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STATUTORY INSTRUMENTS

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**2007 No. 477**

**FOOD**

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

<i>Made</i>	- - - -	<i>18th February 2007</i>
<i>Laid before Parliament</i>		<i>26th February 2007</i>
<i>Coming into force</i>	- -	<i>6th April 2007</i>

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

**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<sup>(3)</sup>, are abolished.

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

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

(2) In regulation 2 (interpretation)—

(a) for the definition of “the Commission Regulation” substitute—

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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](#).

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*Status: Point in time view as at 06/04/2007.*

*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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““the Commission Regulation” means [Commission Regulation \(EC\) No 595/2004](#) laying down detailed rules for applying [Council Regulation \(EC\) No 1788/2003](#) establishing a levy in the milk and milk products sector”(4);

- (b) omit the definition of “Commission Regulation 1756/93”;
  - (c) in the definition of “the Community legislation”, for “, the Commission Regulation, and Commission Regulation 1756/93” substitute “and the Commission Regulation”(5);
  - (d) for the definition of “the Council Regulation” substitute—
    - ““the Council Regulation” means [Council Regulation \(EC\) No 1788/2003](#) establishing a levy in the milk and milk products sector”(6);
  - (e) omit the definition of “Tribunal”.
- (3) Omit regulation 7 (dairy produce quota tribunals).
- (4) Omit the Schedule (constitution, staffing and procedures of dairy produce quota tribunals).

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

- 4.—(1) The Agriculture Act 1986(7) 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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(4) As last amended by [Commission Regulation \(EC\) No. 1913/2006](#) (OJ No. L365, 21.12.2006, p 52).

(5) The definition of “the Community legislation” was substituted by [S.I. 2005/466](#), regulation 2(c).

(6) As last amended by [Council Regulation \(EC\) No. 1406/2006](#) (OJ No. L265, 26.9.2006, p 8).

(7) [1986 c.49](#).

18th February 2007

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

**Status:** Point in time view as at 06/04/2007.**Changes to legislation:** There are currently no known outstanding effects for the Dairy Produce (Miscellaneous Provisions) Regulations 2007. (See end of Document for details)

## 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.

**Status:** Point in time view as at 06/04/2007.

**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.

**Status:**

Point in time view as at 06/04/2007.

**Changes to legislation:**

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