

**EXPLANATORY MEMORANDUM TO  
THE DRINKING MILK (ENGLAND) REGULATIONS 2008**

**2008 No. 1317**

**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, which applies in England, revokes and replaces the Drinking Milk Regulations 1998 S.I. 1998/2424, as amended by S.I. 2007/3428, It amends references to the Commission Regulation referred to in the 1998 Regulations and makes some consequential amendments to domestic Regulations. There are no other changes of substance.

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

3.1 None.

**4. Legislative Background**

4.1 This Statutory Instrument revokes and replaces the Drinking Milk Regulations 1998 (S. I. 1998/2424) and the 2007 amending Regulations (S.I. 2007/3428). It applies in England. The Instrument also updates references to European legislation as a result of the coming into force of certain provisions of Council Regulation (EC No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulations).

**5. Territorial Extent and Application**

5.1 The Drinking Milk Regulations 1998 applied to Great Britain. However as responsibility for agriculture has been devolved, it is now appropriate that the Regulations cover 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7.1 Council Regulation (EC) No 2597/2003 was repealed by Council Regulation (EC) No 1234/2007 (the Single CMO Regulation). The Single CMO Regulation consolidated a number of Regulations but made no policy changes to the regimes covered.

7.2 A formal consultation was conducted between 20 March and 25 April 2008 on the draft Statutory Instrument. One response was received, which agreed the draft Instrument.

## **8. Impact**

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

## **9. Contact**

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