

[Chap6705]CHAPTER 67:05

MILK AND MILK PRODUCTS

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43 of 1971

G.N. 161/1972

20 of 1986

An Act to provide for the improvement and control of the production, processing and marketing of milk and milk products

[1ST NOVEMBER 1972]

[Ch6705s1]1. Short title

This Act may be cited as the Milk and Milk Products Act.

[Ch6705s2]2. Interpretation

In this Act, unless the context otherwise requires—

“milk” means exclusively the normal mammary secretion obtained from one or more milkings from cows and other bovines without either addition thereto or extraction therefrom;

“milk product” means any product exclusively derived from milk, such as butter, cheese, ghee, cream, dried milk or condensed milk, whether or not substances necessary for the manufacturing

process but not intended to take the place in part or in whole of any milk constituent have been added thereto;

“premises” includes any building together with the land on which it is situated and the adjoining land used in connexion therewith, and includes any vehicle, conveyance or vessel;

“producer” means a person owning or having control of animals from which milk is obtained;

“sale” includes supplying milk under arrangements for free supply or in the course of any business otherwise than under such arrangements.

[Ch6705s3]3. Power to make regulations

(1) The Minister may make regulations for the better carrying out of the purposes of this Act, and without prejudice to the generality of the foregoing such regulations may make provision for—

(a) prescribing grades for milk or any form of milk product, and minimum standards to which such milk or milk product shall conform, whether as a condition of importation or of exportation or of sale within Malawi;

(b) fixing the price to be paid for any grade or type of milk or milk product to producers, manufacturers, processors, distributors or sellers, with power to fix different prices on a basis of quota or for different seasons or circumstances;

(c) prescribing the manner of handling, transporting and storing of any milk product intended for the use of or consumption by any person other than the producer thereof;

(d) regulating and controlling the production, manufacture, processing, distribution or sale of any form of milk or milk product;

(e) imposing a levy or cess on any form of milk or milk product, or imposing different rates as between different forms of produce, or as between produce for export and produce for consumption in Malawi;

(f) prescribing the terms and form in which contracts for the sale of milk by producers, other than producers who sell direct to consumers, shall be made;

(g) providing for the creation and administration of schemes for the pooling of milk or milk products by producers in such area or areas as may be prescribed and for the distribution to producers of the proceeds of sale of such milk or milk products after deduction of such expenses as may be prescribed;

(h) controlling and regulating premises used in connexion with the production, manufacture, processing, distribution or sale of milk or milk products, including the design, standards, construction and maintenance of such premises;

(i) the inspection, examination, treatment and control of animals or stock feed used in connexion with the production of milk or milk products;

(j) requiring the registration and licensing, in such manner and upon payment of such fees as may be prescribed, of producers, manufacturers, processors, distributors and sellers of milk or milk products, and of any premises used by them;

(k) controlling or regulating the importation or exportation of milk or milk products;

(l) prescribing fees or charges for services rendered under this Act;

(m) requiring returns, reports and estimates to be furnished by producers, manufacturers, processors, distributors and sellers of milk and milk products;

(n) prescribing the forms of applications, and of licences, marks, registers and all other documents to be used for the purpose of this Act;

(o) prescribing the manner of marking articles intended for use in connexion with milk or milk products, including wrappers or packages intended to contain milk or milk products;

(p) prescribing the qualifications, powers and duties of inspectors and other persons appointed to exercise powers and perform duties under this Act, including the power to enter premises used in connexion with the production, manufacture, processing, distribution or sale of milk or milk products for the purposes of this Act;

(q) for the examination, inspection, analysis and testing of milk or milk products or any article used in connexion with milk or milk products or the production, manufacture, processing, distribution or sale thereof, prescribing charges in respect thereof, and the conditions upon and the manner in which samples of such milk, milk products or articles may be taken, whether compulsorily or otherwise;

(r) authorizing the opening by prescribed persons or officers, for the purpose of inspection, of any package which contains or is reasonably thought to contain milk or milk products;

(s) prescribing the books, accounts, vouchers and records to be kept by persons carrying on business in milk or milk products;

(t) authorizing the examination and inspection by prescribed persons or officers of all books and documents relating to the production, manufacture, processing, distribution or sale of any milk or milk product.

(2) Regulations made under subsection (1) may be made to apply to the whole of Malawi or to specified areas of Malawi, and different regulations may be made in respect of different areas of Malawi or for different grades of milk or for different types of milk products.

[Ch6705s4]4. Establishment of daily advisory committee

(1) The Minister may by order establish a dairy advisory committee for the whole of Malawi, or for such areas of Malawi as may be specified in such order, or may establish separate dairy advisory committees for different areas of Malawi.

(2) The functions of the dairy advisory committee, or dairy advisory committees established under subsection (1), shall be to advise the Minister on the development of milk production, the premises used therefor, systems of distribution, and the sale of milk and milk products.

[Ch6705s5]5. Establishment of national milk marketing board

(1) When the Minister considers it necessary or advisable in the interests of the milk or milk products industry, or the country as a whole, he may, by order, establish a national milk marketing board, which may be a body corporate, and shall have such powers and functions as the Minister shall in such order specify.

(2) The powers and functions of the national milk marketing board shall, in accordance with any special or general directions of the Minister, include the formulation, development, co-ordination and administration of a national policy with regard to milk and milk products, covering all aspects of milk production, the manufacture, processing, sale and distribution of milk and milk products, maximum and minimum prices, the importation and exportation, the standards and quality of milk and milk products.

(3) When the Minister has established a national milk marketing board in accordance with this section, any dairy advisory committee or all dairy advisory committees established under section 4 shall, from the date of such establishment, cease to function.

[Ch6705s6]6. Establishment of specialized bodies

20 of 1986(1) Where the Minister considers it desirable so to do in order to foster the development of the milk and milk products industry, he may, by Order published in the Gazette, establish specialized bodies to engage in such commercial activities in the production or marketing of milk and milk products as he may specify in such Order.

(2) A body established under subsection (1) may be a body corporate and shall have such powers as the Minister may specify in the Order.

[Ch6705s7]7. Appointment of inspectors, etc.

The Minister may appoint suitable persons to be inspectors, milk tester-graders or samplers or other officers for the purposes of this Act, who shall exercise such powers as may be specified in regulations made under this Act.

SUBSIDIARY LEGISLATION

MILK AND MILK PRODUCTS (DAIRY ADVISORY COMMITTEE) (ESTABLISHMENT) ORDER

under s. 4

G.N. 31/1973

1. Citation

This Order may be cited as the Milk and Milk Products (Dairy Advisory Committee) (Establishment) Order.

2. Establishment of a Dairy Advisory Committee

A Dairy Advisory Committee for the Southern Region, to be known as the Southern Region Dairy Advisory Committee, is hereby established.

MALAWI DAIRY INDUSTRIES CORPORATION (ESTABLISHMENT) ORDER

under s. 6

G.N. 45/1987

PART I

PRELIMINARY

1. Citation

This Order may be cited as the Malawi Dairy Industries Corporation (Establishment) Order.

2. Interpretation

In this Order—

“Board” means the Board of Directors of the Corporation appointed under paragraph 4.

PART II

ESTABLISHMENT AND COMPOSITION OF THE MALAWI DAIRY INDUSTRIES CORPORATION

3. Establishment of the Corporation

There is hereby established a body to be known as the Malawi Dairy Industries Corporation which shall—

(a) be a body corporate with perpetual succession and a common seal;

(b) in its corporate name, be capable of suing and being sued;

(c) be capable of holding, purchasing and otherwise acquiring and disposing of any property, moveable or immoveable, for the purposes, or in the course, of carrying out its functions; and

(d) be capable of doing and performing all such acts and things as bodies corporate may by law do and perform.

