EXPLANATORY MEMORANDUM TO

THE AGRICULTURE (MISCELLANEOUS REVOCATIONS) REGULATIONS 2014

2014 No. 1902

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. Purpose of the instrument

2.1 This instrument revokes eleven obsolete instruments identified as part of the Government's initiative to reduce unnecessary legislation; the Red Tape Challenge. The revocation of these Regulations will contribute to the commitments made in Defra's Red Tape Challenge Implementation Plan. The instruments being revoked implemented European Council and Commission legislation that is no longer relevant or in force.

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

3.1 None.

4. Legislative Context

4.1 This instrument revokes eleven Regulations that implemented European Council and Commission legislation that is no longer relevant or in force. The legislative context and justification for revoking each instrument is set out in the following paragraphs.

4.2 The Dairy Herd Conversion Premium Regulations 1973 (S.I. 1973/1642) implemented in the UK Council Regulation (EEC) No. 1353/73 and Commission Regulation (EEC) No.1821/73. These Regulations introduced the payment of a premium to encourage farmers engaged at that time in producing and supplying milk to switch to the production of meat. The legislation set out matters necessary to implement the scheme. Both Council Regulation (EEC) No. 1353/73 and Commission Regulation (EEC) No. 1821/73 had 'End of validity dates' of 31 March 1979.

4.3 The Non-Marketing of Milk and Milk Products and the Dairy Herd Conversion Premiums Regulations 1977 (S.I. 1977/1304), the Non-Marketing of Milk and Milk Products and the Dairy Herd Conversion Premiums (Amendment) Regulations 1980 (S.I. 1980/124) and the Non-Marketing of Milk and Milk Products and the Dairy Herd Conversion Premiums (Amendment) (No. 2) Regulations 1980 (S.I. 1980/1394) implemented in the UK Council Regulation (EEC) No. 1078/77 as supplemented by Commission Regulation (EEC) No. 1307/77 which set out two schemes. One of these schemes was to encourage farmers engaged at that time in producing and supplying milk or milk products to cease from supplying these commodities. The other scheme was to encourage farmers to change from the production of milk and milk products to the production of meat. The domestic legislation sets out matters necessary to implement the schemes. Council Regulation (EEC) No. 506/78 extended the provisions of Council Regulation (EEC) No. 1078/77 to the end of the 1977/78 milk year and had an 'End of validity' date of 31 March 1979. Council Regulation (EEC) No. 640/79 extended the provisions of Council Regulation (EEC) No. 1078/77 to the end of the 1978/79 milk year

and had an 'End of validity' date of 1 July 1979. Council Regulation (EEC) No. 1078/77 and the amending Regulations were repealed by Regulation (EU) No. 1229/2011.

4.4 The Cereals Co-responsibility Levy Regulations 1988 (S.I. 1988/1001), the Cereals Co-responsibility Levy (Certified Seed Exemption) Regulations 1988 (S.I. 1988/1267), the Cereals Co-responsibility Levy (Amendment) Regulations 1989 (S.I. 1989/576) and the Cereals Co-responsibility Levy (Amendment) (No. 2) Regulations 1989 (S.I. 1989/1823) implemented in the UK Council Regulation (EEC) No. 2727/75, as amended, (repealed by Council Regulation (EEC) No. 1766/92) and Commission Regulation (EEC) No. 1432/88 for the introduction of a production control measure by way of an additional co-responsibility levy where cereal production exceeded the maximum guaranteed quantity. As a co-responsibility levy for cereal production is not now payable within the EU the 1988 Regulations should be revoked. Farmers are now free to base their production decisions on market demands and receive support through the Single Payment Scheme.

4.5 The Oilseeds Producers (Support System) Regulations 1992 (S.I. 1992/695) and the Oilseeds Producers (Support System) Regulations (Northern Ireland) 1992 (S.R. (NI) 1992 No. 190) implemented, in Great Britain and Northern Ireland respectively, Council Regulation (EEC) No. 3766/91 and Commission Regulation (EEC) No. 615/92 which established a support system for EU producers of soya beans, rape seed and colza seed and sunflower seed (oilseeds). Council Regulation (EEC) No. 3766/91 was repealed and replaced by Council Regulation (EC) No. 1251/99, which was itself repealed when the Single Payment Scheme was introduced by Council Regulation (EC) No. 1782/2003. This decoupled support from production, leaving farmers free to base their production decisions on market demands.

4.6 The Surplus Food Regulations 1995 (S.I. 1995/184) implemented Council Regulation (EEC) No. 3730/87 regarding the supply of food from EU intervention stocks to designated organisations for distribution to the most deprived persons in the Community. The Regulations set out matters necessary to implement the scheme. However, the UK ceased participating in the scheme in 1998 due to dwindling UK intervention stocks and the bureaucratic overhead associated with ensuring compliance with the scheme to prevent fraud. The EU scheme ended on 28 February 2014.

4.7 As the EU legislation for all of the above Regulations is now either redundant or repealed, the domestic Regulations are therefore obsolete.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

5.2 The Oilseed Producers (Support System) Regulations 1992 extends to Great Britain and the Oilseed Producers (Support System) Regulations (Northern Ireland) 1992 extends to Northern Ireland; the additional instruments being revoked extend to the United Kingdom. This instrument revokes the legislation accordingly.

6. European Convention on Human Rights

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

7. Policy background

- What is being done and why

7.1 The revocation of the Regulations listed in this instrument form part of the Red Tape Challenge Agriculture theme announcement to scrap redundant agricultural regulations. As explained in Part 4, the eleven Regulations listed in this instrument implement European Council and Commission legislation that is no longer relevant or in force and so all of the Regulations are obsolete and can be revoked.

8. Consultation outcome

8.1 In 2011, the Government launched the Red Tape Challenge which sought the views of the public and business regarding how well legislation is working and what could be done to improve it in a bid to maximise growth.

8.2 The Agriculture Theme of the Red Tape Challenge was open for comment on the Cabinet Office website from 17 July to 15 September 2013. Apart from the Oilseeds Producers (Support System) Regulations (Northern Ireland) 1992, the Regulations listed in this instrument were considered as part of this process, which included discussions with key stakeholders and other Government Departments to assess the effectiveness of the Regulations. No comments were received concerning these specific Regulations. No further consultation was considered necessary because these Regulations are obsolete and their revocation will not impose any burdens on business or civil society. To maintain consistency with the legislation being revoked in Great Britain the Department of Agriculture and Rural Development Northern Ireland subsequently requested that the Oilseeds Producers (Support System) Regulations (Northern Ireland) 1992 be revoked by this instrument.

9. Guidance

9.1 This instrument revokes obsolete legislation so there is no need for guidance.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies as this instrument revokes obsolete legislation.

10.2 There is no impact on the public sector as this instrument revokes obsolete legislation.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation applies to small business.

11.2 There will be no impact on small business as this instrument revokes obsolete legislation.

12. Monitoring & review

12.1 This instrument simply revokes obsolete legislation. Therefore there are no provisions to monitor and review.

13. Contact

Darren Stretton at the Department for Environment, Food and Rural Affairs Tel: 020 7238 1207 or email: Darren.stretton@defra.gsi.gov.uk , can answer any queries regarding the instrument.