

1988 No. 1815 (S.167)

**FOOD**

**MILK AND DAIRIES**

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

*Made* - - - - - *13th October 1988*

*Laid before Parliament* *26th October 1988*

*Coming into force* *16th November 1988*

The Secretary of State, in exercise of the powers conferred on him by sections 4 and 56 of the Food and Drugs (Scotland) Act 1956(a) and of all other powers enabling him in that behalf, and after consultation with such organisations as appear to him to be representative of interests substantially affected by these Regulations, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Milk and Dairies (Semi-skimmed and Skimmed Milk) (Heat Treatment and Labelling) (Scotland) Amendment Regulations 1988, and shall come into force on 16th November 1988.

(2) In these Regulations, the “principal Regulations” means the Milk and Dairies (Semi-skimmed and Skimmed Milk) (Heat Treatment and Labelling) (Scotland) Regulations 1974(b).

**Amendment of the principal Regulations**

2. In regulation 2(1) of the principal Regulations, the following definition shall be inserted after the definition of “bulk container”:-

““bulk milk” means milk which is not packed or made up in advance in the bottle or other container in which it is to be supplied to the consumer;”.

3. The following paragraph shall be inserted after paragraph 5 of Schedule 1 to the principal Regulations:-

“6.—(1) Where bulk milk which has, for the purposes of transportation, been heat treated in another heat treatment establishment is to be subjected to further heat treatment in accordance with these Regulations, the additional requirements specified in the following sub-paragraphs shall apply.

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(a) 1956 c.30; section 4 was amended by the European Communities Act 1972 (c.68), Schedule 4, paragraph 3(1); section 56 was amended by the Weights and Measures Act 1963 (c.31), Schedule 9, Parts I and II, by the Criminal Justice Act 1982 (c.48), Schedule 15, paragraph 8, and by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c.73), section 41.  
(b) S.I. 1974/1356, as amended by S.I. 1983/1526, 1985/1068 and 1986/791.

(2) Milk shall not be accepted for further heat treatment unless it has a temperature not exceeding 6C on admission to the heat treatment establishment and is retained at such a temperature until that further treatment.

(3) Milk which has been heat treated in another member state of the European Economic Community shall not be accepted for further heat treatment unless it is accompanied by a certificate prescribed by the Importation of Milk (Scotland) Regulations 1988(a).

(4) The milk processor shall check and record the temperature of the milk on admission to the heat treatment establishment and immediately before further heat treatment.

(5) For purposes of identifying sources of supply which consistently exceed a colony count of 100,000 per ml, in order to exclude such milk from further heat treatment in accordance with these Regulations, the milk processor shall—

- (a) before further heat treatment take a sample of the milk in accordance with Schedule 3 to these Regulations;
- (b) submit it to the petri plate count test prescribed in Part V of Schedule 4 to these Regulations;
- (c) record the result.

(6) The milk processor shall retain for a period of not less than three months—

- (a) from the date of further heat treatment, the certificate referred to in sub-paragraph (3) above;
- (b) the records made in compliance with sub-paragraphs (4) and (5) above.”.

4. In Schedule 2 to the principal Regulations, the following shall be deleted:—

- (a) paragraph 4 of Part I;
- (b) paragraphs 5 and 6 of Part III.

5. There shall be inserted at the end of Schedule 4 to the principal Regulations the Part V set out in the Schedule to these Regulations.

St. Andrew's House, Edinburgh  
13th October 1988

*Sanderson of Bowden*  
Minister of State,  
Scottish Office

PART V TO BE INSERTED IN SCHEDULE 4 TO THE PRINCIPAL REGULATIONS

"PART V

PROVISIONS AS TO THE TESTING OF SAMPLES OF HEAT TREATED MILK BY MEANS OF THE PETRI PLATE COUNT TEST

**General**

1. In testing samples (being parts of samples procured in accordance with Schedule 3 to these Regulations) of milk for bacterial count, paragraphs 2, 3 and 7 of Part IV of this Schedule and the following paragraphs shall be complied with.

**Treatment of sample before testing**

2. All samples of milk shall be examined as soon as possible after arrival at the testing laboratory. If a sample is not examined immediately on arrival at the testing laboratory, it shall be kept at a temperature not higher than 5C until examined. No sample may be kept for a period exceeding 24 hours.

**Technique of tests**

3. In testing samples of milk 1 ml of 1 in 1,000 dilution shall be plated. For each sample being tested not less than two plates shall be prepared.

**Temperature and time of incubation of the cultures**

4. The petri plate cultures shall be incubated at 30C  $\pm$  0.5C for 72 hours.

**Examination of cultures**

5. Petri plate cultures. All colonies (including "pin-point" colonies) on each plate shall be counted and the arithmetic mean count obtained. To facilitate counting it is desirable to use a counting chamber, a suitable lens and a tally counter. The result of the count shall be recorded as the number of bacteria per millilitre to the nearest thousand."

## EXPLANATORY NOTE

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

These Regulations amend the Milk and Dairies (Semi-skimmed and Skimmed Milk) (Heat Treatment and Labelling) (Scotland) Regulations 1974 by making provision, in relation to the production of semi-skimmed and skimmed milk, for the further heat treatment of bulk milk (including any such milk imported under the Importation of Milk (Scotland) Regulations 1988) which has already been heat treated for the purposes of transportation in another heat treatment establishment. These Regulations also revoke the existing provisions which banned semi-skimmed and skimmed milk from being heat treated for a second time.

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