4. Board of the Corporation

The operations of the Corporation shall be managed and controlled by a Board of Directors which, subject to the special or general directions of the Minister, may exercise all the powers of the Corporation.

5. Composition of the Board

(1) The Board shall consist of—

(a) one member appointed by the Minister and designated by him as chairman of the Board;

(b) two members appointed by the Minister from the private sector, one as representative of the retail trade, and the other as representative of consumers, of dairy products;

(c) two members representing the interests of producers appointed by the Minister, one as representative of smallholder producers and the other as representative of estate producers, of dairy products;

(d) the following ex officio members—

(i) the Secretary for Agriculture or his representative;

(ii) the Secretary to the Treasury or his representative;

(iii) the Secretary to the President and Cabinet or his representative; and

(iv) the Secretary for Trade, Industry and Tourism or his representative;

(v) the Chief Veterinary Officer.

(2) A member of the Board shall, subject to the power of the Minister at any time to terminate the appointment of that member, or unless he otherwise ceases to be a member, hold office for such period, not exceeding two years, as the Minister may specify in the instrument of appointment or, if no such period is specified, for a period of two years from the date of his appointment, and shall be eligible for re-appointment.

(3) Any member of the Board may at any time resign his membership by giving notice in writing to the Minister, and from the date specified in the notice he shall cease to be a member of the Board.

(4) A member of the Board shall be paid out of the funds of the Corporation such allowance as the Minister may from time to time determine.

(5) Upon the appointment of the Board and upon every appointment thereto of a member, the Minister shall cause notice of such appointment to be published in the Gazette and such notice shall specify the current membership of the Board resultant upon such appointment.

(6) Where any member of the Board ceases to be a member before the normal expiration of the term of his office, the Minister may appoint another person in his stead to hold office until the expiry of the term.

(7) In subparagraphs (2), (3), (4), (5) and (6) of this paragraph—

“member” means a member of the Board who is not an ex officio member.

6. Procedure at meeting of the Board

(1) The Board shall meet at such times and places as may be necessary or expedient for the transaction of its business.

(2) At any meeting of the Board five members thereof shall constitute a quorum.

(3) The Board may elect any member thereof to be vice-chairman of the Board.

(4) At any meeting of the Board the chairman shall preside or, in the absence of the chairman, if a vice-chairman has been elected the vice-chairman shall preside or, if no vice-chairman has been elected or if the vice-chairman is also absent, the members present at the meeting shall elect one of their number to be chairman for that meeting.

(5) In the event of an equality of votes, the chairman of the meeting shall have a casting vote in addition to his deliberative vote.

(6) Minutes in proper form of each meeting of the Board shall be kept and shall be confirmed by the Board at the next meeting and signed by the chairman of that next meeting.

(7) Subject to this paragraph and to any directions given by the Minister, the Board may regulate its own procedure.

(8) The Board may in its discretion invite any person, and the Minister may nominate any officer in the public service to attend any meeting of the Board, and such person or officer may, with the consent of the chairman of the meeting, speak but shall not be entitled to vote at that meeting.

7. Vacancies, etc., not to invalidate proceedings

Subject to the provisions of paragraph 3 relating to a quorum, the Board may act notwithstanding any vacancy in the membership thereof and no act or proceedings of the Board shall be invalid by reason only of some defect in the appointment of a person who purports to be a member thereof.

8. Members not deemed public officers

A member of the Board shall not, by virtue only of his membership, be deemed to be an officer in the public service or an officer of the Corporation.

9. Committees of the Board

(1) The Board may, with the consent of the Minister, establish one committee or more to carry out any special or general functions determined by the Board and may delegate to any such committee such of the functions and powers of the Board as the Board may consider expedient.

(2) The chairman of the Board shall, by reason of his office, be a member of every committee established pursuant of subparagraph (1).

(3) The chairman of each committee shall be appointed by the Board from amongst the members of the Board.

(4) Each committee may co-opt as members of such committee persons who are not members of the Board and any of such members so co-opted may or may not be officers in the public service.

(5) The chairman of each committee may, at any time and at any place, convene a meeting of the committee of which he is chairman.

(6) The Board may, at any time, direct the chairman of any committee to convene a meeting of such committee and such chairman shall, as soon as is practicable, comply with such direction.

(7) Every committee shall keep minutes of its meetings and shall inform the Board of its activities and shall conduct its proceedings in such manner as the Board may direct.

(8) The Minister may nominate any officer in the public service to attend any meeting of any committee, and that officer may take part in the proceedings of any such meeting as if he were a member of such committee, save that he shall not be entitled to vote thereat.

(9) Any member of a committee who is not an officer in the public service shall, in respect of expenses incurred by him in travelling and subsistence while discharging his duties as such member of that committee, be paid out of the funds of the Corporation, such allowances as the Board may determine and as may be, either generally or specially, approved by the Minister.

PART III

PURPOSES, FUNCTIONS AND POWERS OF THE CORPORATION

10. Purpose of the Corporation

The purpose of the Corporation shall be to foster a commercial basis—

(a) the improvement and multiplication of livestock for the production of milk and milk products;

- (b) the manufacture, processing, sale and distribution of milk and milk products.

11. Functions of the Corporation

(1) The functions of the Corporation shall be to engage, on a commercial basis, in—

- (a) the production of livestock for the production of milk and milk products;
- (b) the processing of milk and milk products;
- (c) purchasing, from smallholder and estate producers, milk of acceptable commercial standard and quality;
- (d) the establishment and operation of factories and other processing and marketing infrastructure necessary for the fulfilment of its functions and for furthering the development of dairy farming as a viable economic enterprise for both smallholder and estate farmers;
- (e) the processing of milk and milk products to standards suitable for human consumption;
- (f) the production, marketing or otherwise disposing, within Malawi, of the Corporation's milk and milk products, livestock and crops; and the Corporation may, with the approval of the Minister and subject to any other written law, export any quantities and such products which are surplus to demand in Malawi;
- (g) the transportation of milk and milk products from designated centres and collection points to the processing factory or other processing facility; but so, however, that in carrying out this function it shall not be deemed to be the responsibility of the Corporation to develop such centres and collection points nor to subsidize the costs of such transportation to the processing facility.

(2) In the performance of its functions the Corporation shall be subject to the general or special directions of the Minister.

12. General powers of the Corporation

Subject to the provisions of the Act and to this Order and to any other written law, the Corporation shall have power for the purpose of carrying out its functions to do all such acts as appear to it to be necessary, desirable, advantageous or convenient for, or in connexion with, the carrying out of its functions or to be incidental or conducive to their proper discharge and may carry out its functions either alone or in association with any other person or body.

PART IV

MANAGEMENT OF THE CORPORATION

13. General Manager and other staff of the Corporation

(1) Subject to subparagraph (2), the Board shall appoint a General Manager of the Corporation who shall be the Chief executive officer of the Corporation and shall be entitled to be present and to speak, but not to vote, at meetings of the Corporation.

(2) The appointment of the General Manager of the Corporation and the terms and conditions of his service shall be subject to the approval of the Minister.

(3) Subject to the approval of the Minister, the Board may from time to time appoint, on terms and conditions determined by the Board, such other officers, clerks and servants, subordinate to the General Manager, as it considers necessary for carrying out the functions of the Corporation.

14. Pensions and other funds

(1) The Corporation may establish and maintain pension, superannuation, provident and other funds as it may consider desirable for the provision of payments or other allowances upon death, sickness, injury, superannuation, resignation, retirement or discharge of members of its staff.

