

Subsidiary Legislation made under ss.23, 24, 27 and 58.

**Milk and Dairies Regulations****1964.05.26-1**

		<i>Commencement</i>	<b>21.8.1964</b>
Amending enactments	Relevant current provisions		Commencement date
1964.11.25	reg. 4(3)-(4)		
1970.05.28	regs. 2-4, 5(1)-(3), (6), 11(1), (4), 19, 24, Sch. 1		
LN. 1978/099	rr. 2, 18-22, Schs. 1-3		
1978/102	rr. 19 ( <i>corrigendum</i> )		
1979/068	Sch. 3 ( <i>corrigendum</i> )		
1987/022	rr. 2, 5(6), 16(2), 18-23, 25,		1.8.1987
1988/003	rr. 5, 9-11		1.2.1988
1998/109	rr. 9-11		26.11.1998

**1964-07**

Food and Drugs

**1964.05.26-1**

**Milk and Dairies Regulations**

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**1964-07**

**Food and Drugs**

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**Milk and Dairies Regulations**

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**Title.**

1. These regulations may be cited as the Milk and Dairies Regulations.

**Interpretation.**

2. In these Regulations, unless the context otherwise requires,—

“dairy” includes any farm, cowshed, goatshed, milking house, milkstore, milk shop, or other premises from which milk is supplied on or for sale, or in which milk is kept or used for the purpose of sale or of manufacture into butter, cheese, dried milk or condensed milk for sale, or in which vessels used for the sale of milk are kept, but does not include a shop from which milk is supplied only in properly closed and unopened vessels in which it is delivered to the shop, or a shop or other place in which milk is sold for consumption on the premises only as, or as part of, a meal or refreshment;

“dairyman” includes an occupier of a dairy, a cowkeeper, a goatkeeper and a purveyor of milk;

“dairy farm” means any farm, cowshed, goatshed, or other premises being a dairy on which milk is produced from cows or goats, but does not include any part of any such farm or premises on which milk is manufactured into other products unless the milk produced on the farm or premises forms a substantial part of the milk so manufactured;

“dairy farmer” means a dairyman who produces milk from cows or goats;

“distributor” means a person trading as a dairyman elsewhere than at or from a dairy farm but does not include any purveyor of cream in the hermetically sealed containers in which it is delivered to his premises provided that such a purveyor is not otherwise a purveyor of milk;

“milk” means cow’s milk or goat’s milk intended for sale or sold for human consumption, or intended for manufacture into products for sale for human consumption, and includes cream, semi-skimmed milk, skimmed milk and separated milk, but does not include dried milk or condensed or evaporated milk;

“milk product” means any food intended for human consumption which consists wholly or mainly of milk with or without colouring matter, flavouring or sweetening and includes butter, cheese, dried milk and condensed (including evaporated) milk;

“milk room” means any part of a dairy, not being a milking house or premises which constitute a dairy solely by the reason of the sale thereof of milk in open containers for consumption elsewhere or off the premises, in which milk is cooled, processed, handled or stored or manufactured into milk products;

“notifiable disease” means food poisoning, gastro-enteritis and a disease notifiable under the Public Health Act;

“purveyor” includes any person who sells milk, whether wholesale or by retail;

“registered premises” means any building or other premises required to be registered under the provisions of these regulations;

“ultra heat treated” in relation to milk means treated and dealt with in accordance with the provisions of Part III of Schedule 1.

**Enforcement.**

3. The Government shall enforce and execute the provisions of these Regulations.

**PART I.**

**DAIRY FARMS AND DAIRY FARMERS.**

**Dairy farmer to be licensed.**

4.(1) No person shall carry on the trade of dairy farmer or use any premises as a dairy farm unless he is the holder of a licence for the purpose granted him by the Government, which licence the Government may grant or refuse in its discretion.

(2) The Government may attach to any licence granted by them under this regulation such conditions as they may deem expedient.

(3) Every person who is granted a licence under this regulation shall comply with the conditions attached to such licence and with any regulations which may, at any time, be made by the Governor in respect of, or in connection with, dairy farms and dairy farmers.

(4) In the event of any conditions imposed by the Government in any licence granted by them under this regulation being or becoming at variance with any provisions of any regulations made by the Governor, the provisions of the regulations shall prevail.

