

EXPLANATORY MEMORANDUM TO
THE MILK AND MILK PRODUCTS (PUPILS IN EDUCATIONAL ESTABLISHMENTS) (ENGLAND) (AMENDMENT) REGULATIONS 2007

2007 No. 3429

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This Statutory Instrument updates The Milk and Milk Products Pupils in Educational Establishments (England) Regulations 2001, in light of the changes made to Council Regulation (EC) No 1255/1999 and Commission Regulation (EC) No 2070/2000.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Legislative Background

4.1 The Statutory Instrument amends The Milk and Milk Products Pupils in Educational Establishments (England) Regulations 2001 (Statutory Instrument 2001/994) to reflect the latest amendment made to Council Regulation (EC) No 1255/1999 and Commission Regulation (EC) No 2707/2000, which lays down rules for applying the Council Regulation.

5. Territorial Extent and Application

5.1 This instrument applies to England only. Separate, but similar, legislation will be made in Scotland, Wales, and Northern Ireland.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The amendments to Council Regulation (EC) No 1255/1999 and Commission Regulation (EC) No 2070/2000 were made as part of the Commission's package of measures relating to the dairy sector (the Explanatory Memorandum for which was tabled on 6 March 2007). This amendment simplifies the school milk scheme to adopt a single rate of aid, irrespective of the type of milk delivered (previously differentiated on the basis of fat content).

7.2 A formal consultation was conducted between 8 March and 19 April 2007 on the changes to the Community legislation. Some concerns were raised around the initial rate at which aid for school milk would be set. However as this rate was subsequently

increased, this concern has been addressed. As the changes have now been reflected in the EU legislation it is necessary to make this Statutory Instrument solely to update the references to the amending EU legislation. In these circumstances a further consultation would serve no useful purpose. However, stakeholders will be informed of the matter.

8. Impact

8.1 An Impact Assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. An Impact Assessment for the changes in the Community legislation will be tabled shortly

9. Contact

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Who can answer enquiries regarding this instrument.