(2) The Corporation may pay money out of the revenue of the Corporation to the funds referred to in subparagraph (1) and may provide for the contribution of moneys to such funds by members of its staff.

(3) The Corporation may contract with insurance companies and other bodies for the maintenance of any funds required for the purposes of this paragraph.

PART V

FINANCIAL PROVISIONS

15. Funds of the Corporation

(1) The funds of the Corporation shall consist of—

(a) such sums as may, from time to time, be payable to the Corporation from the moneys appropriated by Parliament for the purpose;

(b) such moneys or other assets as—

(i) shall vest in the Corporation by virtue of paragraph 22;

(ii) may accrue to or vest in the Corporation in the course of the exercise of its functions or power or otherwise;

(iii) may accrue to or vest in the Corporation by way of grants, subsidies, donations, bequests, gifts, subscriptions, rents, interest or royalties, from the Government or any other person or body;

(iv) such sums as are derived from the sale of any property, moveable or immoveable, by or on behalf of the Corporation.

16. Investment

The Corporation may, with prior written approval of the Minister given either generally or specially and subject to such conditions as he may impose, invest such part of its funds as are not for the time being required for the purposes of its operations.

17. Accounts

(1) The Corporation shall keep proper accounts and other records in relation thereto and shall prepare in respect of each financial year of the Corporation a statement of accounts in a form which conforms to the best commercial standards or in a form which the Minister may otherwise direct.

(2) Subject to any directions given by the Minister for the time being responsible for Finance under section 45 of the Finance and Audit Act, the accounts of the Corporation for each financial year shall be audited and reported upon within six months after the end of that financial year by professional auditors appointed in respect of that financial year by the Board and approved by the Minister. Cap. 37:01

(3) As soon as the accounts of the Corporation for a financial year have been audited, the Corporation shall send to the Minister a copy of the statement of accounts prepared in respect of that financial year together with a copy of the report of the auditors and the report upon its work and operations during that financial year.

18. Conduct of financial affairs

Subject to the provisions of the Finance and Audit Act, the Corporation shall conduct its financial affairs in a manner commensurate with the best commercial practices. Cap. 37:01

19. Borrowing powers of

Subject to the provisions of section 31 (1) of the Finance and Audit Act, the Corporation may borrow, by way of overdraft, loans or otherwise, such sums as it may require for meeting its obligations or carrying out its operations. Cap. 37:01

20. Financial year

The financial year of the Corporation shall be a period of twelve months ending 30th September each year;

Provided that the first financial year of the Corporation may be a period shorter or longer than twelve months, but not exceeding twenty-four months, ending on 30th September of such year as the Minister may specify by general notice published in the Gazette.

PART VI

MISCELLANEOUS PROVISIONS

21. Execution of documents

(1) All deeds, instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the Corporation—

(a) if sealed with the common seal of the Corporation and signed by two members of the Board designated for that purpose;

(b) if executed in that behalf by the chairman of the Board, or other member thereof appointed by the Board for that purpose, and by the General Manager or any other officer of the Corporation acting in that office.

(2) A deed, instrument, contract or other document executed in accordance with subparagraph (1) shall, subject to any exception that may be taken thereto on any ground other than that of the competence of the party executing the same on behalf of the Corporation, be effectual in the law to bind the Corporation and its successors thereto and may be varied or discharged in like manner as that in which it was executed.

PART VII

TRANSITIONAL

22. Transfer of assets, etc.

(1) All property, assets, rights, liabilities (except those liabilities relating to the Malawi Milk Marketing Project which by agreement with the Government, may be converted into equity capital of the Corporation held by the Government), obligations, agreements and other arrangements (other than arrangements with foreign Governments or other foreign donor agencies) existing at the commencement of this Order and vested in, acquired, incurred or entered into by or on behalf of the Government in respect of—

(a) the Malawi Milk Marketing Project; and

(b) the Malawi/Canada Dairy Cattle Development Project, shall, upon the commencement of this Order, be deemed to have vested in or to have been acquired, incurred or entered into by or on behalf of the Corporation and shall become enforceable by or against the Corporation to the same extent as they were enforceable by or against the Government.

(2) Where the transfer of any property transferred to or vested in the Corporation under subparagraph (1) is required by any written law to be registered, the Board shall, within one year from the commencement of this Order or within such other period as the written law may prescribe, apply to

the appropriate registering authority for the registration of the transfer and thereupon the registering authority shall, at no cost to the Corporation or any person by way of registration fees, stamp or other duties—

(a) make such entries in the appropriate register as shall give effect to the transfer;

(b) where appropriate, issue to the Corporation a certificate of title or other statutory evidence of ownership of the property or make such amendments on such certificates or in the appropriate register as may be necessary; and

(c) make any necessary endorsements on such deeds or other documents as may be presented to such registering authority relating to the title, right or obligation concerned.

MILK AND MILK PRODUCTS REGULATIONS

ARRANGEMENT OF REGULATIONS

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MILK AND MILK PRODUCTS REGULATIONS

under s. 3

PART I

PRELIMINARY

- 1. Citation

These Regulations may be cited as the Milk and Milk Products Regulations.

2. Interpretation

In these Regulations—

“approved laboratory” means the Central Veterinary Laboratory located in Lilongwe or any other laboratory which the Minister may approve from time to time for the examination of milk and milk products;

“butter” means the fatty product derived from gathering the milk fat or cream into a mass that may also contain a portion of other milk constituents not separated in good manufacturing practice and may contain salt or food colour; and

- (a) not less than 80 per cent of butter fat;
- (b) not more than 2 per cent solid not fat milk; and
- (c) not more than 16 per cent of water;

“cheese” means any cheese made by coagulating the casein of whole milk, cream, skim milk, recombined whole or skim milk or mixtures thereof with or without the addition of proportionately small amount of other ingredients such as ripening ferments, rennet, harmless acid producing bacterial cultures, special mould cultures, salt seasoning, flavouring and colouring materials and preservatives;

“chocolate milk” means the milk made from—

- (a) milk, milk powder, skim milk powder;
- (b) cocoa or chocolate; and
- (c) sweetening agent,

and contains food colour and flavouring preparations, pH stabilizing agent, stabilizing agent; salt and contain not less than 1 per cent milk fat;

“cottage cheese” means the product in the form of discrete curd particles prepared from skim milk, recombined skim milk, harmless lactic acid producing bacterial cultures with or without milk, creat rennet salt and other harmless additives;

“cream” means a portion of milk which contains not less than 18 per cent milk fat;

“cultured or lactic acid fermented dairy product” means a product made by fermenting cream, whole milk, skim milk, recombined skim milk powder or a mixture thereof by means of an appropriate bacterial culture and/or desirable enzymes with or without the addition of salt, stabilizer, flavouring and food colouring material and preservatives and includes yoghurt, buttermilk, sour cream and salad cream;

“dairy farm” means the place at which cows are kept for the production of milk;

“dairy plant” includes every place or building where milk is received from dairy farmers and dairy products are processed, manufactured or pasteurized; but does not include the operation and use of any freezing device in restaurants and retail establishments by means of which ice cream mix prepared from a commercial ice cream mix powder or purchased as a liquid mix from a licensed dairy plant, is frozen;

“dairy product” includes products that originate from raw milk and may or may not have harmless food additives;

“distributor” means any person who distributes or retails or supplies milk to any person whether or not for gain or reward;

“farm dairy” means the duly licensed location for the milking of cows and the preparation of milk for delivery;

“flavoured milk” means milk made from milk, milk powder, skim milk or skim milk powder; a flavouring preparation and a sweetening agent which may contain a food colour; stabilizing agent; salt and not less than 0.05 per cent milk fat;

