



MILK PRICES (NO.3) ORDER 2022

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Statutory Document No. 2022/0315

*Agricultural Marketing (No. 2) Act 1948***MILK PRICES (NO.3) ORDER 2022¹***Laid before Tynwald: 13 December 2022**Coming into Operation: 1 January 2023*

The Department of Environment, Food and Agriculture, having considered the recommendations made by the Marketing Committee¹, makes the following Order under section 1 of the Agricultural Marketing (No. 2) Act 1948.

1 Title

This Order is the Milk Prices (No.3) Order 2022.

2 Commencement

This Order comes into operation on 1 January 2023.²

3 Interpretation

In this Order: —

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

“**Isle of Man Creamery Limited**” means the body corporate of that name incorporated under the Companies Acts 1931 to 2004 under registration number 121467C and includes its successors and assigns;

“**Isle of Man Milk Marketing Association**” means Isle of Man Milk Marketing Association Limited and Isle of Man Creamery Limited;

“**Isle of Man Milk Marketing Association Limited**” means the body corporate of that name incorporated under the Companies Acts 1931 to 2004 under registration number 121363C and includes its successors and assigns;

¹ As required by section 8(3) of the Agricultural Marketing (No.2) Act 1948. The Marketing Committee is constituted under section 7 of that Act.

² Section 36 of the Legislation Act 2015 provides that if the authorising legislation for a statutory document does not make provision for a Tynwald procedure, the procedure set out in section 34(2) of the Legislation Act 2015 (“laying only”) applies to the document.

“**milk**” means liquid cow’s milk produced in the Island and includes whole milk, semi-skimmed milk 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 2007³;

“**registered producer**” means a person or entity entered on the register of producers in accordance with the Milk Marketing Scheme 2007;

“**retail sale**” means a sale of milk by an authorised milk vendor directly to a person, business or other entity for consumption by that person, business or other entity, excluding any sale of milk that is a semi-retail sale or wholesale sale;

“**school**” has the meaning given 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 the —

- (a) Agricultural Marketing Acts, 1934 to 1955 and the Agricultural Marketing (Amendment) Act 2006; or
- (b) Financial Provisions and Currency Act 2011,

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

“**semi-retail sale**” means the sale of milk by an authorised milk vendor other than by wholesale sale or retail sale and —

- (a) includes, subject to paragraph (b), the sale of milk to catering establishments, such as —
 - (i) restaurants;
 - (ii) clubs;
 - (iii) hotels;
 - (iv) boarding houses;
 - (v) public houses; and
 - (vi) schools;
- (b) does not include the sale of bulk supplies of milk in containers of a maximum capacity less than 500ml;

“**wholesale sale**” means the sale of milk by the Isle of Man Milk Marketing Association or an authorised milk vendor to an authorised milk vendor for subsequent retail sale or semi-retail sale but does not include the sale of milk by a registered producer to the Isle of Man Milk Marketing Association.

³ SD 718/07.

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 Order⁴.
- (2) This Order does not apply to —
 - (a) any contract for the sale of milk to a school;
 - (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

Schedule 1 prescribes the prices of milk as from the date specified in the relevant table or tables in that Schedule for —

- (a) retail sale;
- (b) sale in a school;
- (c) semi-retail sale;
- (d) wholesale sale; and
- (e) wholesale sale by Isle of Man Creamery Limited to a producer retailer,

by reference to any combination of the type of milk, the type of container, the size of container or the sales volume band.

6 Sales volume bands

- (1) Schedule 2 prescribes the sales volume bands for semi-retail sale and wholesale sale.
- (2) A sales volume band is determined by reference to the total number of combined purchases per week of all types of milk purchased —
 - (a) from the same seller;
 - (b) in unit sizes of more than 250ml;
 - (c) for subsequent semi-retail sale or wholesale sale or a combination of such sales,

and such reference includes references to purchases by a producer retailer from the Isle of Man Creamery Limited satisfying the criteria in this paragraph.

⁴ By section 4 of the Agricultural Marketing (No. 2) Act 1948, it is an offence for a person to sell or agree to sell, or offer or expose for sale, or buy or agree to buy, any agricultural product to which this Order applies contrary to any of the provisions of this Order.

7 Revocation

The Milk Prices (No. 2) Order 2022⁵ is revoked.

MADE 14 NOVEMBER 2022

⁵ SD 2022/0225.



