
STATUTORY INSTRUMENTS

2008 No. 1428

AGRICULTURE, ENGLAND

**The Reporting of Prices of Milk
Products (England) Regulations 2008**

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| <i>Made</i> | - - - - | <i>3rd June 2008</i> |
| <i>Laid before Parliament</i> | | <i>9th June 2008</i> |
| <i>Coming into force</i> | - - | <i>1st July 2008</i> |

The Secretary of State is designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the common agricultural policy of the European Community.

These Regulations make provision for a purpose mentioned in section 2(2) of that Act, and it appears to the Secretary of State that it is expedient for the references in these Regulations to a Community instrument or to any provision of a Community instrument to be construed as a reference to that instrument or that provision as amended from time to time.

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972⁽³⁾.

Title, commencement and application

1.—(1) These Regulations—

- (a) may be cited as the Reporting of Prices of Milk Products (England) Regulations 2008;
- (b) come into force on 1st July 2008; and
- (c) apply in England.

Interpretation

2. In these Regulations—

“Commission Regulation” means [Commission Regulation \(EC\) No 562/2005](#) laying down rules for the implementation of [Council Regulation \(EC\) No 1255/1999](#) as regards

(1) [S.I. 1972/1811](#).

(2) [1972 c. 68](#).

(3) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act [2006 \(c. 51\)](#).

communications between the Member States and the Commission in the milk and milk products sector⁽⁴⁾, as amended from time to time;

“milk processor” means a person operating an establishment which manufactures milk products;

“milk products” means the products listed in Annex VI to the Commission Regulation.

Provision of information on prices of milk products

3.—(1) A milk processor must provide to the Secretary of State such information relating to the prices of milk products as the Secretary of State may by notice require for the purposes of Article 6 of the Commission Regulation.

(2) The notice may require the milk processor to provide the information on a regular basis, and may specify when, and in what format, the information must be provided.

Offences

4.—(1) A person who fails to comply with a notice referred to in regulation 3(1) is guilty of an offence, and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) Where a body corporate is guilty of an offence under paragraph (1), and the offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

(a) any director, manager, secretary or other similar person of the body corporate, or

(b) any person who was purporting to act in any such capacity,

that person is guilty of the offence as well as the body corporate.

(3) For the purposes of paragraph (2), “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

Revocation

5. The Reporting of Prices of Milk Products (England) Regulations 2005⁽⁵⁾ are revoked.

Jeff Rooker

Minister of State

Department for Environment, Food and Rural

Affairs

3rd June 2008

(4) OJ No L 95, 14.4.05, p 11. Council Regulation (EC) No 1255/1999 (OJ No L 160, 26.6.99, p 48) was repealed and replaced by Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ No L 299, 16.11.07, p 1), as last amended by Council Regulation (EC) No 361/2008 (OJ No L 121, 7.5.08, p 1). Article 201(3) of Council Regulation (EC) No 1234/2007 contains transitional provisions relating to Council Regulation (EC) No 1255/1999. The effect of Article 201(3) of Council Regulation (EC) No 1234/2007 is that the repeal of Council Regulation (EC) No 1255/1999 is without prejudice to the maintenance in force of Community acts adopted on the basis of that Regulation.

(5) S.I. 2005/1441.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and remake with amendments the Reporting of Prices of Milk Products (England) Regulations 2005 ([S.I. 2005/1441](#)).

They implement in England article 6 of [Commission Regulation \(EC\) No 562/2005](#) (OJ No L 95, 14.4.05, p 11) laying down rules for the implementation of Council Regulation [\(EC\) No 1255/1999](#) as regards communications between the Member States and the Commission in the milk and milk products sector, as amended from time to time.

Regulation 3 requires milk processors to provide the Secretary of State with such information relating to the prices of certain milk products as the Secretary of State may require by notice. Regulation 4 sets out offences.

A full regulatory impact assessment of the effect of the Reporting of Prices of Milk Products (England) Regulations 2005 on the costs of business was prepared at the time those Regulations were made and is still considered to be accurate. No impact assessment has been produced for this instrument as no new impact on the costs of business is foreseen. Copies of the 2005 assessment can be obtained from the Department for Environment, Food and Rural Affairs, Area 5d, 9 Millbank, c/o Nobel House, 17 Smith Square, London SW1P 3JR. A copy of that assessment has been placed in the library of each House of Parliament.