“ghee” means the fatty product obtained by the evaporation of the water content by boiling and the removal of milk solids not fat by decantation containing not less than 99.9 per cent of milk fat subsequent to the destabilization of the milk fat emulsion of milk, cream or butter and may contain traces of water and milk solids not fat;

“homogenized milk” means milk that has been subjected to a mechanical treatment that prevents separation of the milk fat to such an extent that after 48 hours of quiescent storage no visible cream separating appears on the milk, and the fat percentage of the top 100 millilitres of milk in a one litre cylinder, or proportionate volumes in containers of other sizes, does not differ by more than 10 per cent of itself from the fat per cent of the remaining milk after thorough mixing;

“ice cream” means the frozen food made from ice cream mix by freezing and may contain cocoa and its products, fruit, nuts, confections and flavouring preparation; and made from mix containing 36 per cent solids, 10 per cent fat and shall contain not more than 10,000 bacteria per gram and 10 coliform organisms per gram;

“ice cream mix” means the unfrozen pasteurized combination of cream, milk, other milk products and other edible oils, sweetened with sugar (sucrose) and other sweeteners and may contain emulsifiers, including egg, stabilizing agent (maximum 0.5 per cent), emulsifier (maximum 1 per cent) flavouring preparations, food colour, pH adjusting and sequestering agents and contains not less than 36 per cent solids and 10 per cent fat;

“ice milk” means the frozen food made from ice milk mix by freezing and containing—

- (a) the constituents of ice cream;
- (b) not less than 10 per cent solids;
- (c) not less than 2 per cent milk fat or other edible fat; and
- (d) the same bacterial standards as ice cream;

“ice milk mix” means the unfrozen pasteurized constituent of ice milk which contains not less than 33 per cent solids and 3 per cent fat;

“inspector” means the Chief Veterinary Officer or any other person duly authorized to supervise the application of these Regulations;

“label” means that part of a container which conveys the information as required of a dairy product label (as detailed in these Regulations);

“milk collection centre” means the duly licensed location established for the purpose of receiving and bulking milk or cream;

“milk grader” means a person duly licensed to certify the quality of milk in accordance with the standards set forth in these Regulations;

“Ministry” means the Ministry of Agriculture;

“pasteurization” means the process of heating every particle of the milk—

(a) to a temperature of not less than 63 degrees centigrade, holding it at such temperature for not less than 30 minutes and then immediately cooling it to a temperature of 8 degrees centigrade or lower with the holding method of pasteurization; or

(b) to a temperature of not less than 72 degrees centigrade, holding it at such temperature for not less than 16 seconds, and then immediately cooling it to a temperature of 8 degrees centigrade or lower in high temperature short-time pasteurization equipment; or

(c) in any other manner and with equipment approved by the Minister;

“raw milk” means milk which has been homogenized and contains not less than 3 per cent BF;

“reconstituted or recombined milk” means milk prepared by recombining butter fat from butter or butter oil with skim milk powder and water;

“registered producer” means a producer registered under regulations whose premises, equipment and milk holding methods meet the requirements for the production of premium or bonus grade milk;

“skim milk” means milk from which a sufficient portion of milk fat has been removed to reduce its milk fat content to less than 0.1 per cent;

“shebert” means a frozen food, other than ice cream or ice milk, made from a milk product and may contain—

- (a) water;
- (b) a sweetening agent;
- (c) fruit or fruit juice;
- (d) citric or tartaric acid;
- (e) a flavouring preparation;
- (f) a food colour;
- (g) stabilizing agent (not more than 9.75 per cent); and contains—
 - (i) not more than 5 per cent of milk solids including milk fat or other edible fat, and
 - (ii) not less than 0.35 per cent acid determined by filtration and expressed as lactic acid;

“standard or standardized milk” means milk of which the composition, particularly the milk fat portion is lowered below that of milk or skim milk, and the minimum milk fat is one and a half per cent;

“whipping cream” means cream which contains not less than 32 per cent milk fat;

“whole milk” means exclusively the normal mammary secretion obtained from one or more milkings of cows without either addition thereon or extraction therefrom.

3. Application of regulations

Except where otherwise specified, these Regulations shall apply to—

- (a) classes of milk, fluid milk products as herein defined;
- (b) any milk used or the milk from which any constituent is used in the production of any fluid milk product; and
- (c) any milk used in the manufacture of butter, cheese, ice cream mix, ice cream and any dairy product approved by the Minister.

PART II

ADULTERATION OF MILK AND MILK PRODUCTS

4. Adulteration of milk and milk products

(1) No person shall sell, keep or offer for sale or supply milk or any milk product which has been adulterated.

(2) Except as is provided in these Regulations, milk shall be deemed to have been adulterated if—

- (a) any water has been added thereto;
- (b) any preservative or colouring matter has been added thereto;
- (c) any product or thing foreign to milk has been added thereto; or
- (d) any constituent of milk has been removed therefrom.

5. Adulteration by addition of water

(1) Any milk with a specific gravity of less than 1.028 measured with a lactometer shall be considered to be adulterated by the addition of water.

(2) Where milk samples are examined by the cryoscopic method for the determination of added water, milk which has a freezing point of 0.530 degree below zero centigrade or higher shall be considered to have been adulterated by the addition of water.

(3) The standardization of the milk fat content of milk at not less than 1.5 per cent by the addition of whole milk, skim milk or cream shall not be deemed to be an adulteration, but where any of these are added to milk, they shall be produced and supplied in accordance with these Regulations.

6. Adulterated fluid milk

Any fluid milk or fluid milk product shall be deemed to have been adulterated if—

(a) any product or thing not specified in the definition thereof in these Regulations has been added thereto; and

(b) any constituent of milk has been removed therefrom except such removals as may be required or permitted by these Regulations.

7. Prohibition of sale of misbranded milk Misbranded milk and milk product

No person shall sell, offer for sale or supply milk or a fluid milk product which is misbranded.

8. Misbranded milk and milk products

(1) Milk and milk products shall be deemed to be misbranded if the container or any label affixed thereto is not clearly printed in plain legible characters of not less than 10 point type with the following information—

(a) the class of milk or milk product contained therein in accordance with these Regulations;

(b) the word “pasteurized”, if the contents have been pasteurized;

(c) the word “standard” or “standardized” if the contents have been standardized;

(d) the percentage of milk fat if the contents are cream of low fat cream; and

(e) the identity of the plant at which the contents were processed and pasteurized.

(2) Subregulation (1) shall not apply to milk which is being brought into a plant from the premises of a producer or while such milk is on the premises of the producer.

(3) Notwithstanding subregulation (1), any dairy plant which has or any producer or distributor who has, when these Regulations come into force, a supply of containers or labels which do not comply with subregulation (1) may continue to use such containers or labels for a period not exceeding one year from the date of coming into force of these Regulations.

(4) Notwithstanding the provisions of subregulation (1), containers may be labelled with a trade or descriptive name in place of the name of the class of milk contained therein; provided that the Minister has approved the use of such trade or descriptive name.

PART III

MILK PRODUCTION AND MILK REGISTRATION

9. Requirements

(1) No person shall sell or offer for sale or supply any milk in fluid form without meeting the requirements approved by the Minister.

(2) In order to satisfy these requirements any person shall make his herd and premises available at any reasonable time for inspection by an Inspector.

10. Examination of herd

(1) At regular intervals as determined by the Minister, a producer or any other person shall have his herd examined and tested for the presence of tuberculosis, brucellosis, Str. agalactia mastitis and other diseases as may from time to time be specified by the Minister.

(2) In the case of positive reactors to the tuberculosis and brucellosis tests, the producer shall dispose of such reactors as ordered.

(3) In the case of Str. agalactia mastitis, the producer shall treat or cull infected cows as ordered.

