

*These notes refer to the Deregulation Act 2015 (c.20)  
which received Royal Assent on 26 March 2015*

# DEREGULATION ACT 2015

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Schedule 23: Legislation no longer of practical use*

#### **Part 6: Animals and food**

##### **Sea Fisheries Act 1868 and other fisheries legislation**

956. *Paragraph 31* repeals the Sea Fisheries Act 1868, the Fisheries Act 1891 and the British Fishing Boats Act 1983 and makes consequential amendments. This legislation has been superseded by a combination of directly applicable provisions of EU law and other legislation.
957. The repeals have the same extent as the legislation amended except that the repeals of the Fisheries Act 1891 and the British Fishing Boats Act 1983 (and the related consequential amendments) do not extend to Scotland.
958. The repeals come into force at the end of the period of 2 months beginning with the day on which the Act is passed.

##### **Agricultural Produce (Grading and Marking) Acts 1928 and 1931**

959. The Agricultural Produce (Grading and Marking) Act 1928, as amended by the Agricultural Produce (Grading and Marking) Amendment Act 1931, enables regulations to be made prescribing grade designations and marks to indicate the quality of agricultural and fishery produce and contains provisions to do with the storage and marking of eggs.
960. The Acts have hardly been used during the last 70 years. They have been overtaken by more recent domestic legislation as well as European Union marketing legislation. The Acts are regarded as redundant and as serving no useful purpose. *Paragraph 33* in Part 6 of this Schedule repeals the 1928 and 1931 Acts. *Paragraph 34* makes consequential amendments of other Acts as a result of the repeal of the 1928 and 1931 Acts.
961. The 1928 and 1931 Acts form part of the law of England and Wales and Scotland and the repeal has the same extent. *Paragraphs 33 and 34* come into force at the end of the period of 2 months beginning with the day on which the Act is passed.

##### **Breeding of Dogs Act 1973**

962. *Paragraph 35* of this Schedule repeals the requirement under the Breeding of Dogs Act 1973 for local authorities, when deciding whether to grant a dog breeding licence, to have regard to the need for securing that dog breeding records be kept in a prescribed form and to specify licence conditions to secure that objective. With the introduction in England of compulsory microchipping of all dogs from 6 April 2016 and proposed regulations about microchipping in Wales most of the information will be contained on the database relating to the microchip.

963. The 1973 Act extends to England and Wales and Scotland but the amendments to it will form part of the law of England and Wales only. The amendments will only come into force once commencement orders are made by the Secretary of State, in relation to England, and by the Welsh Ministers, in relation to Wales.

### **Animal Health Act 1981**

964. *Paragraph 37* in Part 6 of this Schedule repeals the whole of Part 2A (sections 36A to 36M) of the Animal Health Act 1981, an Act which forms part of the law of England and Wales. The repeal has the same extent. The enabling powers that were inserted by the Animal Health Act 2002 as Part 2A (Scrapie) of the Animal Health Act 1981 have never been exercised and are no longer required; the relevant provisions of the Animal Health Act 2002 are repealed by *paragraph 38*. There had been a concern about the risk that scrapie disease might mask other disease in sheep and therefore it was planned to introduce a compulsory programme for breeding resistance to scrapie in sheep. However following further scientific evidence the EU decided against introducing such compulsory breeding programmes.
965. *Paragraphs 37 and 38* come into force at the end of the period of 2 months beginning with the day on which the Act is passed.

