

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(a) for the purposes of section 2(2) of the European Communities Act 1972(b) 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(c), 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—

““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”(d);

(b) omit the definition of “Commission Regulation 1756/93”;

(a) 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.

(b) 1972 c. 68.

(c) S.I. 2002/458 as amended by S.I. 2005/466.

(d) As last amended by Commission Regulation (EC) No. 1913/2006 (OJ No. L365, 21.12.2006, p 52).

- (c) in the definition of “the Community legislation”, for “, the Commission Regulation, and Commission Regulation 1756/93” substitute “and the Commission Regulation”(a);
 - (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”(b);
 - (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(c) 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.

Jeff Rooker
Minister of State

18th February 2007

Department for Environment, Food and Rural Affairs

(a) The definition of “the Community legislation” was substituted by S.I. 2005/466, regulation 2(c).
 (b) As last amended by Council Regulation (EC) No. 1406/2006 (OJ No. L265, 26.9.2006, p 8).
 (c) 1986 c.49.

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	1967 c 13	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	1975 c 24	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	1992 c 53	In both Part 1 and Part 2 of Schedule 1, the entry relating to dairy produce quotas. Paragraph 1 of Schedule 3.
The Scottish Public Services Ombudsman Act 2002	2002 asp 11	
The Scottish Parliament (Disqualification) Order 2003	S.I. 2003/409	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	S.I. 2004/594	The whole instrument.
The Tribunals and Inquiries (Dairy Produce Quota Tribunal) (Scotland) Order 2004	S.S.I. 2004/119	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	S.I. 1986/1611
The Milk (Community Outgoers Scheme) Regulations (Northern Ireland) 1986	S.R. 1986 No. 299
The Milk (Community Outgoers' Scheme) (Scotland) Regulations 1986	S.I. 1986/1613 (S. 122)

The Milk (Community Outgoers Scheme) (England and Wales) (Amendment) Regulations 1987	S.I. 1987/410
The Milk (Community Outgoers' Scheme) (Scotland) Amendment Regulations 1987	S.I. 1987/425 (S. 40)
The Milk (Community Outgoers' Scheme) (Scotland) Amendment (No. 2) Regulations 1987	S.I. 1987/881 (S. 73)
The Milk (Community Outgoers Scheme) (England and Wales) (Amendment) (No. 2) Regulations 1987	S.I. 1987/909
The Milk (Community Outgoers Scheme) (Amendment) Regulations (Northern Ireland) 1987	S.R. 1987 No. 114
The Milk (Community Outgoers Scheme) (Amendment No. 2) Regulations (Northern Ireland) 1987	S.R. 1987 No. 225

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.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

STATUTORY INSTRUMENTS

2007 No. 477

FOOD

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

£3.00

© Crown copyright 2007

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E0230 2/2007 170230T 19585