

(updated)

REGULATIONS RELATING TO MILKING SHEDS AND THE TRANSPORT OF MILK

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The Minister of National Health and Population Development has, in terms of sections 34, 35, 39 and 40 of the Health Act, 1977 (Act 63 of 1977), made the regulations contained in the Schedule hereto.

SCHEDULE

Definitions

1. (1) In these regulations "**the Act**" shall mean the Health Act, 1977 (Act 63 of 1977), and any expression to which a meaning has been assigned in the Act shall have such meaning and, unless the context otherwise indicates -

"adequately ventilated and illuminated" shall mean ventilated and illuminated by means of windows with an uninterrupted transparent area equal to at least ten percent of the floor area and with an area which can be opened equal to at least 5 percent of the floor area and so placed that cross ventilation is facilitated;

"approved milking shed" shall mean a milking shed in respect of which a certificate of acceptability has been issued and is in force, and shall, in the application of regulations 2(1) and 7(1), include a milking shed in respect of which a provisional certificate of acceptability has been issued and is in force;

"certificate of acceptability" shall mean a certificate of acceptability as referred to in regulation 3;

"dairy stock" shall mean cows, she-goats, ewes, mares or jenny asses used in the production of milk for human consumption and "milk animal" shall have a corresponding meaning;

"disposal system" shall mean a subterranean or ground-level tank or other vessel, sewerage system, dam or farm-land into or onto which effluent may be discharged;

"effluent" shall mean any liquid, liquid or solid waste or liquid or solid manure emanating from a milking shed;

"existing milking shed" shall mean a milking shed legally used as such immediately before the date of commencement of these regulations;

"holder" shall mean the person in whose name a certificate of acceptability has been issued;

"inspector" means a person contemplated in section 53(1) of the Act;

"milking parlour" shall mean that area of the milking shed in which dairy stock are milked;

"milk tanker" shall mean a vehicle for the transport of milk in bulk;

"new milking shed" shall mean a milking shed that was put into use as such after the date of commencement of these regulations;

"own use" with regard to milk, shall mean milk-

- a. that is used, or meant to be used, exclusively by the owner or possessor of dairy stock or by such person's household; or
- b. that is provided free of charge to employees of such person for the use of such employees or their households;

"provisional certificate of acceptability" shall mean a certificate of acceptability as referred to in regulation 4; and

"pure water" shall mean clean and clear water that contains no *Eseherichia coli* organisms per 100ml and is free from any substance in concentrations detrimental to human health;

(2) In an area where the Director-General performs the functions of a local authority in terms of section 30(1) of the Act, the duties and powers imposed or conferred upon a local authority or any person in the service of a local authority by these regulations, as the case may be, shall be performed or exercised by the Director-General and any reference to a local authority in these regulations shall be interpreted as a reference to the Director-General.

Prohibition on the production of milk except in an approved milking shed

2. (1) No person shall use a milking shed for the purpose of milking dairy stock in order to produce milk for human consumption, unless the milking shed in which the dairy stock are milked is an approved milking shed and such milking shed is used in accordance with the provisions of these regulations and the conditions of the certificate of acceptability or provisional certificate of acceptability issued in respect of that milking shed.

(2) The provisions of subregulation (1) shall -

- a. not be applicable to a milking shed -
 - i. in which milk is produced solely for own use; if the said owner or possessor does not so apply - on 1 July 1989 or on the date of an order referred to in subregulation (3),
- b. come into effect in the case of an existing milking shed -
 - i. if the owner or possessor of the existing milking shed applies within 24 months after the commencement of these regulations for a certificate of acceptability - on the date on which a certificate of acceptability or a provisional certificate of acceptability, as the case may be, is issued in respect of that milking shed or on the date on which the application is turned down; and
 - ii. if the said owner or possessor does not so apply - 24 months after the commencement of these regulations or on the date

of an order as referred to in subregulation (3), whichever date may be first.

