
STATUTORY INSTRUMENTS

2008 No.1317

FOOD, ENGLAND

The Drinking Milk (England) Regulations 2008

<i>Made</i>	- - - -	<i>13th May 2008</i>
<i>Laid before Parliament</i>		<i>19th May 2008</i>
<i>Coming into force</i>	- -	<i>1st July 2008</i>

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972^{M1} and it appears to the Secretary of State that it is expedient for the references to the provisions of Article 114(2) of, and Annex XIII to, Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)^{M2} to be construed as references to those provisions as amended from time to time.

As required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety^{M3}, there has been open and transparent public consultation during the preparation and evaluation of the following Regulations.

In accordance with section 48(4A) of the Food Safety Act 1990^{M4}, the Secretary of State has had regard to relevant advice from the Food Standards Agency.

The Secretary of State makes the following Regulations in exercise of powers conferred by paragraph 1A of Schedule 2 to the European Communities Act 1972^{M5} and sections 6(4), 16(1), 17(2), 26(1) and (3) and 48(1) of the Food Safety Act 1990^{M6} and now vested in the Secretary of State^{M7}.

Marginal Citations

- M1** 1972 c. 68.
- M2** OJ No L 299, 16.11.2007, p 1.
- M3** OJ No. L 31, 1.2.2002, p 1, as last amended by Commission Regulation (EC) No. 575/2006 amending Regulation (EC) No. 178/2002 of the European Parliament and of the Council as regards the number and names of the permanent Scientific Panels of the European Food Safety Authority (OJ No. L100, 8.4.2006, p 3).
- M4** 1990 c.16. Section 48(4A) is inserted by section 40(1) of, and Schedule 5, paragraph 21, to, the [Food Standards Act 1999 \(c.28\)](#) (“the 1999 Act”).
- M5** [Paragraph 1A](#) was inserted by section 28 of the [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#).

- M6** Section 6(4) is amended by section 31 of, and Schedule 9, paragraph 6, to, the Deregulation and Contracting Out Act 1994 c. 40 and section 40(1) of, and Schedule 5, paragraph 10(1) and (3), to, the 1999 Act; section 16(1) is amended by section 40(1) of, and Schedule 5, paragraphs 7 and 8, to, the 1999 Act; section 17(2) is amended by section 40(1) of, and Schedule 5, paragraphs 7, 8 and 12, to the 1999 Act; section 48(1) is amended by section (40)(1) of, and Schedule 5, paragraphs 7 and 8, to the 1999 Act.
- M7** Functions formerly exercisable by “the Ministers” (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales and, in relation to Scotland, the Secretary of State) are now exercisable in relation to England by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the 1999 Act. Those functions, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 as read with section 40(3) of the 1999 Act and thereafter transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 c. 32. Those functions, so far as exercisable in relation to Scotland, were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 c. 46. as read with section 40(2) of the 1999 Act.

Changes to legislation:

There are currently no known outstanding effects for the The Drinking Milk (England) Regulations 2008, Introductory Text.