(4) In the case of the diseases specified in subregulations (1), (2), (3) and other disease conditions, the producer shall abide by and carry out any directions given by the Minister.

11. Disease control facilities

(1) A registered producer shall have adequate tick control facilities available as prescribed by the Department of Veterinary Services and Animal Industry, and shall make use of these facilities and shall comply with the provision of Control and Diseases of Animals Act. Cap. 66:02

(2) Where it is found that any milking cow kept on the premises is in a condition which may be harmful to the quality of milk or cream produced or kept on such premises, the cow shall be removed or isolated and any other action shall be taken as may be instructed by the Department of Veterinary Services and Animal Industry.

12. Certificate of Registration

(1) No registered producer and person owning or operating a dairy farm or possessing one or more milk cows shall sell or offer for sale or supply to a licenced dairy plant or distribute any milk in fluid form in the premium or bonus grade without first obtaining a Certificate of Registration in Form I set out in the Schedule. Such Certificate shall specify the premises with respect to which it is issued and be limited to such premises.

(2) A Certificate of Registration under this regulation shall be valid for one year.

(3) Where the Minister is of the opinion that the holder of Certificate of Registration is producing or is in possession of, or supplying a product that is not suitable for human consumption; or is guilty of any breach of these Regulations, he may suspend or revoke the Certificate of Registration.

13. Inspection of dairy farm

(1) Before a Certificate of Registration is issued an inspection shall be made to the applicant's premises, herd and method of production, handling and storage of milk.

(2) No Certificate of Registration shall be issued except for premises where there is suitable and sufficient supply of water for domestic purposes, equipment washing and for cooling of milk and the use of livestock.

(3) Every receptacle used for the storage or conveyance of water shall be emptied and cleaned as may be necessary to prevent contamination of the water and such receptacle shall be maintained in a suitable condition for the purpose for which it is required.

14. Farm dairy

Every farm dairy where the cows are milked shall be a place distinct from where the cows are housed or held and shall meet the following minimal requirements—

(a) the milkshed shall be covered with a roof; with or without walls, adequately lighted and ventilated by natural or artificial means;

(b) the floor area or place of milking shall have a hard compact floor, not liable to form mud or pools of water when wet; and

(c) shall be sufficiently sloped to ensure effective drainage.

15. Milk equipment

(1) Milk equipment used during milking shall be—

(a) water containers that may be readily cleaned;

(b) milk pails of seamless construction internally and used only for the purpose of containing milk;

(c) udder cloths of the type generally used for the purpose of washing udders; and

(d) separate stiff bristle brushes, with bristles of an adequate length and sufficient number for the purpose of washing and scrubbing of the milk handling equipment.

(2) Where milk is filtered or strained after milking, only metal or plastic strainers of the type in which disposable filter pads or discs are inserted and which are discarded after each milking session shall be used.

(3) No milk shall be poured through a reusable filter cloth for the purpose of straining or filtering.

16. Equipment for conveyancing

Equipment for the transportation of milk following milking or for temporary holding of milk pending transport shall—

(a) be a type generally used for milk, free from internal seams, fitted with a cover of the mushroom or other pattern adequately covering the opening; or

(b) be uncoloured glass bottles or jars of a type that can be readily cleaned and brushed internally; fitted with hard texture bungs or stoppers or rubber of plastic material, or separate metal lid which can be cleaned.

17. Cleaning of equipment

(1) All milk equipment prescribed in regulation 16 and any other approved equipment shall be thoroughly cleaned immediately after use and as soon as possible following transportation of any milk and its transfer to another container at any collection or milk plant.

(2) The minimum cleaning requirements shall be—

(a) washing and brushing with water; and when detergents and sanitizers are used, the same shall not have pronounced odour which may subsequently taint the milk;

- (b) rinsing with clean water; and
- (c) drying without use of a drying cloth.

18. Treatment of udder cloth

(1) Udder cloths shall not be washed or rinsed together with other milk utensils or in the same water for this purpose but shall be washed or rinsed separately.

(2) After washing and rinsing, the udder cloths shall be hanged to dry over a line or shall be supported fully exposed to sunlight and circulation of air with the lower edges of the cloth at least one metre above the ground.

19. Storage of equipment

Any milking equipment shall, after cleaning and drying, be stored in a clean place to avoid contamination either directly or indirectly.

20. Quality control test

(1) The Minister may approve the use of sediment, lactometer alcohol, resazurin or methylene blue tests or any other tests as he may from time to time approve, to the milk of each registered producer in order to determine the quality of the milk and instruct such producer concerning these tests.

(2) At regular intervals of 12 months in the case of tuberculosis, and 3 months in the case of brucellosis and mastitis caused by *Str. agalactia*, a registered producer shall have his herd examined and tested by the inspectors or any other person duly authorized.

(3) Where the examination of the herd reveals the presence of—

- (a) tuberculosis by a positive tuberculin tests, the reactors shall be disposed of as directed;
- (b) brucellosis, the reactors shall be disposed of as directed and the herd shall be kept under observation by examination of samples of milk or blood until the herd is free of this disease;
- (c) mastitis caused by *Str. agalactia*, the registered producer; on notification of the presence of this disease in the herd; shall be given a period of 12 months in which to eradicate the infection by treatment and/or culling of infected cows from the herd as indicated through the testing of individual cows in the herd.

(4) Any registered producer who fails to comply with this regulation shall be liable to an imposition of a 10 per cent reduction in the price paid for the milk or to the loss of the quality bonus for premium quality milk or both.

21. Examination of employees

(1) Every registered producer who has reason to suspect that any person employed on his registered premises is suffering from a communicable disease possible of transmission through the medium of milk; shall within 12 days give notice to the relevant health officer, who may, if he deems it necessary, order such producer not to sell or offer for sale or supply for human consumption in fluid form any milk produced or kept on such premises until the danger from infection has been controlled.

(2) If an inspector suspects any person on registered premises to be suffering or having recently suffered from any communicable disease possible to transmission through the medium of milk or of being a carrier of such disease the inspector shall require that such person be examined by a registered medical practitioner.

PART IV

DAIRY PLANT LICENCE

22. Issue of licences for dairy plant

(1) No person shall operate or allow to be operated a dairy plant or other plant or factory in which milk is used, where any portion of the milk brought into such plant is sold, offered for sale, or supplied for human consumption in fluid form or its products without first obtaining a licence from the Minister. Such licence shall specify the premises with respect to which it is issued and be limited to such premises and shall be in Form IV set out in the Schedule.

(2) Every licence issued under this regulation shall be valid for a period of one year and may be suspended or revoked at any time, for any period, by written notice, if in the opinion of the Minister, any condition which may be unsatisfactory exists in such a plant, or for any breach of these Regulations.

23. Conditions of licence for the grant of licence

(1) Any application for the grant of a licence under this part, whether by way of renewal of an existing licence or otherwise, shall be in a Form IV set out in this Schedule.

(2) A plant licence shall not be issued for the operation of a dairy plant unless—

(a) the building plans, equipment, methods of processing, storing and handling of the milk by an applicant of a proposed plant have been approved or an inspection has been made of an existing plant to ensure that building, equipment, methods of processing, storing and handling of milk or its products meet the approval of the Minister;

(b) there exists on the premises adequate supply of suitable water for all requirements of such premises;

(c) there exists on the premises ample facilities for the cleaning and sanitizing by effective methods of all the milk handling equipment used on such premises, or in the delivering of milk and milk products to or from such premises; and

(d) there exist on the premises ample facilities for the cooling and cold storage under sanitary conditions of all milk products.

