

SCHEDULE 6

Regulation 34

Restrictions on the sale of raw milk intended for direct human consumption

1. Any person who sells raw milk intended for direct human consumption in contravention of paragraph 5 commits an offence.

[^{F1}1A. Any person who sells raw milk in contravention of paragraph 7A commits an offence.

F1 Sch. 6 paras. 1A, 1B inserted (13.12.2014) by [The Food Safety and Hygiene \(England\) \(Amendment\) Regulations 2014 \(S.I. 2014/2885\)](#), regs. 1, **2(4)(a)**

1B. Any person who sells raw milk in contravention of paragraph 7B commits an offence.]

F1 Sch. 6 paras. 1A, 1B inserted (13.12.2014) by [The Food Safety and Hygiene \(England\) \(Amendment\) Regulations 2014 \(S.I. 2014/2885\)](#), regs. 1, **2(4)(a)**

2.—(1) Any person, other than the occupier of a production holding or a distributor, who sells raw cows' milk intended for direct human consumption commits an offence.

(2) The occupier of a production holding who sells raw cows' milk intended for direct human consumption in contravention of paragraph 3 commits an offence.

(3) A distributor who sells raw cows' milk intended for direct human consumption in contravention of paragraph 4 commits an offence.

3. The occupier of a production holding may only sell raw cows' milk intended for direct human consumption —

(a) at or from the farm premises where the animals from which the milk has been obtained are maintained; and

(b) to —

(i) the final consumer for consumption other than at those farm premises,

(ii) a temporary guest or visitor to those farm premises as or as part of a meal or refreshment, or

(iii) a distributor.

4. A distributor may only sell raw cows' milk intended for direct human consumption —

(a) which the distributor has bought pursuant to sub-paragraph (b)(iii) of paragraph 3;

(b) in the containers in which the distributor receives the milk, with the fastenings of the containers unbroken;

(c) from a vehicle which is lawfully used as a shop premises; and

(d) direct to the final consumer.

5. The raw milk must meet the following standards:

Plate count at 30 °C (cfu per ml)	≤ 20,000
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Coliforms (cfu per ml)	< 100
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6. In the case where farm premises are being used for the sale of raw cows' milk intended for direct human consumption pursuant to sub-paragraph (a) of paragraph 3, the Agency shall carry out

such sampling, analysis and examination of the milk as it considers necessary to ensure that it meets the standards specified in paragraph 5.

7. In any case where the Agency carries out sampling, analysis and examination of raw cows' milk in accordance with paragraph 6, there shall be due to the Agency from the occupier of the production holding who is selling the milk a fee of £63, which is payable by the occupier to the Agency on demand.

[^{F2}7A. Subject to paragraph 7C, and except in cases to which paragraph 7B applies, the container in which any raw milk intended for direct human consumption is sold must be marked or labelled with the words “This milk has not been heat-treated and may therefore contain organisms harmful to health.

F2 Sch. 6 paras. 7A-7C inserted (13.12.2014) by [The Food Safety and Hygiene \(England\) \(Amendment\) Regulations 2014 \(S.I. 2014/2885\)](#), regs. 1, **2(4)(b)**

7B. Subject to paragraph 7C, in the case of any raw milk intended for direct human consumption which is not prepacked and is sold at a catering establishment there must appear—

- (a) on a label attached to the container in which that milk is sold, or
- (b) on a ticket or notice that is readily discernible by an intending purchaser at the place where the purchaser chooses that milk,

the words “Milk supplied in this establishment has not been heat-treated and may therefore contain organisms harmful to health”.

F2 Sch. 6 paras. 7A-7C inserted (13.12.2014) by [The Food Safety and Hygiene \(England\) \(Amendment\) Regulations 2014 \(S.I. 2014/2885\)](#), regs. 1, **2(4)(b)**

7C. The provisions of paragraphs 7A and 7B do not apply to raw milk from buffaloes.]

F2 Sch. 6 paras. 7A-7C inserted (13.12.2014) by [The Food Safety and Hygiene \(England\) \(Amendment\) Regulations 2014 \(S.I. 2014/2885\)](#), regs. 1, **2(4)(b)**

8. In this Schedule —

[^{F3}“catering establishment” means a restaurant, canteen, club, public house, school, hospital or similar establishment (including a vehicle or a fixed or mobile stall) where, in the course of a business, food is prepared for delivery to the final consumer and is ready for consumption without further preparation;]

“distributor” means a person who sells raw cows' milk that has been produced on a production holding of which he is not the occupier;

“farm premises” means a farm occupied by the occupier of a production holding as a single farm and includes the production holding and any other building situated on that farm and occupied by the same occupier;

[^{F4}“labelling”, in relation to a food, includes any words, particulars, trade mark, brand name, pictorial matter or symbol relating to the food and appearing on the packaging of the food or on any document, notice, label, ring or collar accompanying the food;]

“occupier” means any person carrying on the business of producing or handling raw cows' milk or his duly authorised representative;

[^{F5}“prepacked”, in relation to a food, means put into packaging before being offered for sale in such a way that the food, whether wholly or only partly enclosed, cannot be altered without

Changes to legislation: There are currently no known outstanding effects for the *The Food Safety and Hygiene (England) Regulations 2013, SCHEDULE 6. (See end of Document for details)*

opening or changing the packaging and is ready for sale to the final consumer or to a catering establishment, and includes a food which is wholly enclosed in packaging before being offered for sale and which is intended to be cooked without opening the packaging and which is ready for sale to the final consumer or to a catering establishment;]

“production holding” means premises at which milk-producing cows are kept; and

“shop premises” means premises from which any food is sold to the final consumer.

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| F3 | Words in Sch. 6 para. 8 inserted (13.12.2014) by The Food Safety and Hygiene (England) (Amendment) Regulations 2014 (S.I. 2014/2885) , regs. 1, 2(4)(c)(i) |
| F4 | Words in Sch. 6 para. 8 inserted (13.12.2014) by The Food Safety and Hygiene (England) (Amendment) Regulations 2014 (S.I. 2014/2885) , regs. 1, 2(4)(c)(ii) |
| F5 | Words in Sch. 6 para. 8 inserted (13.12.2014) by The Food Safety and Hygiene (England) (Amendment) Regulations 2014 (S.I. 2014/2885) , regs. 1, 2(4)(c)(iii) |

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