



**MONTSERRAT**

## **CHAPTER 14.11**

### **MILK ACT**

**Revised Edition**  
showing the law as at 1 January 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Revised Edition of the Laws Act.

This edition contains a consolidation of the following laws—

**MILK ACT**

Act 8 of 1949 .. in force 10 November 1949

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**CHAPTER 14.11**

**MILK ACT**

ARRANGEMENT OF SECTIONS

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**CHAPTER 14.11**

**MILK ACT**

*(Act 8 of 1949)*

**Commencement**

*[10 November 1949]*

**Short title**

1. This Act may be cited as the Milk Act.

**Interpretation**

2. In this Act—

“**agent of the Board**” means any person appointed in writing by order of the Board for the purpose of carrying into effect the provisions of this Act, or any police officer;

“**analyst**” means any person appointed by the Governor to be a milk analyst for Montserrat;

“**Board**” means the Public Health Advisory Board as constituted under the Public Health Act;

“**vendor**” means any person who sells milk or supplies milk for use or sale, and includes any agent or servant of such person;

“**unwholesome milk**” means—

- (a) milk containing less than 3% of milk fat;
- (b) milk containing less than 8.5% of milk solids other than milk fat;
- (c) milk in any stage of putrefaction or having any abnormal colour, consistency or smell;
- (d) milk which has been diluted with water or some other fluid, or to which any foreign substance whatsoever has been added;
- (e) milk drawn from any cow within twenty days before or ten days after parturition;
- (f) milk drawn from any diseased cow, the owner of which has been previously notified in writing by an agent of the Board that it is diseased.

### **Sale of unwholesome milk**

**3. (1)** If any person sells, exposes for sale, or has in his possession for the purpose of sale, any unwholesome milk he shall be guilty of an offence against this Act.

**(2)** For the purpose of this section, possession by any servant or agent shall be deemed to be the possession of both the owner and his servant or agent.

### **Burden of proof**

**4.** Every vendor who is found with milk in his possession shall be presumed to have the same for the purpose of sale, and the burden of proof shall be upon him to show that such milk was not intended for sale.

### **Procuring sample of milk from vendor**

**5.** An agent of the Board may at any time procure a sample or samples of milk from any milk in the possession of a vendor.

### **Procuring sample of milk from vendor’s cow**

**6.** An agent of the Board may at all reasonable times require a vendor’s cow to be milked for the purpose of obtaining a sample of milk therefrom.

### **Mode of dealing with samples**

**7. (1)** All samples shall be poured into suitable receptacles on which shall be written the name of the person having charge of the milk from

which the sample was taken, and such receptacles shall be sealed in the presence of the person from whom the samples were obtained.

(2) All such sealed samples shall be delivered to the analyst without delay.

#### **Certificate of analysis**

8. In any prosecution under this Act a certificate produced by an agent of the Board and signed by the analyst shall be admissible in evidence unless the defendant requires that the analyst be called as a witness, and no proof need be given of the signature or official character of the analyst.

#### **Obstruction of agent**

9. Any person who obstructs, hinders or molests an agent of the Board in the execution of his duties under this Act shall be guilty of an offence against this Act and shall be liable on summary conviction to a penalty not exceeding \$48 or to a term of imprisonment not exceeding three months.

#### **Penalty for other offences**

10. Any person guilty of an offence against this Act for the infringement of which no specific punishment is prescribed shall be liable on summary conviction to a penalty not exceeding \$48, or, in default of payment, to a term of imprisonment not exceeding three months.

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Printed by the Law Revision Unit of the Government of Montserrat  
Authorised Printers for this revised edition

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