24. Appeals

(1) Where the Minister refuses to grant a licence or suspends or revokes a licence for violation of the Act or the Regulations made thereunder, a notice shall be served on the holder of the licence, or the applicant, informing him of the decision.

(2) The Minister's decision shall be final.

25. Condition for use of licence

(1) A licence to operate a dairy plant shall restrict the use of the facilities of such plant, including all the equipment installed therein for the receiving, processing and storage of milk and milk products and other compatible food products prior to delivery to the retail and wholesale distributors.

(2) The holder of a licence shall ensure that every person engaged or associated with the factory by way of employment or contract, whether at the milk plant or at a collection or cooling centre, or engaged in milk collection or delivery shall take all practical precautions for preventing milk and milk products from being unnecessarily exposed to heat from the sun, or contaminated by dirt, dust, water, rain or otherwise.

26. Cleaning of vehicles

(1) The holder of a licence shall ensure that the vehicles used for the conveyance of milk and milk products to, at and from the dairy plant, whether in cans or other containers—

(a) are maintained in a clean and sanitary condition;

(b) where a vehicle has been used for the conveyance of materials and commodities that may be a source of contamination to milk and milk products, are thoroughly cleaned and sanitized; and

(c) are clearly identified by the name and head office address of the dairy plant.

(2) No person shall transport milk and milk products in the same vehicle with animals, birds or other materials that are likely to be a source of contamination.

27. Dairy plant

The holder of a dairy plant licence shall—

(a) keep accurate records of all milk receipts; whether from collection centres, direct from producers or other dairy plants;

(b) record the production of all milk and milk products processed, transferred to other dairy plants or sold to the retail and wholesale trade;

(c) prepare a current list of all estate milk producers and bulk groups supplying milk to the dairy plant and make such lists available to each milk cooling centre; and

(d) retain these records for inspection for a period of one year

PART V

DAIRY PLANT PREMISES AND EQUIPMENT

28. Requirements of dairy premises

(1) All dairy plant premises shall at all times be kept in a clean and sanitary condition.

(2) All walls and ceilings and other parts of any structure on the premises shall be of sound construction, well painted and cleaned or otherwise treated or disinfected as and when deemed necessary by the Inspector.

(3) The floors of any building shall be of concrete or of water tight non-absorbent construction.

(4) All washings and drainage from dairy premises shall be dealt with and disposed of in a manner approved by the Inspector.

(5) The dairy plant premises shall not be used for any other purposes other than that of preparing or manufacturing dairy products, other compatible food products and storing dairy utensils.

29. Storage of milk and milk products

(1) Every dairy plant shall have suitable arrangements for keeping milk and milk products for human consumption in fluid form separate from all other milk and cream supplied at all times.

(2) Every room used or intended for the processing of milk and other dairy products, and for the handling or storing of such products, shall be separated from all other rooms and from each other by door and shall be well ventilated and constructed so as to be capable of thorough cleaning.

30. Cleaning of equipment

All dairy plant equipment shall be of a type approved by the Minister and shall at all times be cleaned after use with hot water, detergents or any other equally effective methods and techniques approved by the Minister, and such equipment shall be in good state of repair.

31. Thermometers to be fitted

In order to ensure the proper pasteurization of every particle of milk and milk products, there shall be fitted—

(a) an indicating thermometer to indicate the pasteurization and cooling temperature when the milk is pasteurized and cooled in a vat pasteurizer, and when the cooling takes place outside the vat

pasteurizer, an indicating thermometer shall also be fitted to indicate the temperature of the milk as it leaves the cooling apparatus;

(b) an indicating thermometer to indicate the temperature of the milk flowing from the holding and cooling sections of high temperature short-time pasteurizers;

(c) a recording thermometer in vat pasteurizers to record the time and temperature pasteurization;

(d) a recording thermometer to record the temperature of the milk as it leaves the holding section of high temperature short-time pasteurizer; and

(e) a flow diversion valve to divert underheated milk before it flows into any cooling section or cooler of high temperature short-time pasteurizer.

32. Specifications of charts and records made by thermometer

(1) The following specifications shall apply to charts and records made by thermometers fitted to pasteurizing plant—

(a) in case of recording thermometers fitted to a vat pasteurizer in the holder method, the scale divisions relating to the temperature of pasteurization shall not be greater than 1 degree centigrade in the temperature range of 60 degrees centigrade to 66 degrees centigrade and shall be adequately spaced to permit accurate reading of temperature pasteurization and cooling;

(b) in case of recording thermometers fitted to HTST pasteurizer plant, the scale divisions relating to the temperature of pasteurization shall not be greater than 1 degree centigrade in the range of 70 degrees centigrade to 80 degrees centigrade and shall be adequately spaced to permit accurate reading of the temperature of pasteurization and cooling;

(2) The record on each recording thermometer chart shall show the date of pasteurization, the product pasteurized and the relationship between the temperature registered by the indicating thermometer attached to the pasteurizer and the recording thermometers after the pasteurizing temperature has become stabilized soon after the start of the pasteurization process;

(3) The pasteurizing temperature shown on the recorder chart shall be regularly adjusted to correspond with the temperature shown on the indicating thermometer and it shall not at anytime record a higher reading than that of the indicating thermometer during the pasteurization process.

(4) When more than one pasteurizer is installed in the plant the recording chart must indicate the pasteurizer being recorded.

33. Retention of charts for inspection

The charts referred to in regulation 33 shall be retained at the dairy plant and shall be available for inspection for a period of one year before such charts are disposed of.

PART VI

DAIRY PLANT AND MILK COLLECTION CENTRE PERSONNEL

34. Suspension of milk sales for human consumption

(1) An Inspector may at any time suspend or cause any dairy plant to cease selling, offering for sale or supplying milk for human consumption in fluid form if he considers that any condition exists that is or might be dangerous to the public.

(2) The Inspector may at any time order that any or all of the employees of any plant or others who may come into contact, direct or indirect, with milk or milk equipment, undergo a medical examination in the manner prescribed by the Minister.

35. Provision of uniforms

(1) All persons employed in a dairy plant or collection centre shall at all times be and remain clean.

(2) The dairy plant shall—

(a) provide sufficient supply of uniforms and footwear of a protective nature suitable for use by its employees in plant operation; and

(b) maintain such uniforms and footwear in a clean and sanitary condition.

PART VII

DISTRIBUTOR'S LICENCE

36. Issue of licences

(1) No person may sell, offer for sale, supply or distribute any milk, cream or other milk products for human consumption without first obtaining a licence from the Minister and such licence shall be in Form VI set out in the Schedule.

(2) A licence under this regulation shall not be issued for premises, unless an inspection has been made to the premises, equipment and methods of storing and handling of milk and milk products.

(3) An application for distributor's licence shall be made to the Minister in Form VIII set out in the Schedule.

(4) The distribution of milk and other dairy products in the cities of Blantyre, Lilongwe and Mzuzu and Municipality of Zomba shall be limited to products pasteurized and processed in licensed dairy plants.

PART VIII

DISTRIBUTOR'S PREMISES

37. Premises for distribution of milk

(1) All premises for distribution of milk shall at all times be kept in a clean and sanitary condition.

(2) Milk, cream and other dairy products shall not be stored in any room, place or vessel, or conveyed in anything where it is likely to be exposed to any condition that may affect the quality of the milk and dairy products.

(3) A distributors' premises shall include all rooms or portions of rooms, and all vehicles used for the sale, storage or distribution of milk and milk products.

38. Distributor's equipment

(1) Refrigerators used for the storage of milk, cream and other milk products on licensed premises shall be arranged in a manner that any other commodity which might affect the quality and healthfulness of milk and other milk products, is not to be placed in or near the same compartment and shall in all cases be satisfactory to the Inspector.