(3) If a local authority is of the opinion that an existing milking shed is being used in a way which constitutes an immediate and real health hazard or that a situation has developed in the milking shed constituting such an immediate and real hazard, the local authority may, notwithstanding the provisions of subregulation (2) (b), order in writing the owner or possessor of an existing milking shed not to remove any milk for human consumption from the milking shed until the hazard or situation has been rectified to the satisfaction of the level authority.

CERTIFICATES OF ACCEPTABILITY AND PROVISIONAL CERTIFICATES OF ACCEPTABILITY

Application for a certificate of acceptability

3. (1) Any person wishing to apply for a certificate of acceptability in respect of a milking shed shall apply for it in writing and in his application furnish the following information:
- a. The name, address and telephone number of the applicant;
 - b. a title description of the premises; and
 - c. an indication of the number of staff who are employed, or who will probably be employed, and the maximum number of animals that will be milked.

(2) Such an application shall be submitted to the local authority in whose area of jurisdiction the milking shed is located or will be erected, together with -

- a. a site plan with north indicated and with an indication of all adjacent and bordering buildings and their uses;
- b. a layout sketch to a scale of 1:100 of all the milking shed facilities referred to in regulation 9, consisting of a ground plan, a sectional view and a vertical elevation.

(3) A local authority may, in considering the application, request from the applicant or any other person such further information as he may deem necessary or expedient.

(4) A local authority shall not consider an application for the issue of a Certificate of acceptability unless a full inspection of the premises concerned has been carried out by an inspector of the local authority concerned, and his report on such inspection, and recommendation on such issue, is in the possession of such local authority.

(5) If the local authority, upon consideration of an application for the issue of a certificate of acceptability, the relevant report and recommendation by the inspector and any other documents tabled or information obtained, is satisfied that the milking shed concerned -

- a. complies with all the provisions of these regulations; and
- b. is deemed in all respects suitable for the production and hygienic handling of milk,

it shall issue in the name of the applicant a certificate of acceptability, in the form determined by the local authority, in respect of the milking shed concerned.

Provisional certificate of acceptability

4. (1) If, upon consideration of an application, a local authority has ascertained that the milking shed concerned is in all respects suitable for the production and hygienic handling of milk but does not comply with all the provisions of these regulations-
- a. it shall in the case of an existing milking shed; and
 - b. it may, in the case of a new milking shed-

issue in the name of the applicant a provisional certificate of acceptability, in the form determined by the local authority, in respect of the milking shed concerned to enable the applicant to modify the milking shed so that it complies with the provisions of these regulations.

(2) The local authority may, at the request of the holder of a provisional certificate of acceptability and on the strength of an inspection report and the recommendation of an inspector, revoke a provisional certificate of acceptability and replace it with a certificate of acceptability.

Conditions subject to which a certificate of acceptability or a provisional certificate of acceptability is issued

5. It is a condition of a certificate of acceptability and a provisional certificate of acceptability -
- a. that it may be transferred by the holder to someone else only with the prior approval of the local authority;
 - b. that the milking shed, the staff that are employed there and the dairy stock may at any reasonable time be inspected or examined by an inspector; and
 - c. that the milking shed be used in accordance with the provisions of these regulations.

Transfer of a certificate of acceptability

6. (1) A holder intending to transfer his certificate of acceptability to someone else shall submit the certificate of acceptability, together with a written application for approval of the transfer, to the local authority which issued the certificate of acceptability.

(2) If the local authority approves the application it may in its own discretion endorse the existing certificate of acceptability accordingly and enter the new holder's name on it or cancel the existing certificate of acceptability and issue a new certificate of acceptability in the name of the new holder.

