

2005 No. 484

AGRICULTURE

**The Reporting of Prices of Milk Products (Scotland)
Regulations 2005**

<i>Made</i>	- - - -	<i>3rd October 2005</i>
<i>Laid before the Scottish Parliament</i>		<i>4th October 2005</i>
<i>Coming into force</i>	- -	<i>11th November 2005</i>

The Scottish Ministers, in exercise of the powers conferred on them by section 2(2) of the European Communities Act 1972(a) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Reporting of Prices of Milk Products (Scotland) Regulations 2005 and shall come into force on 11th November 2005.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“Commission Regulation” means Commission Regulation (EC) No. 562/2005 laying down rules for the implementation of Council Regulation (EC) No. 1255/1999 as regards communications between the Member States and the Commission in the milk and milk products sector(b);

“milk processor” means a person operating an establishment which manufactures milk products;

“milk products” means the products listed in Annex VI to the Commission Regulation.

(2) A reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication, as defined in the Electronic Communications Act 2000(c), which has been recorded and is subsequently capable of being reproduced.

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46), Schedule 8, paragraph 15(3). The functions conferred upon the Minister of the Crown under section 2(2) of the 1972 Act, insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(b) O.J. No. L 95, 14.4.2005, p.11.

(c) 2000 c.7.

Provision of information on prices of milk products

3.—(1) A milk processor shall provide such information relating to the prices of milk products to such persons as the Scottish Ministers may by notice in writing require for the purposes of Article 6 of the Commission Regulation.

(2) The notice referred to in paragraph (1) may require the milk processor to provide the information requested on a weekly basis, and may specify the day and time by which it must be provided and the format in which it must be provided.

Offence

4. Any person who fails to comply with a notice issued under regulation 3(1) shall be guilty of an offence, and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Offences by bodies corporate

5. Where an offence under these Regulations which has been committed by a partnership or a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any partner, director, manager, secretary or similar officer of the body corporate, or any person who was purporting to act in any such capacity, that person as well as the partnership or body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

ROSS FINNIE

A member of the Scottish Executive

St Andrew's House,
Edinburgh
3rd October 2005

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 11th November 2005, make provision in Scotland for the implementation of Article 6 of Commission Regulation (EC) No. 562/2005 (O.J. No. L 95, 14.4.12005, p.11) laying down rules for the implementation of Council Regulation (EC) No. 1255/1999 as regards communications between the Member States and the Commission in the milk and milk products sector.

Regulation 3 requires milk processors to provide such information relating to the prices of certain milk products as the Scottish Ministers may require by notice. Failure to comply with such a requirement is an offence punishable on summary conviction by a fine not exceeding level 5 on the standard scale (regulation 4).

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