
STATUTORY INSTRUMENTS

1995 No. 1372

The Dairy Products (Hygiene) (Scotland) Regulations 1995

PART V

**CONDITIONS FOR THE HANDLING AND
MARKETING OF DAIRY PRODUCTS**

General conditions

9.—(1) Subject to paragraphs (8), (9), (10) and (11) below and to regulation 15, no person shall sell for human consumption any raw milk, thermised milk, heat-treated drinking milk, heat-treated milk intended for the manufacture of milk-based products or milk-based products unless—

- (a) it originates from a licensed production holding or an approved dairy establishment which complies with the appropriate requirements set out in Schedules 1 and 2;
- (b) it complies with the appropriate requirements set out in Schedule 3;
- (c) the occupier of the dairy establishment has complied with the provisions of regulation 13 in relation to it;
- (d) in particular it complies with the appropriate conditions specified in paragraphs (2), (3), (4), (5) or (6) below;
- (e) it complies with paragraphs (7), (8), (9) and (10) below, if applicable; and
- (f) it complies with regulation 11.

(2) In the case of raw drinking milk which is raw ewes' or goats' milk, the appropriate conditions to be complied with are those specified in paragraph 1 of Part I of Schedule 4 and regulation 12.

(3) In the case of thermised milk, the appropriate conditions to be complied with are that—

- (a) it shall be manufactured from raw milk which complies with the requirements of paragraph (1) (a) (b) and (c) above; and
- (b) where the thermised milk is intended for the manufacture of milk-based products, it complies with the requirements of Part II of Schedule 5.

(4) In the case of heat-treated drinking milk, the appropriate conditions to be complied with are that it shall be manufactured from—

- (a) raw milk or thermised milk which complies with paragraph (1)(a), (b) and (c) above; or
- (b) other heat-treated drinking milk which complies with the appropriate requirements of Part III of Schedule 4; or
- (c) a mixture of the milk specified in sub-paragraphs (a) and (b) above.

(5) In the case of heat-treated milk intended for the manufacture of milk-based products, the relevant conditions to be complied with are those specified in Parts III and IV of Schedule 5.

- (a) (6) (a) In the case of milk-based products, other than milk-based drinks made from cows' milk, the appropriate conditions to be complied with are those specified in Schedule 6 and that they shall be manufactured from—

- (i) raw milk or thermised milk which complies with paragraphs (1)(a), (b) and (c) and (3)(b) above, as appropriate; or
 - (ii) heat-treated drinking milk which complies with paragraph (4)(b) above; or
 - (iii) heat-treated milk (not being heat-treated drinking milk) which complies with paragraph (5) above;
- (b) in the case of milk-based drinks made from cows' milk, the appropriate conditions to be complied with are those specified in Schedule 6 and that they shall be manufactured from heat-treated drinking milk which is cows' milk and which complies with paragraph (4)(b) above.
- (7) No person shall sell any ice-cream unless it is pasteurised ice-cream which complies with Part V of Schedule 6 or it is sterilised ice-cream which complies with Part VI of that Schedule.
- (8) In the case of any milk which does not satisfy the conditions specified in paragraph 2(a) and (c) of Part I of Schedule 3, it may be sold for human consumption after it has been heat-treated.
- (9) In the case of any dairy products which have been handled in an infected area, they may be sold for human consumption if the milk used in the production of such dairy products has been heat-treated.
- (10) In the case of cheese with a period of ageing or ripening of at least sixty days and which complies with Part I of Schedule 6, it shall not be necessary for such cheese to be—
- (a) prepared in a dairy establishment which complies with the requirements of Parts I and II of Schedule 2;
 - (b) made from raw milk complying with paragraphs 2 and 4 of Part II of Schedule 3; or
 - (c) wrapped and packaged in accordance with the requirements of Schedule 9.
- (11) In the case of milk-based products with traditional characteristics, it shall not be necessary for such products to—
- (a) be prepared in a dairy establishment which complies with the requirements of Parts I and II of Schedule 2;
 - (b) be made from raw milk which complies with the requirements of Parts II and III of Schedule 3;
 - (c) satisfy the microbiological criteria specified in Part I of Schedule 6; or
 - (d) be wrapped and packaged in accordance with the requirements of Schedule 9.
- (12) In this regulation—
- (a) in paragraph (1)(c), “occupier of the dairy establishment” in relation to raw milk purchased by a person for re-sale as described in regulation 13(3) includes the person who purchased that milk for re-sale, and
 - (b) in paragraph (9), “infected area” has the same meaning as in the Foot-andMouth Disease Order 1983(1).

Methods of analysis

10. For the purposes of these Regulations the methods of analysis and testing of dairy products specified in Schedule 11 shall be used in relation to the requirements referred to in that Schedule.

Storage, transport, wrapping and labelling conditions

11.—(1) Dairy products intended for sale shall be—

(1) S.I.1983/1950, to which there is an amendment not relevant to these Regulations.

- (a) handled, stored and transported in accordance with Schedules 7 and 8;
 - (b) in the case of any heat-treated drinking milk or milk-based products transported in bulk, accompanied during such transportation by a commercial document as specified in Part III of Schedule 8;
 - (c) subject to regulation 9(10) and (11) above, wrapped and packaged in accordance with the requirements of Schedule 9; and
 - (d) subject to paragraph (4) below and regulation 15, marked with a health mark and labelled in accordance with the appropriate requirements of Schedule 10.
- (2) Any person who receives a consignment of dairy products together with the commercial document referred to in paragraph (1)(b) above, shall keep that document for a period of at least one year after the date of such receipt and make it available for inspection at the request of an authorised officer.
- (3) No person shall use on any dairy product which has not been produced in accordance with these Regulations any mark which is not a health mark but which resembles a health mark in such a way as to be likely to suggest that the product has been produced in accordance with these Regulations.
- (4) An occupier may until 1st January 1996, use on his dairy products any packaging or wrapping which may not comply with the requirements of Part II of Schedule 10.

Restrictions on the sale of raw drinking milk and cream

- 12.**—(1) No person shall sell drinking milk which is raw cows' milk or thermised cows' milk.
- (2) No person shall sell raw or thermised cream intended for consumption in that state.
- (3) No person shall sell milk as drinking milk which is raw ewes' milk, raw goats' milk or raw buffaloes' milk except in accordance with paragraphs (4) and (5) below.
- (4) An occupier of a licensed production holding may sell the milk referred to in paragraph (3) above direct to the ultimate consumer at the farm premises where the animals from which such milk has been obtained are maintained.
- (5) Where such milk is sold otherwise than for consumption on the farm premises, it shall be sold in containers filled on the premises, closed and fastened hygienically in a manner satisfactory to the food authority.