Suspension or withdrawal of a certificate of acceptability or a provisional certificate of acceptability

7. (1) If a local authority in whose area of jurisdiction an approved milking shed is situated, on the strength of an inspection report and the recommendation of an inspector, is of the opinion that the milking shed -
- a. is being used in such a way that it constitutes an immediate and real health hazard or that a situation has developed in the milking shed constituting an immediate and real health hazard, the local authority may for as long as, in its opinion, that hazard exists suspend the certificate of acceptability or provisional certificate of acceptability concerned and shall in writing notify the holder accordingly;
 - b. is being used contrary to the provisions of these regulations or the terms and conditions of the certificate of acceptability or the provisional certificate of acceptability, the local authority shall in writing notify the holder accordingly.

(2) Any notice referred to in subregulation (1) shall state the particulars which shall be sufficient within reason to inform the holder concerned on what grounds the judgment of the local authority is based, and shall instruct the holder to reply within 21 days of receipt of notice to the allegations made in the notice.

(3) If such a reply is received, the local authority may, after consideration of the reply so received, issue an order to the holder instructing him before a specified date to rectify the similarly specified matters complained about, and stating that if this is not done the certificate of acceptability or provisional certificate of acceptability, as the case may be, may be withdrawn without further notice.

(4) (a) A notice issued in terms of subregulation (1), shall be served on the holder or person in charge of the milking shed concerned, and the person on whom the notice is served, shall deal, in the manner determined in the notice, with such notice and the certificate of acceptability or provisional certificate of acceptability concerned, in cases where the certificate concerned is suspended or withdrawn.

(b) The local authority shall, immediately after issuing the notice, send a copy to the Director-General.

(5) The suspension or withdrawal of a certificate of acceptability or provisional certificate of acceptability in terms of this regulation shall have the effect that as long as the certificate concerned is suspended and from the date on which the certificate is withdrawn, no milk, produced or received in the milking shed concerned shall be used for human consumption.

REQUIREMENTS AND INSTRUCTIONS

Milking sheds

8. (1) (a) An approved milking shed shall consist of at least -
- i. a milking parlour referred to in subregulation (2);
 - ii. a milk room referred to in subregulation (3) where milk shall be received from the milking parlour, and where such milk shall be stored and where it may be treated, processed and packed;
 - iii. a changeroom referred to in subregulation (4); and
 - iv. a scullery for the washing, cleansing disinfection and sterilisation of milk containers and other unfixed apparatus and equipment used in the handling of milk.

(b)

- i. The facilities referred to in paragraph (a) shall, subject to the provisions of subparagraph (ii), be erected as separate rooms in one building complex or as separate detached buildings
- ii. A scullery referred to in paragraph (a)(iv) may be erected as an integral part of a milk room or as a separate room.

(2) In the case of a milking parlour-

- a. there shall be no direct connection with a latrine or with a room where gases, smoke, vapours, dust or a soot deposit are present or may originate owing to the nature of the activities in such room;

- b. which provides standing-room for more than one row of dairy stock parallel with one another, there shall be a dividing corridor of at least one metre wide between the rows;
- c. the partitions, if any, that separate dairy stock from each other when they are being milked, shall be of a smoothly finished non-absorbing and corrosion resistant material free of any open seams and cracks;
- d. mangers shall be arranged so that fodder which accumulates behind the mangers can be removed;
- e. the exterior walls -
 - i. shall be at least 2,4 metres high on the inside;
 - ii. shall, at places where dairy stock are milked, extend to at least 2,1 metres above the level on which the dairy stock stand;
- f. the interior surfaces of the walls shall be smooth and washable;
- g. the roof shall be of a water-resistant and washable material;
- h. the floor shall -
 - i. be of a material which is waterproof and cleanable;
 - ii. drain thoroughly into a drain which is connected to a disposal system so that no pools of standing water are formed on the floor;
- i. such parlour shall be adequately ventilated and illuminated;
- j. such parlour shall be provided with at least one water tap with running pure water to which a flexible pipe may be connected for washing purposes; and
- k. the entrances and exits for dairy stock shall have a floor covering with an impenetrable surface connected to a disposal system, and such floor covering shall be installed in such a way that any milk animal entering or leaving the milking parlour shall walk on it for a distance of at least 4 metres.

