



Food Act 1984

1984 CHAPTER 30

PART II

MILK, DAIRIES AND CREAM SUBSTITUTES

Special designations of milk, and their use

38 Milk (Special Designation) Regulations

- (1) Provision may be made by regulations, to be made by the Ministers and called " Milk (Special Designation) Regulations"—
 - (a) for prescribing, in relation to milk of any description, such designation (a " special designation") as the Ministers consider appropriate ; and
 - (b) for the granting of licences to producers and sellers of milk authorising the use of a special designation, and for prescribing the periods for which and the conditions subject to which licences, or licences of any particular class, are to be granted under the regulations.
- (2) Provision made by such regulations for the granting of licences authorising the use of a special designation shall be for the granting of them by the following—
 - (a) as respects licences authorising the use of a special designation of raw milk by the producer of the milk, the Minister;
 - (b) as respects other licences, either the Minister or county councils, food and drugs authorities or local authorities, as may be provided by the regulations.
- (3) Part I of Schedule 4 has effect with respect to the provision by such regulations of—
 - (a) the revocation or suspension of licences authorising the use of a special designation on the ground of a breach of condition of the licence;
 - (b) procedure in connection with decisions to revoke or suspend such licences or to refuse grants of such licences.
- (4) The conditions prescribed by such regulations subject to which licences may be granted may include conditions as to the payment of fees.

Status: This is the original version (as it was originally enacted).

39 Restrictions

- (1) A person is guilty of an offence who for the purpose of the sale or advertisement of any milk uses a special designation in any manner calculated to suggest that it refers to that milk, unless he holds a licence authorising the use of that designation in connection with that milk.

For the purpose of a sale or advertisement of milk as, or as part of, a meal or refreshments, a special designation may be used by a person who does not hold a licence authorising the use of that designation in connection with the milk if—

- (a) the milk is milk bought by him; and
 - (b) that designation was used for the purpose of the sale of milk to him.
- (2) A person is guilty of an offence who, for the purpose of the sale or advertisement of any milk, refers to that milk by any such description, not being a special designation, as is calculated falsely to suggest—
- (a) that there is in force a licence authorising the use of a special designation in connection with that milk; or
 - (b) that the milk is tested, approved or graded by any competent person; or
 - (c) that the cows from which the milk is derived are free from the infection of tuberculosis or of any other disease.
- (3) In any proceedings taken under subsection (2) it rests on the person charged to prove the truth of any suggestion which, in the court's opinion, his acts or conduct, as proved by the prosecution, are or is calculated to convey.
- (4) Where there has been a breach of a condition subject to which a licence authorising the use of a special designation is granted, but the licence has not been revoked or suspended, the breach shall not be treated as rendering the use of the designation unauthorised for any of the purposes of this section or of any other provision of this Act.
- (5) Section 47 applies for the interpretation of the references in this section to selling milk, but as if the definition of milk in that section were omitted.