(2) All vehicles used for the distribution of milk cream and other milk products shall be kept in a clean and sanitary condition to protect the milk, cream and other dairy products from exposure to contamination and external sources of heat including sunlight.

39. Distributor not to open container

(1) Subject to subparagraph (2) no distributor shall open any milk, cream or other dairy product container on his premises, and shall not transfer milk, cream or other fluid milk product from one container to another.

(2) Subregulation (1) shall not apply to retail shops or restaurants holding a distributor's licence which sell milk, cream and other dairy products to be consumed on the premises, and to a producer, distributor who distributes any milk product from one container to another in the farm dairy on his licensed premises.

40. Milk in shops, restaurants, etc.

Milk kept for sale in any retail shop, restaurant, market, bakery or other establishment, shall at all times, register when tested, a temperature not higher than 5 degrees centigrade and shall be stored in a closed cooler box or refrigerator and no container with milk for sale shall be allowed to stand outside the closed cooler box, or refrigerator, except during intervals when milk is being placed therein or removed therefrom for sale.

41. Supplies of milk to hotels, etc.

(1) Any owner, operator, manager or any person in charge of every restaurant, hotel or any other place where customers are served with milk, cream, or other dairy products from bulk supplied for consumption on the premises, shall on request, inform an inspector of the source of supply of the milk, cream, or other dairy product sold or supplied in dairy plant and distributor at least once a month.

(2) The samples of pasteurized milk required by subsection (1) shall include on each occasion at least one sample of each of pasteurized milk processed by the dairy plant or handled by a distributor.

(3) When an examination of pasteurized milk authorized by subregulation (2) reveals that the sample from any class of pasteurized milk contained more than 500,000 colonies of bacteria per millilitre and/or than 5 colonies of coliform bacteria per millilitre, the Inspector shall notify the dairy plant or distributor of such a fact and that further samples of the particular class of pasteurized milk be submitted for examination to determine whether these Regulations are complied with.

(4) When a dairy plant or distributor has been notified as authorized by regulation (3) the next sample taken in accordance with subregulations (5) and (6) shall be the first in a series of samples on which compliance or otherwise shall be based.

(5) Where a series of samples are being submitted to determine whether there is compliance or not with these Regulations such samples shall not be taken more frequently than 6 days apart.

(6) The series of samples submitted to determine whether there is compliance or not with these Regulations shall be taken from the class of pasteurized milk notified to the dairy plant as exceeding the limit specified in subregulation (3).

(7) The bacterial content of pasteurized milk shall not exceed 500,000 colonies per millilitre 5 colonies of coliform bacteria more frequently than once in 4 consecutive examinations is a series of samples taken in accordance with subregulations (4) to (6).

(8) When the bacterial content of pasteurized milk exceeds 500,000 colonies per millilitre or 5 colonies of coliform bacteria more frequently than once 4 consecutive samples taken in accordance with subregulations (4) to (7) it shall be deemed that the milk from the dairy or distributor concerned is contrary to these Regulations.

PART IX

BACTERIAL STANDARDS—PASTEURIZED MILK IN DAIRY PLANTS AND DISTRIBUTORS PREMISES

42. Requirements

(1) The standards and other requirements contained in this Part shall apply to pasteurized milk in a dairy plant or distributor's premises.

(2) Notwithstanding subregulation (1), an inspector or any other person duly authorized may take routine samples of milk referred to in regulation from any vehicle operated by a dairy plant or milk distributor or from the dairy plant or distributor's premises for the purpose of these Regulations.

43. Submission of samples

(1) The Inspector shall arrange for the submission and examination of samples of pasteurized milk from each dairy plant and distributor at least once a month.

(2) The samples of pasteurized milk required by subsection (1) shall include on each occasion at least one sample of each class of pasteurized milk processed by the dairy plant or handled by a distributor.

(3) When an examination of pasteurized milk authorized by subregulation (2) reveals that the sample from any class of pasteurized milk contained more than 500,000 colonies of bacteria per millilitre and/or than 5 colonies of coliform bacteria per millilitre, the Inspector shall notify the dairy plant or distributor of such fact and that further samples of the particular class of pasteurized milk may be submitted for examination to determine whether these Regulations are complied with.

(4) When a dairy plant or distributor has been notified as authorized by regulation (3) the next sample taken in accordance with subregulations (5) and (6) shall be the first in a series of samples on which compliance or otherwise shall be based.

(5) Where a series of samples are being submitted to determine whether there is compliance or not with these Regulations such samples shall not be taken more frequently than 6 days apart.

(6) The series of samples submitted to determine whether there is compliance or not with these Regulations shall be taken from the class of pasteurized milk notified to the dairy plant as exceeding the limit specified in subregulation (3).

(7) The bacterial content of pasteurized milk shall not exceed 500,000 colonies per millilitre 5 colonies of coliform bacteria more frequently than once in 4 consecutive examinations in a series of samples taken in accordance with subregulations (4) to (6).

(8) When the bacterial content of pasteurized milk exceeds 500,000 colonies per millilitre or 5 colonies of coliform bacteria more frequently than once in 4 consecutive samples taken in accordance with subregulations (4) to (7) it shall be deemed that the milk from the dairy or distributor concerned is contrary to the requirements of these Regulations.

44. Offences in connexion with quality of milk

(1) When it is found that pasteurized milk being sold, offered for sale or supplied by a dairy plant or milk distributor is contrary to these Regulations as outlined in subregulation (8) or regulation 41, the Minister may suspend or revoke the licence.

(2) Notwithstanding subregulations (3) to (8) inclusive of regulation 43, it shall be deemed that milk from a dairy plant or distributor is contrary to these Regulations if upon examination of a sample of pasteurized milk from these sources, it is found to contain unpasteurized milk when subjected to the phosphatase test.

(3) When it is found that pasteurized milk being sold; offered for milk distributor is contrary to these Regulations as outlined in subregulation (2), immediate action shall be taken by the dairy plant concerned to ensure that adequate pasteurization is being carried out.

(4) The Minister may institute court action, where pasteurized milk from a dairy plant or distributor is contrary to these Regulations, and that when further sample is taken and subjected to the phosphatase test contain unpasteurized milk or improperly pasteurized milk.

(5) The limitation on point of sampling contained in subregulation (2) of regulation 43 shall not apply to samples of pasteurized milk examined for subregulations (2) and (3).

45. Fines

Any person who contravenes these Regulations shall be guilty of an offence and be liable to a fine of K1,000 and to imprisonment for a term of 1 year.

PART X

MILK AND MILK PRODUCTS SAMPLES

46. Submission of samples

(1) Subregulations (2) to (9) inclusive shall apply to the procuring, taking, identifying transporting, testing and reporting on all samples of milk obtained for the purpose of determining compliance with these Regulations.

(2) All samples of milk shall be taken in the presence of or with the knowledge of the person owning or occupying or managing or in charge of the premises on which the milk is kept.

(3) All samples shall be submitted to the laboratory approved by the Minister.

(4) Every sample shall be taken by an inspector appointed pursuant to the Products Act.

(5)(a) All samples must be identified.

(b) The following information concerning the samples shall be recorded—

(i) the date and time of sampling;

(ii) the date and time of container filling where samples are obtained from or submitted in retail containers, if this information is available;

(iii) the storage temperature where samples are obtained from milk storage; and

(iv) the date of pasteurizing if this information is available.

(6)(a) Samples should be submitted in the retail containers wherever practicable.

(b) Where it is not practicable to submit the sample in a retail container, the sample shall be submitted in a sterilized bottle or other container supplied by and conforming to the requirement of the approved laboratory concerned.

(c) Aseptic sanitary techniques, as directed by the approved laboratory shall be used in all sampling.