(3) In the case of a milk room -

- a. such milk room shall comply mutatis mutandis with the provisions of subregulation (2 (e)(i), (f), (g), (h) and (i));
- b. where the scullery forms an integral part of the milk room as referred to in subregulation (1) (b) (ii) there shall be sufficient space to allow for the cleansing and disinfection of all milk containers, and the storage of milk;
- c. such milk room shall be provided with at least one sink, with hot and cold running pure water and with the run-off connected to a disposal system;
- d. such milk room shall be erected so that a milk pipe from a milk tanker can be connected to a bulk farm tank through a door, and the distance between the two connection points shall not exceed 6 metres;
- e. such milk room shall be rodent-proof;
- f. the doors and Windows shall be dust-proof when closed; and
- g. such milk room may be equipped with a bulk farm tank referred to in regulation 9(3) for the storage of milk.

(4) A changeroom shall -

- a. comply mutatis mutandis with subregulation (2)(e)(i), (f), (g), (h)(i) and (i);
- b. have at least one hand wash-basin and one shower provided with piped running pure water for every 15 persons or part of this number working at the milking shed concerned, and shall be provided with soap, a nail brush and disposable towels, and the used water from such hand wash-basin and shower shall drain into a disposal system;
- c. be within easy reach of the milking parlour and milk room.

(5) Any effluent originating from a milking shed shall -

- a. not be stored, treated or dumped in any place except in or on a disposal system;
- b. not be conveyed to or dumped in or on a disposal system in any other way than by means of a pipeline, or cement ditches or in a container;
- c. no be dumped so that a water source is or may be polluted by it;
- d. not constitute a nuisance or cause a condition that is a health hazard.

(6) Only pure water shall be used at a milking shed.

(7) A holder shall see to it that -

- a. in or at a milking shed -
 - i. a nuisance or condition that is a health hazard is not caused or does not arise;
 - ii. no poisonous or hazardous substances or gases are stored;
 - iii. no activity is carried on which can pollute or harm the milk
- b. rodents and flies, cockroaches and other insects on the premises of the milking shed are controlled.

(8) A milking shed shall not be used for any other purpose except the production and handling of milk.

(9) Unfixed milk containers and other apparatus and equipment used in the handling of milk shall not be washed, cleansed, disinfected or sterilised in a place other than the scullery referred to in subregulation (1)(a)(iv).

(10) No person shall use or handle tobacco in any form or eat in a milking shed except in the changeroom or diningroom of a milking shed.

(11) As soon as milk animal have left a milking shed, all manure shall be removed from the milking shed and the floor and all entrances and exits of the milking shed shall be washed clean.

Milk containers and milking machines

9. (1) A milk container -
- a. shall not be made wholly or partly of copper, or any copper alloy or any toxic material;
 - b. shall have a smooth finish, free of open seams, cracks and rust stains;
 - c. shall be constructed in such a way that any surface that comes into contact with milk shall be accessible for the purpose of washing and disinfection; and
 - d. shall not be used for any other purpose except the handling of milk.

A milking machine shall –

- a. be manufactured in such a way that the vacuum pipe of the machine can be drained to remove all the moisture;
- b. be equipped with a device rendering visible the milk flow from each milk animal; and
- c. comply mutatis mutandis with subregulation (1)(a), (b) and (c).

(3) A bulk farm tank shall -

- a. have a drainage incline leading directly to the outlet point;
- b. be fitted with an outlet pipe manufactured and fitted in such a way that all liquid can drain out of such tank, and the end of such outlet

pipe shall be screw-threaded and fitted with a screw-on cap permitting such end to be shut off;

- c. be fitted with a stirring mechanism capable, within five minutes of being put into operation, of mixing milk in such tank;
- d. be fitted with a thermometer capable of measuring the temperature of the milk in such tank accurately to the nearest 2oC;
- e. be equipped to cool the milk in such tank to 5oC or a lower temperature within three hours, and of keeping such cooled milk at a temperature of between 1oC and 5oC;
- f. be installed at a minimum distance of 0,5 metres from any roof, ceiling or wall;
- g. be insulated in such a way that when no cooling takes place, the temperature of the milk in such tank shall not increase by more than 3oC in 12 hours if the surrounding temperature is 32oC;
- h. comply mutatis mutandis with subregulation (1)(a), (b) and (c).

