
STATUTORY INSTRUMENTS

1995 No. 1086

The Dairy Products (Hygiene) Regulations 1995

PART II

REGISTRATION AND USE OF PRODUCTION HOLDINGS

Registration

4.—(1) No person shall use any premises as a production holding for the production of raw milk unless those premises—

- (a) comply with the appropriate requirements of Schedule 1; and
- (b) are registered in accordance with the provision of paragraph (3)(a) below, or are deemed to be registered in accordance with regulation 14.

(2) No person shall—

- (a) despatch for sale from any registered production holding any raw milk which does not comply with the provisions of these Regulations; or
- (b) despatch any raw milk to another EEA State, or any part of the British Islands, from a production holding to which this regulation applies but which is not registered under this regulation or is deemed to be registered by regulation 14.

(3) The Minister on application made to the Minister under this regulation shall—

- (a) register the premises to which the application relates as a production holding if the Minister is satisfied that both the premises and the arrangements at those premises for use as a production holding are adequate to comply with the requirements of Schedule 1 and paragraphs 1 and 2 of Schedule 7; or
- (b) refuse to register the premises as a production holding if the Minister is not so satisfied.

(4) Each application for registration under this regulation shall be made in writing to the Minister by the occupier of, or a person proposing to occupy, the production holding to which the application relates.

(5) The Minister shall, without unreasonable delay after receipt of the application referred to in paragraph (4) above, notify the applicant in writing of the Minister's decision on that application and of the reasons of any refusal to register such production holding.

(6) Any person who is aggrieved by the decision of the Minister not to grant a registration or by the imposition of any condition specified by the Minister, may appeal against that decision to a magistrates' court.

(7) Sections 37(3) to (6) of the Act shall have effect in relation to an appeal under this regulation as they have effect in relation to an appeal under that section but with the omission—

- (a) of the references to appeals for which provision is made by regulations under section 37(2); and
- (b) of subsection 5(b) and the word “or” immediately preceding it.

(8) Any registration granted in respect of any production holding under this regulation shall be subject to the condition that any alteration to that production holding shall comply with the requirements of Schedule 1 and paragraphs 1 and 2 of Schedule 7 if appropriate.

(9) Without prejudice to sections 9 to 12 of the Act, where the Minister has refused a registration under this regulation, a person who both prior to the coming into force of these Regulations and immediately before such refusal had been lawfully using any premises for the production of raw milk, may continue to use such premises for that purpose, subject to any reasonable conditions imposed by the Minister for the protection of public health, until the time for appeal has expired and, if an appeal is lodged, until the appeal is finally disposed of or abandoned.

(10) The Minister shall be entitled to inspect any premises in respect of which an application had been made to the Minister to register such premises as a production holding, prior to registering those premises.

List of production holdings

5.—(1) The Minister shall allot a registration number to each registered production holding, including any premises deemed to be registered in accordance with regulation 14, and keep a list of such production holdings.

(2) Any registered production holding which ceases to be used as a production holding shall be removed from the list kept by the Minister pursuant to paragraph (1) above.