Schedule.”; and

(b) paragraphs (5) to (7) shall be omitted.

5. After regulation 33 there shall be inserted—

“*Prohibitions related to durability indications*

33A. A holder of an untreated milk licence, a milk licence or a distributor’s licence shall not—

(a) sell to the ultimate consumer any milk after the date shown in a “use by” date relating to the milk; or

(b) unless he was originally responsible for so marking the milk, alter, or permit the alteration of, the indication of minimum durability or, as the case may be, the “use by” date relating to any milk.”.

6. After the Twelfth Schedule there shall be added the Schedule set out in the Schedule to these Regulations.

Transitional provisions

7. It shall be sufficient compliance with the requirements of the Thirteenth Schedule to the Milk Regulations if—

(a) in the case of untreated milk sold before 20th August 1991, it was filled in a retail container on which was marked an indication of the minimum durability of the milk which complied with regulation 19(6)(b)(iii), (7) and (8); and

(b) in the case of milk which has been pasteurised, ultra-heat treated or sterilised and sold before 20th August 1991, it was filled in retail containers on which was marked an indication of the minimum durability of the milk which complied with regulation 29(4)(c)(iii) and (5) to (7),

of the Milk Regulations as they had effect immediately before the coming into operation of these Regulations.

Sealed with the Official Seal of the Department of Agriculture on 11th April 1991.

(L.S.)

P. T. Toal

Assistant Secretary

SCHEDULE

regulation 6

"THIRTEENTH SCHEDULE regulations 19(6)(b)(iii)
and 29(4)(c)(iii)

1. For the purposes of regulations 19(6)(b)(iii) and 29(4)(c)(iii) the appropriate durability indication is—

- (a) in the case of milk which, from the microbiological point of view, is highly perishable and in consequence likely after a short period to pose an immediate danger to human health, a "use by" date; and
- (b) in the case of any other milk, an indication of minimum durability.

2.—(1) Subject to sub-paragraph (3) where a "use by" date is required in respect of any milk it shall be indicated by—

- (a) the words "use by" followed by the date up to and including which the milk, if properly stored, is recommended for use; and
 - (b) any storage conditions which need to be observed.
- (2) The "use by" date shall be expressed in terms either of a day and a month (in that order) or of a day, a month and a year (in that order).
- (3) The date up to and including which milk required to bear a "use by" date is recommended for use may appear separately from the words "use by" provided those words are followed by a reference to the place where the date appears.

3.—(1) Subject to sub-paragraphs (2) and (3) where an indication of minimum durability is required in respect of any milk it shall be indicated by—

- (a) the words "best before" followed by the date up to and including which the milk can reasonably be expected to retain its specific properties if properly stored; and
 - (b) any storage conditions which need to be observed if the milk is to meet this indication of minimum durability.
- (2) The "best before" date in the indication of minimum durability shall be expressed in terms of a day, a month and a year (in that order), except that—
- (a) in the case of milk which can reasonably be expected to retain its specific properties for three months or less, it may be expressed in terms of a day and month only; and
 - (b) in the case of milk which can reasonably be expected to retain its specific properties for more than three months, it may be expressed in terms of a month and year only if the words "best before" are replaced by "best before end".
- (3) The minimum durability date may appear on the container separately from the words "best before" or "best before end", as the case may be, provided that those words are followed by a reference to the place where the date appears."

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Milk Regulations (Northern Ireland) 1987 (“the Milk Regulations”) to implement certain requirements of Council Directive No. 89/395/EEC (O.J. No. L186, 30.6.89, p. 17) amending Directive 79/112/EEC (O.J. No. L33, 8.2.79, p. 1) on the approximation of the laws of the Member States relating to labelling, presentation and advertising of foodstuffs for sale to the ultimate consumer, by:—

- (a) requiring milk which, from the microbiological point of view is highly perishable and is therefore likely after a short period to constitute an immediate danger to human health, to be marked with a “use by” date;
- (b) requiring other milk to be marked with a “best before” or, in certain cases, “best before end” date;
- (c) removing the optional “sell by” system of date marking for untreated and pasteurised milks;
- (d) prohibiting the holder of an untreated milk licence, a milk licence or a distributor’s licence from selling milk to the ultimate consumer after the “use by” date; and
- (e) prohibiting such licence holders, other than those originally responsible for date marking the milk, from altering the date mark.

However, until 20th August 1991, as an alternative to the new requirements for date marking, untreated or pasteurised milk may still be marked with a “best before” or “sell by” date and ultra-heat treated and sterilised milk may still be marked with a “best before” or “best before end” date in accordance with the Milk Regulations as they had effect immediately before the coming into operation of these Regulations.

1991 No. 152**Road Races (Carrickfergus Kart Race) Order
(Northern Ireland) 1991**

This Order, being of a temporary character, is not printed at length in this volume.