
STATUTORY INSTRUMENTS

2000 No. 1209

FOOD, ENGLAND

**The Dairy Products (Hygiene) (Charges)
(Amendment) (England) Regulations 2000**

<i>Made</i>	- - - -	<i>4th May 2000</i>
<i>Laid before Parliament</i>		<i>8th May 2000</i>
<i>Coming into force</i>	- -	<i>10th May 2000</i>

The Secretary of State in exercise of the powers conferred by sections 45 and 48(1)(b) of the Food Safety Act 1990(1) and of all other powers enabling him in that behalf, after having regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency and after consultation in accordance with section 48(4) and (4B) of that Act, hereby makes the following Regulations:

Title, commencement and extent

1.—(1) These Regulations may be cited as the Dairy Products (Hygiene) (Charges) (Amendment) (England) Regulations 2000 and shall come into force on 10th May 2000.

(2) These Regulations apply to England.

Amendment of the Dairy Products (Hygiene) (Charges) Regulations 1995

2. The Dairy Products (Hygiene) (Charges) Regulations 1995(2) shall be amended (in so far as they apply to England) in accordance with regulations 3 to 5 below.

3. In regulation 2 (interpretation)—

- (a) the definition of “dairy farm visit” and the associated definitions of “sampling dairy farm visit” and “general dairy farm visit” shall be omitted;
- (b) the following definition shall be inserted after the definition of “registered production holding”—

(1) 1990 c. 16; functions formerly exercisable by the Ministers are now exercisable in relation to England by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the Food Standards Act 1999 (c. 28); functions formerly exercisable by the Ministers were transferred, in relation to Wales, by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672); regulation 13(4) of S.I. 2000/656 expressly authorises the Secretary of State to amend existing Regulations made by the Minister of Agriculture, Fisheries and Food (whether with others or not) under the Food Safety Act 1990.

(2) S.I. 1995/1122, to which there are amendments not relevant to these Regulations.

““sampling dairy farm visit” means a visit to a registered production holding by an inspector for the purpose of taking samples of milk for analysis and examination to ascertain whether paragraph 2(b) of Part I of Schedule 4 (as read with regulation 9(1) (d) and (2)(a)) to the principal Regulations is being complied with.”.

4. In regulation 3 (liability to charges)—

(a) for paragraph (1) there shall be substituted the following paragraph—

“(1) For the purposes of carrying out any sampling, analysis and examination of raw cows' milk which is drinking milk in pursuance of regulation 16(3) of the principal Regulations and subject to paragraph (2) below, there shall be due from a specified producer to the Agency in respect of any sampling dairy farm visit a charge of £63.”;

(b) in paragraph (2) sub-paragraph (a) shall be omitted.

5. The Schedule shall be omitted.

Signed by authority of the Secretary of State

Gisela Stuart
Parliamentary Under Secretary of State for
Health,
Department of Health

4th May 2000

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Dairy Products (Hygiene) (Charges) Regulations 1995, as amended, (“the 1995 Regulations”) in relation to England.

Charges are payable by producers of milk from registered holdings under the 1995 Regulations in respect of dairy farm visits carried out for the purpose of ascertaining whether provisions of the Dairy Products (Hygiene) Regulations 1995, as amended, ([S.I. 1995/1086](#), as amended by [S.I. 1995/1763](#), [1996/1499](#), [1996/1699](#), [1997/1729](#), [1998/2424](#) and [2000/656](#)) are being met. These Regulations remove liability to such charges, except in respect of visits for the purpose of taking samples of drinking milk which is raw cows' milk for analysis and examination to check compliance with provisions in those Regulations relating to microbiological criteria. The charge in that case remains at £63 (regulations 2 to 5).

A regulatory impact assessment, which includes a compliance cost assessment of the effect that these Regulations have on business costs, has been prepared and placed in the Library of each House of Parliament. Copies may be obtained from the Microbiological Safety Division of the Food Standards Agency, PO Box 31037, Ergon House, c/o 17 Smith Square, London SW1P 3WG.