

Statutory Document No. 2018/0230



Agricultural Marketing (No. 2) Act 1948

MILK PRICES ORDER 2018¹

Made: 23 August 2018

Coming into Operation: 10 September 2018

The Department of Environment, Food and Agriculture makes the following Order under section 1 of the Agricultural Marketing (No. 2) Act 1948.

1 Title

This Order is the Milk Prices Order 2018.

2 Commencement

This Order comes into operation on 10 September 2018.

3 Interpretation

In this Order: —

“**authorised milk vendor**” means a person or business (other than a producer retailer) to whom Isle of Man Milk Marketing Association Limited has authorised to sell milk by retail for resale in its original container;

“**buy**” includes offer or agree to buy and “**sell**” includes offer or agree to sell or expose for sale;

“**domestic consumer**” means a private householder, office or other premises where milk is used for consumption and excludes any milk categorised within the definitions of semi-retail sales or wholesale sales;

“**Isle of Man Milk Marketing Association Limited**” means a body corporate formed under the Companies Act 1931 and 2004 which includes its successors in title and assigns, including Isle of Man Creamery Limited;

“**milk**” means liquid cow’s milk produced in the Island and includes whole milk, semi-skimmed and skimmed milk;

“**ml**” means millilitres;

“**producer retailer**” means a person or entity currently holding a valid Retail Licence in accordance with Article 11 of the Milk Marketing Scheme 2007

made under the Agricultural Marketing Acts, 1934 to 1955, and the Agricultural Marketing (Amendment) Act 2006;

“**registered producer**” means a person or entity entered on the register of producers administered by the Isle of Man Milk Marketing Association Limited in accordance with the Milk Marketing Scheme 2007 made under the Agricultural Marketing Acts, 1934 to 1955 and the Agricultural Marketing (Amendment) Act 2006;

“**retail sale**” means the sale of milk to a domestic consumer;

“**school**” has the meaning prescribed in section 59 (interpretation) of the *Education Act 2001*;

“**sale**” includes the supply of milk (otherwise than on sale) in the course of a business transaction;

“**sales incentive scheme**” means a scheme made under —

- (a) the Agricultural Marketing Acts, 1934 to 1955 and the Agricultural Marketing (Amendment) Act 2006; or
- (b) the Financial Provisions and Currency Act 2001,

to support the sale of milk at a price less than that specified in this Order for the purpose of promoting the future the sale milk;

“**semi-retail sale**” means (subject to the exclusion specified beneath paragraph (f) of this definition) the sale of milk other than by wholesale sale or a retail sale; and for these purposes includes the sale of milk to catering establishments, examples of which are —

- (a) restaurants;
- (b) clubs;
- (c) hotels;
- (d) boarding houses;
- (e) public houses; and
- (f) schools; and

except that sales of bulk supplies in containers of a maximum capacity less than 500 ml are excluded;

“**wholesale sale**” means the sale of milk to an authorised milk vendor for subsequent retail sale or semi-retail sale by the authorised milk vendor but excluding milk sold by a registered producer to Isle of Man Milk Marketing Association Limited.

4 Application of this Order

- (1) Subject to paragraph (2), a person must not sell milk by retail sale, semi-retail sale or wholesale sale otherwise than in accordance with the provisions of this Order.

- (2) This Order does not apply to —
- (a) any contract for the sale of milk to schools;
 - (b) any contract for the sale of milk to the Isle of Man Prison; or
 - (c) the sale of milk as part of a sales incentive scheme.

5 Prices of milk as from 10 September 2018

- (1) Part 1 of the Schedule to this Order prescribes the prices of milk for —
- (a) retail sale;
 - (b) sale in school;
 - (c) semi-retail sale;
 - (d) wholesale sale.; and
 - (e) wholesale sale from IOM Creamery Limited to a producer retailer, which may vary depending on any combination of the type of milk, the type of container, the size of container, or the sales volume band.
- (2) Part 2 of the Schedule to the Order prescribes the sales volume bands for semi-retail sale and wholesale sale of milk.
- (3) The sales volume band is calculated based upon the combined purchases of all milk for sale by semi-retail and wholesale, including purchases by producer retailers from Isle of Man Creamery Limited, in unit sizes over 250ml but less than 8 pints, purchased by the buyer, from the same seller, per week.

6 Prohibition of unreasonable charges

In connection with the sale of milk or the proposed sale of milk a person must not make or demand any unreasonable charge.

7 Offences

A contravention of the provisions of this Order is an offence under section 4 of the Agricultural Marketing (No. 2) Act 1948.

8 Revocation

The Milk Prices Order 2015¹ is revoked.

MADE 23 AUGUST 2018

¹ GC 0007/2015.