**PART II.**

**REGISTRATION OF DISTRIBUTORS AND OF DAIRIES OTHER THAN DAIRY FARMS.**

**Registers.**

5.(1) The Chief Environmental Health Officer shall keep a register or registers of persons carrying on the trade of distributor and of premises which are used as dairies, not being dairy farms, and shall remove from such register the name of any person who ceases so to trade and the address of any premises which cease to be so used.

(2) Any person who wishes to be so registered as a distributor or to have any premises registered under this regulation shall make application in writing to the Chief Environmental Health Officer.

(3) The Chief Environmental Health Officer may require an applicant for registration as a distributor to subject himself to a medical examination by him or by such other medical practitioner as the Chief Environmental Health Officer may specify.

(4) An application for the registration of any premises under this regulation shall specify—

(a) the purpose or purposes for which registration is applied for; and

(b) all the rooms and accommodation in the premises proposed to be used for those purposes.

(5) The premises registered under this regulation in pursuance of such an application as aforesaid shall not include any room or accommodation not specified in the application.

(6) Upon any change in the occupation of any premises registered under this regulation the incoming occupier shall, if he intends to use them for the purpose for which they are registered, forthwith give notice of the change to the Chief Environmental Health Officer who shall thereupon make any necessary alteration in the register.

A person required to give notice under this paragraph who fails to do so is guilty of an offence and is liable to a fine of £25.

(7) No person shall carry on the trade of distributor or use any premises as a dairy, not being a dairy farm, unless he or, as the case may be, those premises are registered in pursuance of this regulation.

**PART III.****GENERAL PROVISIONS AS TO BUILDINGS AND WATER SUPPLIES.****Milk rooms to be in suitable premises.**

6.(1) No person shall use as a milk room or for the handling, processing or storage of milk, any building, or part of a building, which is so situated or constructed as to give rise to the risk of contamination of the milk.

(2) No person shall use as a milk room or for the handling, processing or storage of milk, any building or part of a building (other than a cold store) on registered premises, which is not provided with a sufficient number of openings suitably placed and so used as to secure that the air therein is kept in a fresh and wholesome condition.

(3) No person shall use as a milk room or for the handling, processing or storage of milk, any building or part of a building in registered premises, which is not provided with such windows or such means of artificial lighting as are necessary to enable any handling or any process connected with milk to be conducted in good and proper light.

**Provision of water.**

7.(1) All registered premises shall be provided with a supply of water suitable and sufficient for the requirements of these regulations.

(2) Every receptacle used for the storage or conveyance of water shall be emptied and cleansed as often as necessary to prevent the pollution of the water and to maintain it in a suitable condition for the purpose for which it is required.

**Cleansing of premises. etc.**

8. The occupier of any milk room or building or part of a building in which milk is handled, processed or stored or is kept for the purpose of sale or of manufacture into any milk product for sale, shall—

- (a) cause the interior thereof and any furniture and fittings therein to be cleansed as often as may be necessary to maintain them at all times in a state of thorough cleanliness; and
- (b) cause the surface of any floor or wall liable to splashing by milk or otherwise to be smooth and impervious and cause such floor or wall to be cleansed with water at least once in every day.

**PART IV.**

**PROVISIONS WITH REGARD TO INFECTION OF MILK.**

**Persons suffering from notifiable diseases.**

9. Every person having access to milk or to churns or other milk receptacles in or about any registered premises as soon as he becomes aware that he or any other member of his household is suffering from any notifiable disease shall notify the occupier of such premises of the fact and the occupier shall forthwith notify the Public Health Director.

**Persons suffering from infectious diseases to be examined.**

10.(1) Where the Public Health Director has cause to suspect that any person having access to milk or to churns or to other milk receptacles in or about any registered premises is suffering from or has recently been in contact with a person suffering from a disease liable to cause infection of milk or is in such a condition that there is a danger of his causing the milk to become infected, he may give notice to the occupier of such premises that he considers it necessary to make an examination of any or all of such persons; and where he gives such notice the occupier and every person concerned shall give to the Public Health Director all reasonable facilities for making such examination.

(2) Where from the result of such examination or otherwise the Public Health Director is of the opinion that the employment of any such person is likely to lead to the spread of any disease he may give notice in writing to that effect to the occupier of the registered premises and to the person concerned specifying the disease in question and requiring that, during a period to notice relates shall not handle vessels used for containing milk or in any way take part in the processing, handling, distribution or storage of milk.

