STATUTORY INSTRUMENTS

2007 No. 3428

FOOD

The Drinking Milk (Amendment) (England) Regulations 2007

Made - - - -	*1st December 2007*
Laid before Parliament	*7th December 2007*
Coming into force - -	*1st January 2008*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 17(2) of the Food Safety Act 1990(**1**).

Title, commencement and application

1. These Regulations—

(a) may be cited as the Drinking Milk (Amendment) (England) Regulations 2007;

(b) come into force on 1st January 2008; and

(c) apply only in England.

Amendment

2. In regulation 2 of the Drinking Milk Regulations 1998(**2**), for the definition of "the Council Regulation" substitute—

> ""the Council Regulation" means Council Regulation (EC) No 2597/97(**3**) laying down additional rules on the common organisation of the market in milk and milk products for drinking milk;".

(**1**) 1990 c. 16. Functions formerly exercisable by "the Ministers" (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales and, in relation to Scotland, the Secretary of State) 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 (1999 c.28). Paragraph 12 of that Schedule amends section 17(2) of the Food Safety Act 1990. Functions of "the Ministers" so far as exercisable in relation to Wales were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as read with section 40(3) of the Food Standards Act 1999. Those functions were further transferred from the National Assembly for Wales to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32). Functions of "the Ministers" so far as exercisable in relation to Scotland were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (1998 c.46) as read with section 40(2) of the Food Standards Act 1999.

(**2**) S.I. 1998/2424, amended by S.I. 2005/2626; there are other amending instruments but none is relevant.

(**3**) OJ No L 351, 23.12.1997, p. 13, as last amended by Council Regulation (EC) 1153/2007 (OJ No L 258, 4.10.2007, p. 6).

Jeff Rooker
Minister of State
Department for Environment, Food and Rural Affairs

1st December 2007

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply only in England, amend regulation 2 of the Drinking Milk Regulations 1998 (S.I. 1998/2424) by substituting a new definition of "the Council Regulation" to take account of amendments to Council Regulation (EC) No 2597/97 laying down additional rules on the common organisation of the market in milk and milk products for drinking milk.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.