
STATUTORY INSTRUMENTS

1995 No. 1372

The Dairy Products (Hygiene) (Scotland) Regulations 1995

PART IX

MISCELLANEOUS AND SUPPLEMENTARY

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

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

(2) No person shall sell for human consumption any dairy products—

(a) from an approved dairy establishment which have been handled in a place to which this regulation applies which are intended for consignment to another EEA State, or

(b) which have been handled after the specified date in a place to which this regulation applies, 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 Scotland 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 relating to the health mark.

Imports from third countries and EEA States

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

(2) No person shall import into Scotland 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 instruments specified in Schedule 12 are revoked to the extent specified in Column 3 of that Schedule.

Consequential amendments

24.—(1) In the Ice Cream (Scotland) Regulations 1948(1), after regulation 1 (interpretation etc) there shall be inserted the following regulation:—

“Exemption

1A.—(1) Regulations 8, 9 and 10 of 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) (Scotland) Regulations 1995.”.

(2) In the Food Hygiene (Scotland) Regulations 1959(2), for sub-paragraph (c) of regulation 3(1) (interpretation of “food business”) there shall be substituted the following sub-paragraph:—

“(c) at or from any premises comprising a production holding or dairy establishment within the meaning of the Dairy Products (Hygiene) (Scotland) Regulations 1995 being premises from which no food other than cows' milk is sold;”.

(3) In the Drinking Milk (Scotland) Regulations 1976(3), after regulation 5 (alteration in the composition of drinking milk) 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(4), as amended(5), except in accordance with paragraph (2) of that Article.”.

(4) In the Milk Labelling (Scotland) Regulations 1983(6), regulation 5(1) (name of the milk) shall be amended as follows:—

(a) in sub-paragraphs (a) and (c) in each case the words from “in accordance with” to the end of the paragraph shall be omitted, and

(b) after sub-paragraph (c) there shall be added the following sub-paragraph:—

“(d) in sub-paragraphs (a) and (c) above the words “Pasteurised”; “Ultra Heat Treated” (or “UHT”) and “Sterilised” in relation to milk have the same meaning as in the Dairy Products (Hygiene) (Scotland) Regulations 1995.”.

(5) The Milk and Dairies (Scotland) Regulations 1990(7) shall be amended as follows:—

(a) in regulation 2(1) (interpretation) the definitions of “bactericidal agent”, “dairy premises”, “milk carrier”, “milk processor”, “milk tanker” and “road” shall be omitted;

(1) S.I.1948/960; amended by S.I. 1959/413, 1960,2108, 1963/1101, 1983/270, 1985/1068 and 1990/2625.

(2) S.I. 1959/413, relevant amending instrument is S.I. 1990/2625.

(3) S.I. 1976/1888, to which there are amendments not relevant to these Regulations.

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

(5) 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.

(6) 1983/938, to which there are amendments not relevant to these Regulations.

(7) S.I. 1990/2507 to which there are amendments not relevant to these Regulations.

- (b) in regulation 10(4) (precautions against spread of disease) the words “in whose name such premises are licensed under these Regulations” shall be omitted;
 - (c) in regulation 18 (employees) the words “and every milk carrier” shall be omitted;
 - (d) in regulation 19 (penalties) for the words “regulations 3(7), 9(1) and 10(1) or (3)” there shall be substituted the words “regulation 10(1) or (3)”.
- (6) In the Food Premises (Registration) Regulations 1991⁽⁸⁾, for sub-paragraph (a) of regulation 3(2) (exceptions) 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 Scotland, of the Dairy Products (Hygiene) (Scotland) Regulations 1995;”.

(8) [1991/2825](#), to which there are amendments not relevant to these Regulations.