



BERMUDA
1997 : 36

IMPORTATION OF MILK (PROHIBITION) ACT 1997

ARRANGEMENT OF SECTIONS

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[Date of Assent 23 December 1997]

[Operative Date 8 May 1998]

WHEREAS it is expedient to prohibit the importation of milk except in certain circumstances and to repeal the Importation of Eggs and Dairy Products (Protection) Act 1964 [*title 25 item 7*]:

[Words of enactment omitted]

Citation

1 This Act may be cited as the Importation of Milk (Prohibition) Act 1997.

Interpretation

2 In this Act—

"manufactured milk" means any product having the general appearance of milk but which has been reformed by the

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addition of liquids to milk solids and whether or not there is added any other substance to the product;

"Minister" means the Minister responsible for the environment;

"pasteurized milk" means milk that has been pasteurized in accordance with the procedure set out in the Regulations;

"raw milk" means the normal mammary secretion from the cow which has not undergone any process of purification by heat treatment;

"Regulations" means the Public Health (Milk and Dairy Farm) Regulations 1952 [*title 11 item 1(g)*];

"ultra heat treated milk" means milk that has been ultra heat treated in accordance with the procedure set out in the Regulations;

"ultra-pasteurized milk" means milk that has been ultra pasteurized in accordance with the procedure set out in the Regulations to produce a product which has an extended shelf life under refrigerated conditions.

[Section 2 "Minister" amended by 2002:18 s.2 & Sch effective 1 April 2002]

Prohibition of importation of certain dairy products

3 (1) Subject to subsection (2), the importation into Bermuda of any of the following dairy products is prohibited—

- (a) raw milk;
- (b) pasteurized milk;
- (c) ultra-pasteurized milk;
- (d) ultra heat treated milk;
- (e) manufactured milk.

(2) The Minister, if he is satisfied that special circumstances obtain warranting such action, may by order authorize the importation into Bermuda or a dairy product specified in subsection (1) subject to such conditions as may be set out in the order.

(3) The prohibition in subsection (1) shall not apply to ultra heat treated milk that is imported exclusively for future export in respect of shipments which the importer satisfies the Minister, by documents or otherwise, that the shipment is for export in bulk, wholesale quantities only.

(4) An order under subsection (2) shall be published in the Gazette and section 6 of the Statutory Instruments Act 1977 [*title 1 item 3*] shall not apply to such order.

Penalty

4 (1) On any consignment of milk imported into Bermuda in contravention of the prohibition imposed by section 3, there shall be levied a penalty equivalent to the cost, insurance and freight value of the consignment in addition to any other import duty payable on such consignment under the Customs Tariff Act 1970 [*title 14 item 12*].

(2) Without prejudice to subsection (1), any such consignment shall be confiscated and disposed of in such manner as the Minister may direct.

Repeal and revocation

5 [Omitted]

Commencement

6 This Act comes into operation on such day as the Minister may appoint by notice published in the Gazette.

[Amended by:
2002 : 18]