(3) A person to whom a notice under subregulation (2) relates shall not and no dairyman shall knowingly allow any such person to handle vessels containing milk or in any way to take part in the processing, handling, distribution or storage of milk until the expiry of the period mentioned in the notice.

**Milk not to be sold from certain premises.**

11.(1) Where the Public Health Director is in possession of evidence which satisfies him or has reasonable grounds for suspecting in respect of any milk supplied from any premises whether registered or otherwise that any person is suffering from disease caused by the consumption of such milk or that such milk is infected with disease communicable to man, he may by notice in writing to the occupier of the premises specifying such evidence or, as the case may be, the grounds of such suspicion, require that no milk from those premises, or that no such milk therefrom as is specified, whether by reference to its category or place of origin, or both, in the notice, shall be sold for human consumption or used in the manufacture of products for human consumption.

(2) Any such notice shall operate until it is withdrawn.



(3) No person shall sell or use milk contrary to the terms of a notice given under this regulation.

(4) Where any person sustains any damage or loss by reason of a notice served under this regulation he shall be entitled to compensation from the Government unless—

- (a) disease was in fact caused by the consumption of milk supplied from the premises to the occupier of which the notice was addressed or, as the case may be, milk at those premises was infected with disease communicable to man; or
- (b) there were in fact reasonable grounds for suspicion by the Public Health Director.

(5) Section 57 of the Act shall apply in the event of any dispute as to compensation arising under subregulation (4).

**PART V.**

**GENERAL PROVISIONS FOR PROTECTING MILK AGAINST CONTAMINATION OR INFECTION.**

**Handling, etc., of milk.**

12.(1) Milk shall not be handled, processed or stored in any place where it is liable to become contaminated or infected. In particular it shall not be handled, processed or stored—

- (a) in any room used as a kitchen, scullery, living room or sleeping room; or
- (b) in any room or part of a building which communicates directly by door, window or otherwise with—
  - (i) any sanitary convenience, cesspool or receptacle for ashes or other refuse, or a boiler house or fuel store or a room in which an internal combustion engine is operated unless the exhaust is discharged into the external air;
  - (ii) any room which is used as a sleeping room or any room which is occupied by a person suffering from a notifiable disease; or
- (c) in any room or part of a building in which there is any direct inlet to a drain which is not suitably and properly trapped:

Provided that the foregoing provisions of this paragraph shall not be deemed to prohibit the use of an electric or gas boiler in a milk room.

(2) No article except—

- (a) milk or milk products;
  - (b) articles used in connection with the treatment, handling, storage or distribution of milk or milk products; or
  - (c) ice-cream, may be deposited in a milk room.
- (3) Vessels containing milk shall be properly covered or the milk shall be otherwise effectively protected from dust, dirt, flies or other sources of contamination.
- (4) No foul or noxious matter or soiled bed or body clothing shall be conveyed through any part of a building used for the keeping or storage of milk.
- (5) A milk room shall not be used for any purpose other than the cooling, processing and handling of milk, the manufacturing of milk into milk products, the storage of milk, milk products or ice-cream and the cleansing of utensils used for milk or milk products but this paragraph shall not be deemed to prohibit the use of a milk room for cleansing bottles which immediately before cleansing have contained any food of a kind commonly sold by dairymen.

**Cleanliness of clothing.**

13.(1) Every person engaged in the distribution or measuring of milk or otherwise having access to churns or other milk receptacles, shall keep his outer clothing and person clean at all times when so engaged.

(2) Every person having access to milk in open containers, otherwise than a person engaged in the transport or delivery of milk, shall wear a clean and washable overall and a clean and washable head covering.

(3) Every person engaged in a milk room shall at all times when so engaged—

- (a) keep any open cut or abrasion on any exposed part of his person covered with a suitable waterproof dressing;
- (b) refrain from spitting;
- (c) refrain from the use of tobacco (including snuff).

(4) The occupier of all premises where milk is handled, sold or stored, shall provide thereon facilities for persons mentioned in subregulation (1) to wash and cleanse themselves, including an adequate supply of soap, or other suitable detergent, nail brushes, and clean towels or other suitable drying facilities and clean water:

Provided that this paragraph shall not apply in relation to premises where no milk is kept otherwise than in sealed containers.

