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STATUTORY INSTRUMENTS

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**2007 No. 477**

**FOOD**

**The Dairy Produce (Miscellaneous Provisions) Regulations 2007**

*Made* - - - - *18th February 2007*  
*Laid before Parliament* *26th February 2007*  
*Coming into force* - - *6th April 2007*

<sup>F1F2</sup>The Secretary of State has been designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to the common agricultural policy of the European Community. He makes the following Regulations under the powers conferred by that section.

**Textual Amendments**

- F1** Regulations revoked (S.) (28.2.2019) by [The Environment, Food and Rural Affairs \(Miscellaneous Amendments and Revocations\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/391\)](#), reg. 1(1), **sch. Pt. 2**
- F2** Regulations revoked (E.W.) (31.3.2019) by [The Food and Rural Affairs \(Miscellaneous Revocations\) Regulations 2018 \(S.I. 2018/908\)](#), **regs. 1(2), 3(h)**

**Title and commencement**

1. These Regulations may be cited as the Dairy Produce (Miscellaneous Provisions) Regulations 2007 and come into force on 6th April 2007.

**Abolition of Dairy Produce Quota Tribunals**

2. The Dairy Produce Quota Tribunals, re-constituted under regulation 7(1) of the Dairy Produce Quotas (General Provisions) Regulations 2002(3), are abolished.

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(1) The power of the Secretary of State, as a Minister designated by virtue of [S.I. 1972/1811](#) in relation to the common agricultural policy of the European Community, to make regulations which extend to Scotland remains exercisable by virtue of section 57(1) of the Scotland Act 1998 ([1998 c. 46](#)). The Secretary of State's power, as a Minister so designated, to make regulations which apply to Wales is confirmed by article 4(4) of [S.I. 2005/2766](#). The Secretary of State's power, as a Minister so designated, to make regulations which extend to Northern Ireland is confirmed by article 3(2) of [S.I. 2000/2812](#).

(2) [1972 c. 68](#).

(3) [S.I. 2002/458](#) as amended by [S.I. 2005/466](#).

### **Amendment of the Dairy Produce Quotas (General Provisions) Regulations 2002**

3.—(1) The Dairy Produce Quotas (General Provisions) Regulations 2002 are amended as follows.

<sup>F3</sup>(2) .....

(3) Omit regulation 7 (dairy produce quota tribunals).

(4) Omit the Schedule (constitution, staffing and procedures of dairy produce quota tribunals).

#### **Textual Amendments**

**F3** Reg. 3(2) omitted (1.4.2008) by virtue of Dairy Produce Quotas (General Provisions) (Amendment) Regulations 2008 (S.I. 2008/438), regs. 1(b), **3(2)**

### **Amendment of the Agriculture Act 1986**

4.—(1) The Agriculture Act 1986(4) is amended as follows.

(2) In paragraph 6 of Part 2 of Schedule 1 (tenants' compensation for milk quota)—

(a) in sub-paragraph (3), after “Wales” insert “, or by the Secretary of State or the National Assembly for Wales following the appeals procedure,”;

(b) after sub-paragraph (3) insert—

“(3A) In sub-paragraph (3) above “the appeals procedure” means—

(a) in England, the appeals procedure established under the Common Agricultural Policy Non-IACS Support Schemes (Appeals) (England) Regulations 2004 (S.I. 2004/590); and

(b) in Wales, the appeals procedure established under the Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Wales) Regulations 2004 (S.I. 2004/685 (W.73)).”.

(3) In paragraph 6 of Schedule 2 (tenants' compensation for milk quota: Scotland)—

(a) in sub-paragraph (3), after “Scotland” insert “, or following the appeals procedure by the Scottish Ministers or the Scottish Land Court,”;

(b) after sub-paragraph (3) insert—

“(3A) In sub-paragraph (3) above “the appeals procedure” means the appeals procedure established under the Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Scotland) Regulations 2004 (S.S.I. 2004/278).”.