SCHEDULE 1

[Article 5]

PRICES OF MILK

1 Retail sale

Delivered to the premises of the buyer or collected by the buyer in containers provided by the seller	Price from 1 January 2023		
	Containers denominated in ml	Containers denominated in pints	Per 100ml
Imperial measures of any volume		85p per pint	15p
Metric measures up to and including 250ml, excluding sales in schools	40p per 200ml		20.0p
Metric measures over 250ml but less than 1000ml	80p per 500ml		16p
Metric measures of 1,000ml or over but less than 1,750ml	£1.45 per litre		14.5p
Metric measures of 1,750ml and over	£1.31 per litre		13.1p

2 Sale in school

	Price from 1 January 2023	
	Containers denominated in ml	Per 100 ml
Metric measures up to and including 250ml	26p per 200ml	13.0p

3 Semi-retail sale

In imperial containers of less than 8 pints			
Purchases per week from the same seller	Price (pence per pint) from 1 January 2023		
	Whole	Semi- skimmed	Skimmed
Band 1	80	79	77.5

In metric containers over 250 ml but less than 1,000 ml			
Price (pence per 500 ml) from 1 January 2023			
Purchases per week from the same seller	Whole	Semi- skimmed	Skimmed
Band 1	75.3	74.2	73

In metric containers of 1,000 ml and above, but less than 1,750 ml			
Price (pence per 1,000 ml) from 1 January 2023			
Purchases per week from the same seller	Whole	Semi- skimmed	Skimmed
Band 1	136.5	134.6	132

In metric containers of 1,750 ml and above, but less than 2,000 ml			
Price (pence per 1,750 ml) from 1 January 2023			
Purchases per week from the same seller	Whole	Semi- skimmed	Skimmed
Band 1	216.7	213.3	209.4

In imperial containers of 8 pints or more from 1 January 2023			
Purchases per week from the same seller	Whole	Semi- skimmed	Skimmed
Maximum price (pence per pint)			
Band 1	75	75	75

In metric containers of 2,000ml or more from 1 January 2023			
Purchases per week from the same seller	Whole	Semi- skimmed	Skimmed
Maximum price (pence per litre)			
Band 1	131	131	131

4 Wholesale sale

In imperial containers			
Price (pence per pint) from 1 January 2023			
Purchases per week from the same seller	Whole	Semi- skimmed	Skimmed
Band 1	77	76.5	74.5

In metric containers up to and including 250 ml			
	Price (pence per 200 ml) from 1 January 2023		
Purchases per week from the same seller	Whole	Semi- skimmed	Skimmed
Band 1	35.5	35.1	34.6
Band 2	34.4	33.8	33.4
Band 3 to Band 9	33.1	32.7	32.1

In rigid metric containers over 250 ml but less than 1,000 ml			
	Price (pence per 500 ml) from 1 January 2023		
Purchases per week from the same seller	Whole	Semi- skimmed	Skimmed
Band 1	72.3	71.7	70.1
Band 2	72.1	71.4	69.8
Band 3	71.9	70.9	69.4
Band 4	71.5	70.2	68.9
Band 5	70.7	69.8	68.5
Band 6	69.8	68.7	67.3
Band 7	68.7	67.4	66.6
Band 8	67.3	66.6	65.0
Band 9	65.9	64.6	63.8

In rigid metric containers of 1,000 ml and above but less than 1,750 ml			
	Price (pence per 1,000 ml) from 1 January 2023		
Purchases per week from the same seller	Whole	Semi- skimmed	Skimmed
Band 1	131.1	129.9	127.0
Band 2	130.6	129.2	126.3
Band 3	130.3	128.6	125.9
Band 4	129.5	127.2	124.9
Band 5	128.2	126.2	124.1
Band 6	126.2	124.5	122.0
Band 7	124.5	122.2	120.4
Band 8	122.0	120.4	117.5
Band 9	119.5	117.2	115.6

In rigid metric containers of 1,750 ml and above but less than 2,000 ml			
Price (pence per 1,750 ml) from 1 January 2023			
Purchases per week from the same seller	Whole	Semi- skimmed	Skimmed
Band 1	208.2	205.9	201.3
Band 2	207.5	205.0	200.6
Band 3	206.5	203.9	199.6
Band 4	205.7	201.8	198.3
Band 5	203.6	200.4	196.7
Band 6	200.6	197.3	193.7
Band 7	197.3	193.8	191.4
Band 8	193.7	191.2	186.8
Band 9	189.8	185.8	183.4

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

Combined purchases of all milk in unit sizes over 250 ml but less than 2,000ml			
Price (percentage of retail price) from 1 January 2023			
Purchases per week	Whole	Semi- skimmed	Skimmed
Band 1	88%	87%	86%
Band 2 to Band 9	81%	80%	79%

SCHEDULE 2

[Article 6]

SALES VOLUME BANDS FOR SEMI-RETAIL SALE AND WHOLESALE SALE

Semi-retail sales and Wholesale sales in imperial containers (Pints)		
	Lower limit	Upper limit
Band 1	1	No limit

Semi-retail sales in metric containers (Litres)		
	Lower limit	Upper limit
Band 1	1	No limit

Wholesale sales in metric containers (Litres)		
	Lower limit	Upper limit
Band 1	1	200
Band 2	201	400
Band 3	401	1,000
Band 4	1,001	3,000
Band 5	3,001	5,000
Band 6	5,001	10,000
Band 7	10,001	15,000
Band 8	15,001	30,000
Band 9	30,001	No limit

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.