(4) The tank of a milk tanker shall -

- a. be installed in such a way that it has an incline leading to the outlet pipe so that the total contents of such tank can drain out of the tank through the outlet pipe while the vehicle itself is in a horizontal position;
- b. be insulated in such a way that the temperature of the milk in such tank shall not increase by more than 2oC every 48 hours; and
- c. have at least one opening fitted with a dust-proof lid through which the inside of such tank can be inspected and shall be equipped so that all surfaces that come into contact with milk may be washed and disinfected as prescribed in subregulation (6);
- d. comply mutatis mutandis with subregulation (1)(a), (b) and (c).

(5) All apparatus used for heat treatment of milk, shall be fitted with dial thermometers and thermostats accurate to 0,5oC in respect of the entire given series of scales and, in addition to mechanical temperature and time regulators, such apparatus shall have flow-regulating and flow-averting valves by which milk not subject to heat treatment is automatically redirected to the balance tank.

(6) Milk containers and other fixed and unfixed apparatus and equipment shall be so washed and disinfected after use that they are clean, that fats and milk residues are dissolved and removed and that the bacteriological count on surfaces coming into contact with milk does not exceed 10 bacteria per 100 mm² of such surfaces after disinfection.

Milk

10. (1) The first milk from every teat shall be taken as a sample to be tested and shall be disposed of after testing and if such testing reveals any signs of an abnormality in the milk, the milk of the animal concerned shall be kept separate and shall not be mixed with other milk nor used for human consumption.

(2) Milk obtained from dairy stock during the first seven days following parturition (post-partum) shall not be added to milk destined for human consumption.

(3) Milk shall not be transferred from one milk container to another by means of a third container.

(4) Milk shall be protected from direct sunlight.

(5) Milk shall be transferred to the milkroom immediately after the stock have been milked.

(6) Except when milk is being pasteurised or is undergoing some other heat treatment process, the milk shall, within three hours of being received in the milk room, be cooled to a temperature of 5°C or lower, but above freezing-point, and kept at the temperature until it is removed from the milking

Dairy stock

11. (1) Every milk animal shall be marked with a distinguishing and indelible mark by which such an animal can be identified.

(2) A register shall be kept of each separate milk animal's diseases each withdrawal from the dairy herd, each return to the dairy herd for milking purposes and all veterinary examinations and veterinary treatment with the name of the veterinary surgeon if a veterinary surgeon was involved in such examinations or treatments.

(3) Each individual milk animal shall be examined by a veterinary surgeon at least once in every two-year cycle and a report shall be obtained from the veterinary surgeon.

(4) The milk of any milk animal that is or appears to be ill shall not be made available for human consumption until such time as the holder has made sure that that animal is not suffering from a disease mentioned in subregulation (5).

(5) The milk of dairy stock that suffer or presumably suffer from mastitis, induration of the udder, a secretion of bloody or ropy milk or milk otherwise abnormal, tuberculosis, salmonellosis, acute fever (with the inclusion of anthrax, anaplasmosis, redwater, ephemeral fever and lumpy skin disease, septic metritis, septic multiple mange, serious tick infection or brucellosis, or that have any open or septic wounds which may contaminate milk, milk containers, or apparatus or equipment or people who work with the milk animals, shall not be made available or used for human consumption unless steps have been taken to the satisfaction of the local authority to eliminate such health hazard.