### **Milk: cessation of production**

966. *Paragraph 39* in Part 6 of this Schedule repeals the Milk (Cessation of Production) Act 1985. The Act forms part of the law of England and Wales, Scotland and (for certain purposes) Northern Ireland.
967. *Paragraph 40* in Part 6 of this Schedule revokes the Milk (Cessation of Production) (Northern Ireland) Order 1985. The Order forms part of the law of Northern Ireland only.
968. Council Regulation (EEC) No 857/84 established, with effect from 2 April 1984, a system under which each producer of milk or milk products was allocated an individual “reference quantity”. If a producer’s production exceeded their reference quantity, there was provision for them to pay a levy. The reference quantity is commonly referred to as “milk quota”.
969. Council Regulation (EEC) No 857/84 also allowed Member States to grant compensation to producers who undertook to discontinue milk production. Such cessation of production would involve surrender of the producer’s milk quota.
970. The 1985 Act enables schemes to be made allowing the payment of compensation on the cessation of milk production and the surrender of milk quota. Such schemes could only apply to producers registered in respect of land in Great Britain. Such schemes were made under that Act in relation to England, Wales and Scotland.
971. The 1985 Act forms part of the law of Northern Ireland only for a highly specialised purpose; to allow the identification of which Parliamentary procedure (affirmative or negative resolution) would apply to any separate legislation on this topic applying only to Northern Ireland.
972. The 1985 Order was made under the provisions of Schedule 1 to the Northern Ireland Act 1974, as modified by section 6 of the 1985 Act. The 1974 Act was repealed by the Northern Ireland Act 1998. However, the 1998 Act provided that Orders made under the 1974 Act were to continue in force.
973. The 1985 Order enables schemes to be made allowing the payment of compensation on the cessation of milk production and the surrender of milk quota. Such schemes could only apply to producers registered in respect of land in a part of Northern Ireland. A scheme was made applying to such producers.

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974. The schemes made in relation to England, Scotland and Northern Ireland were revoked with effect from 6 April 2007. They have not been replaced, and there is no intention to replace them. The underlying milk quota system itself (whose provisions are now contained in Council Regulation (EC) No 1234/2007) will cease with effect from 31 March 2015.
975. The repeal of the 1985 Act forms part of the law of England and Wales and Northern Ireland only. The revocation of the 1985 Order forms part of the law of Northern Ireland only. The repeal and the revocation come into force at the end of the period of 2 months beginning with the day on which the Act is passed. The Scottish Government has confirmed that it intends to enact legislation to repeal the 1985 Act in relation to Scotland, and will do so at a later date.

### **Breeding and Sale of Dogs (Welfare) Act 1999**

976. *Paragraph 41* of this Schedule repeals the offences in the Breeding and Sale of Dogs (Welfare) Act 1999 of a licensed dog breeder selling to a licensed pet shop or Scottish rearing establishment a dog without an identifying tag or badge and of a keeper of a licensed pet shop selling on without an identifying tag or badge a dog delivered with such a tag or badge.
977. With the introduction of compulsory microchipping of all dogs from 6 April 2016 in England and proposed regulations about microchipping in Wales most of the information will be contained on the database relating to the microchip.
978. The 1999 Act extends to England and Wales and Scotland but the amendments to it will form part of the law of England and Wales only. They will come into force, in relation to England, on a day to be appointed by the Secretary of State in a commencement order and, in relation to Wales, on a day to be appointed by the Welsh Ministers in a commencement order.

### **Coal and Other Mines (Horses) Order**

979. *Paragraph 42* revokes the Coal and Other Mines (Horses) Order 1956 which sets out health and welfare rules for horses employed in mines. The powers under which the Order was made (section 190 of the Mines and Quarries Act 1954) have been repealed and it now has effect by virtue of the [Mines and Quarries Acts 1954 to 1971 \(Repeals and Modifications\) Regulations 1974 \(S.I. 1974/2013\)](#), which were made under section 15 of the Health and Safety at Work etc. Act 1974.
980. The Order is considered no longer to be of practical use, since horses have not been used in mines in England and Wales for a considerable period of time. Any horses employed in mines would in any event be appropriately protected under modern animal welfare legislation of general application, namely the Animal Welfare Act 2006.
981. The 1956 Order forms part of the law of England and Wales and Scotland. However, the revocation forms part of the law of England and Wales only. It comes into force at the end of the period of 2 months beginning with the day on which the Act is passed.