### **Consequential provisions**

5. The enactments listed in Part 1 of the Schedule are repealed or revoked as specified.

### **Revocation of the Milk (Community Outgoers) Schemes**

6. The instruments listed in Part 2 of the Schedule are revoked.

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**Changes to legislation:** *There are currently no known outstanding effects for the The Dairy Produce (Miscellaneous Provisions) Regulations 2007. (See end of Document for details)*

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*Jeff Rooker*  
Minister of State  
Department for Environment, Food and Rural  
Affairs

## SCHEDULE

Regulations 5 and 6

## Repeals and Revocations

## PART 1

## Dairy Produce Quota Tribunals

<i>Enactment</i>	<i>References</i>	<i>Extent of repeal or revocation</i>
The Parliamentary Commissioner Act 1967	<a href="#">1967 c 13</a>	In Schedule 4, the entry relating to the Dairy Produce Quota Tribunal for England and Wales constituted under regulation 7 of, and the Schedule to, the Dairy Produce Quotas (General Provisions) Regulations 2002.
The House of Commons Disqualification Act 1975	<a href="#">1975 c 24</a>	In Part 2 of Schedule 1, the entry relating to a Dairy Produce Quota Tribunal constituted under the Dairy Produce Quotas Regulations 1984.
The Tribunals and Inquiries Act 1992	<a href="#">1992 c 53</a>	In both Part 1 and Part 2 of Schedule 1, the entry relating to dairy produce quotas.
The Scottish Public Services Ombudsman Act 2002	<a href="#">2002 asp 11</a>	Paragraph 1 of Schedule 3.
The Scottish Parliament (Disqualification) Order 2003	<a href="#">S.I. 2003/409</a>	In Part 1 of the Schedule, the entry relating to any member of a Dairy Produce Quota Tribunal constituted under the Dairy Produce Quotas Regulations 1984.
The Tribunals and Inquiries (Dairy Produce Quota Tribunal) Order 2004	<a href="#">S.I. 2004/594</a>	The whole instrument.
The Tribunals and Inquiries (Dairy Produce Quota Tribunal) (Scotland) Order 2004	<a href="#">S.S.I. 2004/119</a>	The whole instrument.

## PART 2

### Milk (Community Outgoers) Schemes

<i>Instrument revoked</i>	<i>References</i>
The Milk (Community Outgoers Scheme) (England and Wales) Regulations 1986	<a href="#">S.I. 1986/1611</a>
The Milk (Community Outgoers Scheme) Regulations (Northern Ireland) 1986	<a href="#">S.R. 1986 No. 299</a>
The Milk (Community Outgoers' Scheme) (Scotland) Regulations 1986	<a href="#">S.I. 1986/1613 (S. 122)</a>
The Milk (Community Outgoers Scheme) (England and Wales) (Amendment) Regulations 1987	<a href="#">S.I. 1987/410</a>
The Milk (Community Outgoers' Scheme) (Scotland) Amendment Regulations 1987	<a href="#">S.I. 1987/425 (S. 40)</a>
The Milk (Community Outgoers' Scheme) (Scotland) Amendment (No. 2) Regulations 1987	<a href="#">S.I. 1987/881 (S. 73)</a>
The Milk (Community Outgoers Scheme) (England and Wales) (Amendment) (No. 2) Regulations 1987	<a href="#">S.I. 1987/909</a>
The Milk (Community Outgoers Scheme) (Amendment) Regulations (Northern Ireland) 1987	<a href="#">S.R. 1987 No. 114</a>
The Milk (Community Outgoers Scheme) (Amendment No. 2) Regulations (Northern Ireland) 1987	<a href="#">S.R. 1987 No. 225</a>

#### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations abolish the Dairy Produce Quota Tribunals (regulation 2) and make consequential amendments to the Dairy Produce Quotas (General Provisions) Regulations 2002 ([S.I. 2002/458](#)). These Regulations also make consequential amendments to the Agriculture Act 1986 (regulation 4) and repeal and revoke various other enactments (Part 1 of the Schedule). Disputes concerning the allocation of quota, which would previously have been considered by a Dairy Produce Quota Tribunal, will instead be considered under the relevant Common Agricultural Policy Non-IACS Support Schemes Appeals procedure.

These Regulations also revoke secondary legislation concerning Milk (Community Outgoers) schemes in the United Kingdom (Part 2 of the Schedule), as these schemes are no longer in operation.

**Changes to legislation:** *There are currently no known outstanding effects for the The Dairy Produce (Miscellaneous Provisions) Regulations 2007. (See end of Document for details)*

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

**Changes to legislation:**

There are currently no known outstanding effects for the The Dairy Produce (Miscellaneous Provisions) Regulations 2007.