(7)(a) After the sample is taken, it shall immediately be placed in a suitable box containing ice or other refrigerant in a separate compartment.

(b) The temperature of the sample shall be maintained below 7 degrees centigrade and preferably 5 degrees centigrade and above 0 degrees centigrade until laboratory analysis.

(c) (i) Samples shall be delivered to an approved laboratory for bacterial examination within 24 hours of sampling.

(ii) Other tests, including the phosphatase tests shall also be conducted when required.

(8) The results of all tests shall be communicated within seven days of such finding to—

(a) the Minister;

(b) the producer, distributor, dairy plant or distributor from whose premises or vehicle the sample or samples were obtained; and

(c) to such other persons or agencies as may be deemed proper by the Minister.

(9) Except as otherwise required by these Regulations, all samples shall be taken, identified, transported, tested and reported in a manner approved by the Minister in consultation with the approved laboratory.

47. Testing methods

Bacteriological and chemical test testing procedures including sampling methods to determine compliance to the requirements shall be conducted by procedures recognized by professional associations of bacteriologist and chemists until such time as official bacteriological and chemical testing procedures as applied to the analysis of dairy products are established in Malawi or alternatively, international methods as recognized and accepted.

PART XI

MISCELLANEOUS PROVISIONS

48. Powers of inspector

(1) Subject to these Regulations, an inspector may at all reasonable times—

(a) enter and inspect any premises, place or vehicle where milk and milk products intended for sale are stored or produced and inspect all milk products found therein or thereon, and all utensils, machinery or apparatus therein or thereon or used in connexion therewith;

(b) enter and inspect any cooling chamber or vehicles used for the storage or carriage of milk products;

(c) for the purposes of inspection and of taking the sample, open any package which contains or is suspected to contain any dairy produce;

(d) examine all books and documents relating to any dairy plant but shall not have access to any secret or classified document relating to the product of milk products.

(2) If after any inspection under these Regulations, the Inspector is satisfied that any premises, place or vehicle so inspected is in an unclean condition, or any chemical or scales or measures, or any apparatus used in testing milk and milk products and drums or other utensils used for dairy products are not fit to be used or the water used in connexion with the manufacture of dairy produce is pathogenic, he may—

(a) require the premises and all utensils or apparatus, cooling chamber, vehicle or other equipment to be cleaned, disinfected, and rendered wholesome to his satisfaction;

(b) require any chemical to be made fit for the use which it is intended or any scales or measure or apparatus to be replaced or corrected;

(c) require any premises, place or vehicle to be made fit for use to his satisfaction, and any diseased livestock to be removed from the premises and the premises or vehicles to be disinfected;

(d) prohibit the use of any utensils, machinery or apparatus, cooling chamber or vehicle for dairy produce until the defects have been remedied to his satisfaction.

49. Qualifications and appointment of milk graders or testers

(1) No person shall test or grade any milk or milk product unless he is the holder of a certificate of competency issued by the Minister to the effect that the person concerned is competent to grade milk and milk products.

(2) A certificate of competency shall be in Form VII set out in the Schedule.

50. Milk grader's certificate

The Minister may issue a Milk Grader's Certificate with or without conditions as he thinks fit.

(2) A Grader's Certificate shall be in Form VII set out in the Schedule.

(3) The Minister shall keep a register of the names of persons to whom a Milk Grader's Certificate has been issued.

51. Fees

Every application under these Regulations for a Producers Certificate of Registration, a Distributor's Licence or a Dairy Plant Licence shall be accompanied with an appropriated fee as specified in the Second Schedule.

FIRST SCHEDULE

FORM I

MILK AND MILK PRODUCTS ACT

(CAP. 67:05)

MILK AND MILK PRODUCTS REGULATIONS

(regulation 12 (1))

APPLICATION FOR PRODUCERS CERTIFICATE OF REGISTRATION

I/We, hereby apply for a Producers Certificate of Registration for 19..... to sell

to in

..... as required by the regulations made under the Milk and Milk Products Act (Cap. 67:05).

Name of Applicant:

Location of the Farm:.....

Address:

.....

Date of Inspection of Premises:

Name of Inspector:

Date of Application:.....

.....

Signature of Producer

FORM II

MILK AND MILK PRODUCTS ACT

(CAP. 67:05)

MILK AND MILK PRODUCTS REGULATIONS

(regulation 12 (2))

PRODUCERS CERTIFICATE OF REGISTRATION

No.

This is to certify that is granted this
Certificate in respect of the premises situated at

..... to be used for the

purpose of

.....

This Certificate is issued subject to the provisions of the Milk and Milk Products Act (Cap. 67:05)
and to the regulations made thereunder, and the Certificate shall expire on the day of
....., 19.....

Fee paid: K.....

Dated this day of, 19.....

Application No.

.....

Minister of Agriculture

FORM III

MILK AND MILK PRODUCTS ACT

(CAP. 67:05)

MILK AND MILK PRODUCTS REGULATIONS

(regulation 23 (1))

APPLICATION FOR A DAIRY PLANT LICENCE

I/We, hereby apply for a licence to operate a dairy plant as required by the regulations made
under the Milk and Milk Products Act (Cap. 67:05).

Name of Applicant:

Address:

Trade Name:

Location:

Date of Inspection of Premises:.....

Name of Inspector:.....

Date of Application:.....

.....

Signature of Applicant

FORM IV

MILK AND MILK PRODUCTS ACT

(CAP. 67:05)

MILK AND MILK PRODUCTS REGULATIONS

(regulation 23 (1))

DAIRY PLANT LICENCE

No.

Licence is hereby granted to

to operate a Dairy Plant to manufacture or process milk and other dairy products at
..... pursuant to the regulations made under the Milk and Milk Products Act (Cap.
67:05).

This licence expires on the, 19.....

Fee paid: K.....

Dated this day of, 19.....

.....

Minister of Agriculture

FORM V

MILK AND MILK PRODUCTS ACT

(CAP. 67:05)

MILK AND MILK PRODUCTS REGULATIONS

(regulation 36)

APPLICATION FOR DISTRIBUTOR'S LICENCE

I/We, hereby apply for a licence to distribute milk and dairy products pursuant to the regulations made under Milk and Milk Products Act (Cap. 67:05).

Name of Applicant:

Address:

Trade Name:.....

Location:.....

Date of Application:

.....

Signature of Applicant

FORM VI

MILK AND MILK PRODUCTS ACT

(CAP. 67:05)

MILK AND MILK PRODUCTS REGULATIONS

(regulation 36)

DISTRIBUTOR'S LICENCE

No.

Licence is hereby granted to

to operate a milk and milk products distribution facility to store and distribute milk and dairy products at pursuant to the regulations made under the Milk and Milk Products Act (Cap. 67:05).

This licence expires on the, 19.....

Fee paid: K.....

Dated this day of, 19.....

.....

Minister of Agriculture

FORM VII

MILK AND MILK PRODUCTS ACT

(CAP. 67:05)

MILK AND MILK PRODUCTS REGULATIONS

(regulations 49 and 50)

CERTIFICATE OF COMPETENCY IN MILK AND MILK PRODUCTS GRADING AND/OR TESTING MILK AND MILK PRODUCTS

No. CLASS:

This is to CERTIFY that is appointed as milk grader/tester and is competent to undertake such work for the purposes of the Milk and Milk Products Act (Cap. 67:05).

.....

Minister of Agriculture

SECOND SCHEDULE

FEES (r. 51)

Matter	Amount	of	fee	For	an	application	for—	(a)Producers	Certificate	of
Registration	2000	(b)Distributor's Licence	2000	(c)Dairy Plant Licence	5000					