(6) If lubricants are used in the milking process on teats of dairy stock, such lubricants shall be kept in containers that are free of foreign matter and dirt, and such containers when not in use shall be covered with tight-fitting lids.

(7) All flanks, udders, bellies and tails of dairy stock shall before the milking process be free of visible dirt and if a flank, udder, belly or tail is washed it shall be dried with a clean towel.

Milkers and handlers of milk

12. (1) The hands and fingernails of every milker or handler of milk shall be washed thoroughly with soap and water, and there shall be no accretion of grime under the nails when milk is handled.

(2) Each person handling milk, shall daily before the commencement of his activities don clean and undamaged over-clothes and gumboots and wear them continuously while he is handling milk.

(3) No person who suffers from a communicable disease or who has an open sore or abscess on his arms, hands, head or neck shall handle milk.

TRANSPORT OF MILK

Duties of the driver of a vehicle

13. If milk that is not already packed in its final retail packaging is loaded on a vehicle at a milking shed for transport to a further distribution point or processing point, the driver of such vehicle shall -
- a. before any milk is loaded on such vehicle -
 - i. carry out an alizarol test (68 percent alcohol) on a sample of the milk to be loaded, which sample shall be taken by himself or under this direct supervision from the milk container from which such milk is to be loaded; and
 - ii. take the temperature of the milk in the bulk form tank and, if the alizarol test is positive, or if the temperature of such milk in the bulk form tank exceeds 50C, not accept such milk for transport;
 - b.
 - c.
 - d. ensure that a milk tanker or milk container is so cleaned and disinfected as soon as all the milk has been unloaded therefrom that the bacteriological count on the surfaces coming into contact with milk does not exceed 10 bacteria per 100mm² of such surfaces after disinfection; and
 - e. take a sample of milk at every milking shed where milk is loaded and mark such sample with a mark by which the milking shed concerned can be identified and keep that sample separate in a container so that the temperature of the sample does not exceed 50C at its final destination.

GENERAL PROVISIONS

Exemption

14. (1) A local authority may exempt in writing any person from compliance with some of these regulations if in the opinion of such local authority, such non-compliance neither does nor will create a nuisance.
- (2) Such an exemption shall be subject to the conditions and valid for the period determined and stated in the said document by the local authority.

Appeal

15. (1) Any person who is of the opinion that an injustice has been done to him by a decision of a local authority made in terms of these regulations may appeal to the Minister against such a decision.
- (2) Such an appeal shall be lodged within 42 days by the delivery to the local authority concerned, for submission to the Minister, of a notice in which the grounds for the appeal are stated clearly and concisely.
- (3) The local authority shall, within 14 days of receipt of the said notice, send a copy of -
- a. the said notice;
 - b. a written statement setting out its reasons for the decision being appealed against; and
 - c. the report and recommendation of the inspector considered by the local authority in making the decision being appealed against;
 - d. to the Minister, and copies of the said statement and report to the appellant.

(4) The appellant may, within 14 days of receipt of the copies of the said statement and report, submit to the Minister a written representation thereanent.

(5) The Minister shall, upon receipt of the appellant's representation if the appellant submit a representation, consider the appeal subject to the notice, statement, report, recommendation and representation, so submitted to him and he may confirm, change or substitute for the decision of the local authority being appealed another decision which in his opinion should have been made by the local authority, and order the local authority to do what is necessary to carry out his decision.

(6) The Director-General shall in writing inform the appellant and the local authority of the outcome of the appeal.

(7) The commencement of the decision of the local authority being appealed against, shall be postponed from the date on which the notice referred to in subregulation (2) is delivered to the date on which the appeal is withdrawn or is finalised by the Minister.

Withdrawal of regulations

16. Government Notice No. R. 180 of 10 February 1967 is hereby amended by -
 - a. the deletion of the definitions of "dairy", "dairyman", "milk shop" and "purveyor of milk" in regulation 1; and
 - b. the withdrawal of Part I and Part VII.