(5) The occupier of every dairy shall provide and maintain thereon, in a readily accessible position, for the use of all persons engaged in the handling of milk on or about that dairy suitable and sufficient bandages, dressings (including waterproof dressings) and antiseptic for first aid treatment.

#### **PART VI.**

#### **PROVISIONS RELATING TO THE CLEANSING AND STORAGE OF VESSELS, UTENSILS AND APPLIANCES.**

##### **Approved receptacles.**

14. No person shall use, or cause to be used, for the treatment or handling of milk, any receptacle or appliance, other than a carton or similar non-returnable container, which is incapable of being readily cleansed.

##### **Cleanliness of vessels containing milk.**

15.(1) Every distributor shall ensure that every vessel (including the lid) used for containing milk shall, immediately before use by him, be in a state of thorough cleanliness, and if he has reason to believe that since last being used for containing milk, any such vessel has not been cleansed in accordance with the provisions of this regulation or has, subsequent to such cleansing been rendered unclean, shall cause the vessel to be cleansed or recleansed, as the case may be, and if he is unable so to cleanse or recleanse the vessel he shall not use it for containing milk.

(2) Every distributor shall cause any appliance used by him for any purpose for which it is brought into contact with milk to be cleansed in accordance with this regulation and to be, immediately before use, in a state of thorough cleanliness.

(3) All vessels and appliances shall be cleansed in a place where they are not liable to become contaminated and after cleansing they shall, when not in use, be stored in a clean place and shall be protected from dust, dirt and contamination. Cartons and similar non-returnable containers, bottle-caps and filter media shall, before use, be stored in a clean place and shall be protected from dust, dirt and contamination.

(4) Every distributor on despatching empty, after they have contained milk, any vessels other than milk bottles shall cause such vessels to be cleansed in accordance with the provisions of this regulation and to be securely closed.

(5) For the purpose of cleansing or recleansing any vessel or appliance in accordance with the provisions of this regulation, such vessel or appliance shall as soon after use as is practicable be thoroughly rinsed and washed with or without detergents and, before it is used again, shall be scalded with boiling water or steam, but this paragraph shall not be deemed to require that any glass bottle which is effectively cleansed in a bottle-washing machine shall be scalded with boiling water or steam.

**PART VII.**

**CONVEYANCE AND DISTRIBUTION OF MILK.**

**Vessels not to be opened in course of conveyance.**

16.(1) Except in pursuance of statutory authority in that behalf, no person shall open any vessel or other receptacle containing milk in the course of conveyance or distribution or transfer such milk from one receptacle to another at any place other than registered premises:

Provided that this regulation shall not apply when milk is sold otherwise than in bottles or cartons—

- (i) on final delivery on a retail sale; or
- (ii) as, or as part of, a meal or refreshment.

(2) Except in the case of a bottle or carton in which milk is imported and is intended to be delivered to consumers, every person shall cause every bottle or carton in which he intends to deliver milk to consumers to be filled and closed on registered premises; and except -

- (a) in pursuance of statutory authority in that behalf; or
- (b) where milk is being sold as, or as part of, a meal or refreshment,

no person shall remove or tamper with any cap or other device used for closing the bottle at any time after it has left such premises and before it is delivered to the consumer.

**Protection of milk.**

17. Every person engaged in the sale, conveyance or distribution of milk shall use all practicable precautions for preventing the milk from being unnecessarily exposed to heat and from being contaminated by dirt, dust, rainwater or otherwise.

**PART VIII.**

*Revoked*

18. to 21 *Revoked*

**PART IX.**

*Revoked*

22. to 23 *Revoked*

**PART X.**

**IMPORTATION OF COWS AND GOATS.**

**Permission to import cows or goats.**

24.(1) No person shall import a cow or goat whether or not for the production of milk for sale unless and until he has obtained a permit therefor from the Government which permit the Government may grant or refuse in its absolute discretion.

(2) The Government may attach to any permit granted by them under this regulation such conditions as they deem expedient.

**PART XI.**

**PENALTIES.**

**Penalty.**

25. If any person contravenes or fails to comply with any of the foregoing provisions of these regulations, except regulation 5(6), he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.