STATUTORY INSTRUMENTS

1987 No. 212

FOOD

MILK AND DAIRIES

The Milk and Dairies and Milk (Special Designation) (Charges) Regulations 1987

Made - - - -	*15th February 1987*
Laid before Parliament	*17th February 1987*
Coming into force -	*30th March 1987*

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Social Services and the Secretary of State for Wales, acting jointly, in exercise of the powers conferred on them by sections 33, 38 and 118 of the Food Act 1984(a) and of all other powers enabling them in that behalf, hereby make the following Regulations after consultation in accordance with section 118(6) of that Act with such organisations as appear to them to be representative of interests substantially affected by the Regulations:–

Title and commencement

1. These Regulations may be cited as the Milk and Dairies and Milk (Special Designation) (Charges) Regulations 1987, and shall come into force on 30th March 1987.

Interpretation

2.—(1) In these Regulations–

"the Act" means the Food Act 1984;

"the Board" means the Milk Marketing Board for England and Wales established under the Agricultural Marketing Act 1958(b);

"cow" means a cow kept for milking purposes whether dry or in milk but does not include a heifer which has never calved;

"dairy farm visit" includes any visit to a registered dairy farm by an inspector or authorised officer of the Minister for the purpose of ascertaining whether the principal Regulations are being complied with;

"the Minister" means the Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly;

"the principal Regulations" means the Milk and Dairies (General) Regulations 1959(c) and the Milk (Special Designation) Regulations 1986(d);

(a) 1984 c.30.
(b) 1958 c.47.
(c) S.I. 1959/277, relevant amending instruments are S.I. 1973/1064, 1977/171, 1979/1567.
(d) S.I. 1986/723.

"registered dairy farm" means a farm registered under regulation 6 of the Milk and Dairies (General) Regulations 1959;

"registered dairy farmer" means a person registered under regulation 6 of the Milk and Dairies (General) Regulations 1959;

"served" means served in accordance with section 125 of the Act.

(2) Any reference in these Regulations to a numbered regulation or to a schedule shall, unless the reference is to a regulation of, or schedule to, specified Regulations, be construed as a reference to the regulation so numbered in or to the schedule to these Regulations.

Liability to charges

3.—(1) For the purposes of the principal Regulations and for services performed under them, and subject to paragraphs (2) and (3) hereof, there shall be due from the registered dairy farmer to the Minister, in respect of any matter specified in the first column of the Schedule, the charge specified in relation thereto in the second column thereof.

(2) The charge due under the first item of the Schedule shall be the higher rate of charge unless the number of cows on the registered dairy farm at the time of the dairy farm visit is less than twenty and the registered dairy farmer makes a written declaration to that effect, in which case the charge due shall be the lower rate of charge.

(3) Notwithstanding paragraphs (1) and (2) hereof, no charge shall be due in respect of any dairy farm visit–

(a) for the purpose of ascertaining whether there is a particular threat to public health, or for the purpose of taking measures to reduce such a threat,

(b) arising out of the findings of a previous dairy farm visit for which a charge has been made under these Regulations,

(c) in connection with an untreated milk producer's licence granted in accordance with the Milk (Special Designation) Regulations 1986 solely for the sale of milk under the conditions described in Schedule 2 Part I Condition A4(1)(c) of those regulations (farmhouse catering), or

(d) in connection with a consent granted under section 42 of the Act to sell milk without the use of a special designation.

Recovery of charges

4.—(1) Where–

(a) a charge is due under regulation 3,

(b) there is due from the Board to the registered dairy farmer a sum of money not less than that charge, and

(c) no determination has been made by the Minister that the charge should be collected directly by him,

such charge shall be recovered by the Board on behalf of the Minister by deduction of a sum equal to that charge from such sum of money.

(2) The Minister shall notify the registered dairy farmer before any deduction is made by the Board under paragraph (1) hereof.

(3) The Minister shall meet such reasonable costs as the Board may incur in recovering charges under paragraph (1) hereof.

(4) Any charge due under regulation 3 which is not recoverable under paragraph (1) hereof shall become payable on a demand being served on the registered dairy farmer by the Minister.

(5) Any sum remaining unpaid may be recovered by the Minister from the registered dairy farmer summarily as a civil debt.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 15th February 1987.

L.S.

Michael Jopling
Minister of Agriculture, Fisheries and Food

10th February 1987

Trumpington
for the Secretary of State for Social Services

12th February 1987

Nicholas Edwards
Secretary of State for Wales

SCHEDULE

Regulation 3

Matter	Charge
	£
1. Dairy farm visit other than a dairy farm visit for the sole purpose of taking samples of milk or of water or both.	
(a) higher rate of charge	90.00
(b) lower rate of charge	80.00
2. Dairy farm visit for the sole purpose of taking samples of milk or of water or both.	22.00

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations introduce charges for the purposes of the Milk and Dairies (General) Regulations 1959 (S.I. 1959/277) and the Milk (Special Designation) Regulations 1986 (S.I. 1986/723), and for services performed under those Regulations.

A charge is to be made at the rate of £90 for each visit made by an authorised officer of the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales to a registered dairy farm for the purpose of ascertaining whether the principal Regulations are being complied with. Where there are less than 20 cows, the charge is £80. A visit solely for the purpose of sampling milk or water or both is to incur a charge of £22 (regulation 3 and the Schedule).

Regulation 3(3) provides exemption for–

(a) visits relating to particular threats to public health,

(b) follow up visits,

(c) visits relating solely to farmhouse catering licences,

(d) visits relating to consents under section 42 of the Food Act 1984.

Unless the Minister and the Secretary of State determine otherwise, the Milk Marketing Board for England and Wales will be the collecting agency where they hold a sum sufficient to meet the charges (regulation 4).