
STATUTORY INSTRUMENTS

1995 No. 1086

The Dairy Products (Hygiene) Regulations 1995

PART IX

MISCELLANEOUS AND SUPPLEMENTARY

Dairy products from Scotland, Northern Ireland, the Isle of Man and the Channel Islands

21.—(1) The places to which this regulation applies are Scotland, Northern Ireland, the Isle of Man and the Channel Islands.

(2) No person—

- (a) shall sell for human consumption from an approved dairy establishment any dairy products which have been handled in a place to which this regulation applies which are intended for consignment to another EEA State, or
- (b) shall sell for human consumption any dairy products which have been handled in a place to which this regulation applies, after the specified date,

unless any handling of those products in that place was in accordance with legislation having effect in that place and corresponding to these Regulations.

(3) Subject to regulation 11(4) and paragraph (4) below, no person shall sell for human consumption in England and Wales any dairy products which have been handled after the specified date in a place to which this regulation applies unless it carries the relevant EC health mark.

(4) The prohibition in paragraph (3) above shall not apply in relation to dairy products produced in a place to which this regulation applies and which do not bear a health mark in accordance with legislation having effect in that place and corresponding to regulation 15 of these Regulations.

(5) In this regulation—

- (a) the “specified date” means the date on which these Regulations come into force;
- (b) the “relevant EC health mark”, in relation to any place to which this regulation applies, means a mark applied in accordance with legislation having effect in that place and corresponding to the provisions of Part II of Schedule 10 relation to the health mark.

Imports from third countries and EEA States

22.—(1) No person shall import into England and Wales for sale for human consumption from a third country any cows' milk or cream.

(2) No person shall import into England and Wales for sale for human consumption from a third country any other dairy products except in accordance with the following paragraphs of this regulation.

(3) In the case of dairy products produced or manufactured in another EEA State, they shall comply with the legislation having effect in that EEA State which implements Council Directive 92/46.

(4) In the case of dairy products other than cows' milk or cream manufactured in any third country, they shall be accompanied by a health certificate or certificate as specified by Article 23(2)(b) or 25(1) of Council Directive 92/46.

(5) In paragraph (3) above, “the legislation” shall include any administrative provisions enacted in the EEA State referred to in that paragraph to comply with Council Directive 92/46.

Revocations

23. The Regulations specified in Schedule 12 to these Regulations are revoked to the extent specified in Column 3 of that Schedule from the date these Regulations come into force.

Consequential amendments

24.—(1) In the Ice Cream (Heat Treatment etc) Regulations 1959(1), after regulation 2A there shall be inserted the following regulation—

“Exemption

2B.—(1) These Regulations shall not apply in relation to any ice-cream which is a milk-based product.

(2) In this regulation “milk-based product” has the same meaning as in the Dairy Products (Hygiene) Regulations 1995.”

(2) In the Drinking Milk Regulations 1976(2), after regulation 5 there shall be inserted the following regulation—

“Reserved names

5A. No person shall use any name specified in Article 3(1) of Council Regulation (EEC) No. 1411/71(3), as amended(4), except in accordance with paragraph (2) of that Article.”

(3) The Good Labelling Regulations 1984(5) shall be amended in accordance with Schedule 13.

(4) The Food Premises (Registration) Regulations 1991(6) shall be amended as follows—

(a) for sub-paragraph (a) of regulation 3(2) there shall be substituted the following sub-paragraph—

“(a) as a production holding or as a dairy establishment, in each case within the meaning, in relation to England and Wales, of the Dairy Products (Hygiene) Regulations 1995;” and

(b) sub-paragraph (b) of regulation 3(2) shall be deleted.

(1) S.I.1959/734 to which there are amendments not relevant to these Regulations.

(2) S.I. 1976/1883, to which there are amendments not relevant to these Regulations.

(3) OJ No. L148, 3.7.71, p.4 (OJ/SE 1971 vol. II, p.412).

(4) The relevant amending instrument is Council Regulation (EEC) No. 566/76 (OJ No. L67, 15.3.76, p.23) as read with the corrigendum at OJ No. L107, 24.4.76, p.22.

(5) S.I. 1984/1305, to which there are amendments not relevant to these Regulations.

(6) S.I. 1991/2825, to which there are amendments not relevant to these Regulations.