
STATUTORY INSTRUMENTS

2001 No. 994

AGRICULTURE, ENGLAND

The Milk and Milk Products (Pupils in Educational Establishments) (England) Regulations 2001

<i>Made</i>	- - - -	<i>15th March 2001</i>
<i>Laid before Parliament</i>		<i>15th March 2001</i>
<i>Coming into force</i>	- -	<i>8th April 2001</i>

The Minister of Agriculture, Fisheries and Food, being a Minister 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, in exercise of the powers conferred on him by the said section 2(2), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Title, commencement and extent

1. These Regulations may be cited as the Milk and Milk Products (Pupils in Educational Establishments) (England) Regulations 2001, shall come into force on 8th April 2001, and shall extend to England.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“applicant” means an applicant as described in Article 6, and approved in accordance with Articles 7, 8 and (where applicable) 9, of the Commission Regulation;

“the Commission Regulation” means Commission Regulation (EC) No. 2707/2000 laying down rules for applying Council Regulation (EC) No. 1255/1999 as regards Community aid for supplying milk and certain milk products to pupils in educational establishments⁽³⁾;

“Community aid” means Community aid granted pursuant to Article 14(1), as amended⁽⁴⁾, of the Council Regulation, and in accordance with the applicable rules and requirements, and subject to the applicable conditions, contained in the Commission Regulation;

(1) S.I.1972/1811.

(2) 1972 c. 68.

(3) OJ No. L311, 12.12.2000, p. 37.

(4) Relevant amendment is in Council Regulation (EC) No. 1670/2000 (OJ No. L193, 29.7.2000, p. 10).

“the Council Regulation” means Council Regulation (EC) No. 1255/1999 on the common organisation of the market in milk and milk products⁽⁵⁾, as amended⁽⁶⁾;

“the Minister” means the Minister of Agriculture, Fisheries and Food.

Additional payments under Article 14(2) of Regulation 1255/1999

3.—(1) Subject to paragraph (2) below, where an applicant is in receipt of Community aid, the Minister may, in accordance with the provisions of Article 14(2), as amended⁽⁷⁾, of the Council Regulation, as read with the Commission Regulation, pay that applicant an amount in addition to that Community aid.

(2) For the purposes of the following provisions of the Commission Regulation (which apply to payments of Community aid)—

- (a) Article 2(1) and (2) (beneficiaries);
- (b) Article 2(3), first sub-paragraph (written commitments made by certain classes of applicant);
- (c) Articles 8 (excluding, in sub-paragraph (b), the words following the reference to Article 2) and 9 (written commitments made by applicants generally);
- (d) Article 10 (possibility for approval of an applicant to be suspended or withdrawn);
- (e) Article 11 (conditions governing applications for payment);
- (f) Article 12 (conditions governing payment);
- (g) Article 13 (possibility of payment in advance);
- (h) Article 14 (policing),

an application for aid to be paid under paragraph (1) above shall be treated as if it were an application for Community aid, and any sum payable or paid under paragraph (1) above shall be treated as if it were payable or paid by way of Community aid.

Withholding or recovery

4.—(1) Where the Minister reasonably believes that an applicant has received from him Community aid or a payment under regulation 3 above to either (or both) of which he was not entitled, or is in breach of any commitment given by him as a condition of such Community aid or of a payment under that regulation, he may—

- (a) withhold the whole or any part of such aid or payment that he might otherwise have made; or
- (b) recover on demand the whole or any part of any such aid or payment already made by him.

(2) Before taking any action under paragraph (1) above, the Minister shall—

- (a) give to the applicant in question a written explanation of the reasons for the action he proposes to take;
- (b) afford that applicant the opportunity of making written representations within such time as he considers reasonable; and
- (c) consider any such representations.

5. In any case where an amount falls to be paid to the Minister by virtue of (or by virtue of action taken under) these Regulations, the amount so falling to be paid shall be recoverable as a debt.

(5) OJ No. L160, 26.6.1999, p. 48.

(6) Amended by Council Regulation (EC) No. 1040/2000 (OJ No. L118, 19.5.2000, p. 1) and Council Regulation (EC) No. 1670/2000.

(7) Relevant amendment is in Council Regulation (EC) No. 1670/2000 (OJ No. L193, 29.7.2000, p. 10).

15th March 2001

Joyce Quin
Minister of State, Ministry of Agriculture,
Fisheries and Food

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to England and come into force on 8th April 2001.

The Regulations provide that, in the making of any national “top-up” aid payments as permitted by Article 14(2) of Council Regulation (EC) No. 1255/1999 on the common organisation of the market in milk and milk products (OJ No. L160, 26.6.1999, p. 48), as amended, for the supply of milk and milk products to pupils in educational establishments, such payments shall be subject to the same rules, requirements and conditions as apply to Community aid under Article 14(1) of Council Regulation (EC) No. 1255/1999, and which are contained in Commission Regulation (EC) No. 2707/2000 laying down rules for supplying milk and certain milk products to pupils in educational establishments (OJ No. L311, 12.12.2000, p. 37) (regulation 3).

The Regulations also provide for the withholding or recovery of any Community aid or national payments to which an applicant is reasonably believed not to be entitled or where he is in breach of any of his commitments given as a condition of such aid or payment (regulations 4 and 5).

No Regulatory Impact Assessment has been prepared in respect of these Regulations.