

---

 STATUTORY INSTRUMENTS
 

---

1990 No. 2508 (S.210)

**FOOD**

**The Milk Labelling (Scotland) Amendment  
Regulations 1990**

<i>Made</i> . . . . .	<i>10th December 1990</i>
<i>Laid before Parliament</i>	<i>11th December 1990</i>
<i>Coming into force</i>	
<i>For the purposes of</i> <i>regulation 8</i> . . . .	<i>1st July 1991</i>
<i>For all other purposes</i>	<i>1st January 1991</i>

The Secretary of State, in exercise of the powers conferred on him by sections 4(1), 16(1)(d) and (e), 17(1), 26(1)(a) and 48(1) of the Food Safety Act 1990<sup>(a)</sup> and of all other powers enabling him in that behalf, after consultation in accordance with section 48(4) of the said Act with such organisations as appear to him to be representative of interests likely to be substantially affected by the Regulations, hereby makes the following Regulations:

**Title, extent, commencement, and interpretation**

1.—(1) These Regulations may be cited as the Milk Labelling (Scotland) Amendment Regulations 1990, shall extend to Scotland only, and shall come into force for the purposes of regulation 8 on 1st July 1991 and for all other purposes on 1st January 1991.

(2) In these Regulations—

“the principal Regulations” means the Milk Labelling (Scotland) Regulations 1983<sup>(b)</sup>.

**Amendment of the principal Regulations**

2. The principal Regulations shall be amended as specified in the following provisions of these Regulations and any reference in these provisions to any specified provision shall, unless the context requires otherwise, be taken to be a reference to the provision so specified in the principal Regulations.

3. For regulation 4(b) there shall be substituted the following paragraph:—

“(b) the appropriate durability indication, that is to say—

- (i) in the case of milk other than a kind specified in sub-paragraph (ii) of this paragraph, an indication of minimum durability;
- (ii) in the case of milk which, from the microbiological point of view, is highly perishable and in consequence likely after a short period to constitute an immediate danger to human health, a “use by” date in accordance with regulation 6A;”.

4. For regulation 4(d) there shall be substituted the following paragraph:—

---

<sup>(a)</sup> 1990 c.16.

<sup>(b)</sup> S.I. 1983/938, amended by S.I. 1985/1068; (The Food Safety Act 1990 (Consequential Modifications) (Scotland) Order 1990).

“(d) the name or business name and an address or registered office of the producer or packer or of a seller established within the European Economic Community; and”.

5. Immediately following regulation 6 there shall be inserted the following regulation:—

**“Form of indication of “use by” date**

6A.—(1) Where a “use by” date is required in respect of 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 that those words are followed by a reference to the place where that date appears.”.

6. In regulation 7(1) and (2) there shall be inserted immediately after the words “of minimum durability”, on each occasion that these occur, the words “or, as the case may be, of a “use by” date”.

7.—(1) At the end of regulation 12(1)(c) the word “or” shall be inserted and immediately following regulation 12(1)(c) there shall be inserted the following paragraphs:—

- “(d) sells any milk after the date shown in a “use by” date relating to it; or
- (e) being a person other than whichever of the manufacturer, packer or seller established within the European Economic Community was originally responsible for so marking the milk, alters the indication of minimum durability or, as the case may be, the “use by” date relating to that milk;”.

(2) At the end of regulation 12 there shall be added the following paragraph:—

“(3) In any proceedings for an offence under paragraph (1)(e) above it shall be a defence for the person charged to prove that each alteration in respect of which the offence is alleged was effected under the written authorisation of a person capable of effecting that alteration without contravention of that provision.”.

**Revocation**

8. Paragraphs (4) and (5) of regulation 6 are hereby revoked.

St. Andrew’s House, Edinburgh  
10th December 1990

*Strathclyde*  
Parliamentary Under Secretary of State,  
Scottish Office

**EXPLANATORY NOTE**

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

These Regulations, which apply to Scotland only, further amend the Milk Labelling (Scotland) Regulations 1983 ("the principal Regulations"). They implement in part Articles 3(1)(4) and 9a of Council Directive No 79/112/EEC (OJ No L33, 8.2.79, p.1) on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs, as last amended by Council Directive No 89/395/EEC (OJ No L186, 30.6.89, p.17).

The Regulations delete national provisions permitting the use of a "sell by" date and introduce provisions requiring a "use by" date in certain circumstances (regulations 3, 5 and 6). In addition the Regulations remove the requirement that milk be labelled with the name and address of the packaging dairy and provide for milk to be labelled with the name and address of the producer, packer or seller (regulation 4). New offences are introduced for selling milk bearing an expired "use by" date and for anyone other than the person originally responsible for the date mark to change it (regulation 7).

The Regulations come into force on 1st January 1991. The existing provisions permitting the use of "sell by" are not revoked until 1st July 1991 thus permitting their continuance until the end of June 1991.