SCHEDULE

Article 5(1) and (2)

PART 1

PRICES FOR MILK AS FROM 10 SEPTEMBER 2018

1 Retail sale

Delivered to the premises of the buyer or collected by the buyer in containers provided by the seller	Price		
	Containers denominated in ml	Containers denominated in pints	Per 100ml
Imperial measures of any volume		60p per pint	10.6p
Metric measures up to and including 250ml, excluding sales in schools	Minimum 35p per 200ml		Minimum 17.5p
Metric measures over 250ml but less than 1000ml	55p per 500ml		11p
Metric measures of 1,000ml and above	£1.00 per litre		10p

2 Sale in school

	Price	
	Containers denominated in ml	Per 100 ml
Metric measures up to and including 250ml	19p per 200ml	9.5p

3 Semi-retail sale

In imperial containers of less than 8 pints			
Purchases per week from the same seller	Price (pence per pint)		
	Whole	Semi- skimmed	Skimmed
Band 1	56.5	55.7	54.6
Band 2	56.2	55.5	54.4
Band 3	56.0	55.4	54.3

In imperial containers of less than 8 pints			
	Price (pence per pint)		
Band 4	55.6	54.8	53.9
Band 5	55.3	54.3	53.6
Band 6	54.3	53.8	52.6
Band 7	53.8	53.1	52.0
Band 8	52.6	52.1	51.2
Band 9	51.9	50.9	50.0

In metric containers over 250 ml but less than 1,000 ml			
	Price (pence per 500 ml)		
Purchases per week from the same seller	Whole	Semi- skimmed	Skimmed
Band 1	51.8	51.1	50.1
Band 2	51.5	50.9	49.9
Band 3	51.3	50.8	49.8
Band 4	51.0	50.2	49.4
Band 5	50.7	49.8	49.1
Band 6	49.8	49.3	48.2
Band 7	49.3	48.7	47.7
Band 8	48.2	47.8	46.9
Band 9	47.6	46.7	45.8

In metric containers of 1,000 ml and above			
	Price (pence per 1,000 ml)		
Purchases per week from the same seller	Whole	Semi- skimmed	Skimmed
Band 1	94.2	92.8	91.0
Band 2	93.7	92.5	90.7
Band 3	93.3	92.3	90.5
Band 4	92.7	91.3	89.8
Band 5	92.2	90.5	89.3
Band 6	90.5	89.7	87.7
Band 7	89.7	88.5	86.7
Band 8	87.7	86.8	85.3
Band 9	86.5	84.8	83.3

In rigid containers of 8 pint capacity or more			
Purchases per week from the same seller	Whole	Semi- skimmed	Skimmed
Maximum price (pence per pint)	60.0	60.0	60.0

In metric pouches of 1,000 ml and above			
Purchases per week from the same seller	Whole	Semi- skimmed	Skimmed
Band 1. Price (pence per litre)	94.2	92.8	91.0
Band 2 and above. Maximum price (pence per litre)	100.0	100.0	100.0

4 Wholesale sale

In imperial containers			
	Price (pence per pint)		
Purchases per week from the same seller	Whole	Semi- skimmed	Skimmed
Band 1	54.3	53.7	52.5
Band 2	54.1	53.4	52.3
Band 3	53.9	53.2	52.1
Band 4	53.6	52.6	51.7
Band 5	53.1	52.2	51.3
Band 6	52.2	51.5	50.5
Band 7	51.5	50.6	49.8
Band 8	50.5	49.8	48.6
Band 9	49.5	48.5	47.8

In metric containers up to and including 250 ml			
	Price (pence per 200 ml)		
Purchases per week from the same seller	Whole	Semi- skimmed	Skimmed
Up to 400 litres	31.1	30.7	30.3
Over 400 and up to 600 litres	30.1	29.6	29.2
Over 600 litres	29.0	28.6	28.1

In rigid metric containers over 250 ml but less than 1,000 ml			
	Price (pence per 500 ml)		
Purchases per week from the same seller	Whole	Semi- skimmed	Skimmed
Band 1	49.8	49.2	48.1
Band 2	49.6	49.0	47.9
Band 3	49.4	48.8	47.8
Band 4	49.1	48.2	47.4
Band 5	48.7	47.9	47.0
Band 6	47.9	47.2	46.3
Band 7	47.2	46.4	45.7
Band 8	46.3	45.7	44.6
Band 9	45.4	44.5	43.8

In rigid metric containers of 1,000 ml and above			
	Price (pence per 1,000 ml)		
Purchases per week from the same seller	Whole	Semi- skimmed	Skimmed
Band 1	90.5	89.5	87.5
Band 2	90.1	89.1	87.1
Band 3	89.8	88.7	86.8
Band 4	89.3	87.7	86.2
Band 5	88.5	87.0	85.5
Band 6	87.0	85.8	84.2
Band 7	85.8	84.3	83.0
Band 8	84.2	83.0	81.0
Band 9	82.5	80.8	79.7

5 Wholesale sale from Isle of Man Creamery Limited to a producer retailer

Combined purchases of all milk in unit sizes over 250 ml but less than 8 pints			
	Price (percentage of retail price)		
Purchases per week	Whole	Semi- skimmed	Skimmed
Band 1	88%	87%	86%
Band 2 to Band 8	81%	80%	79%

PART 2

SALES VOLUME BANDS FOR SEMI-RETAIL SALE AND WHOLESALE SALE

	Pints	
	Lower limit	Upper limit
Band 1	0	400
Band 2	401	800
Band 3	801	2,000
Band 4	2,001	5,000
Band 5	5,001	10,000
Band 6	10,001	20,000
Band 7	20,001	35,000
Band 8	35,001	60,000
Band 9	60,001	

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.