EXPLANATORY MEMORANDUM TO

THE REPORTING OF PRICES OF MILK PRODUCTS (ENGLAND) REGULATIONS 2008

2008 No. 1428

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 revokes and replaces the Reporting of Prices of Milk Products (England) Regulations 2005 (S.I. 2005/465), in the light of the repeal of Council Regulation (EC) No 1255/1999 establishing common organisation in the market of milk and milk products.

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

3.1 None.

4. Legislative Background

4.1 Council Regulation (EC) No 1234/2007 ("the Single Common Market Organisation Regulation") makes a number of changes to Community legislation as from 1 July 2008. Amongst those changes is the repeal of Council Regulation (EC) No 1255/1999, which is referred to in the title of Commission Regulation (EC) No 562/2005 (which in turn is referred to in the Reporting of Prices of Milk Products (England) Regulations 2005) . The reference to Commission Regulation (EC) No 562/2005 needs to be updated to take account of the effects of the Single Common Market Organisation Regulation (although it is not possible to amend the reference to Council Regulation 1255/1999 in the title of Commission Regulation (EC) No 562/2005: a footnote has been added to make the position clear to the reader). The reference is also being made 'ambulatory' in order to cover future amendments.

4.2 To improve clarity the 2008 Regulations also add definitions of "milk processor" and "milk products", and a provision relating to offences by bodies corporate has been added for enforcement purposes.

5. Territorial Extent and Application

5.1 This instrument applies to England.

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 The Single Common Market Organisation Regulation consolidated a number of Community Regulations but made no policy changes to the regimes covered. As a result, a number of pieces of Community legislation have been or will be repealed, including Council Regulation (EC) No 1255/1999 as from 1 July 2008. This will necessitate changes to a number of domestic instruments.

7.2 A formal consultation was conducted in early 2007 on the changes to the Community legislation. No concerns relating to the repeal of Council Regulation (EC) No 1255/1999 were raised during the consultation. As this instrument is being made simply to update a reference to Community legislation to take account of the changes made by the Single Common Market Organisation Regulation, in these circumstances a further consultation would serve no useful purpose. However, stakeholders will be informed of the matter.

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.

9. Contact

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Who can answer enquiries regarding this instrument.