

## EXPLANATORY MEMORANDUM TO

### THE ENVIRONMENT AND RURAL AFFAIRS (MISCELLANEOUS REVOCATIONS) ORDER 2018

2018 No. 739

#### 1. Introduction

- 1.1 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. Purpose of the instrument

- 2.1 The purpose of this instrument is to revoke six instruments relating to milk quotas, one instrument relating to agricultural wages committees and one instrument relating to the importation of hay and straw which are now redundant or have been superseded. This order also revokes one instrument relating to flood defence procedures which is no longer required.

#### 3. Matters of special interest to Parliament

##### *Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

##### *Other matters of interest to the House of Commons*

- 3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

#### 4. Legislative Context

- 4.1 This instrument will revoke six instruments relating to milk quotas, one instrument relating to agricultural wages committees, one instrument relating to the importation of hay and straw and one instrument relating to flood defence.
- 4.2 Schedule 1 to the Agriculture Act 1986 provides for compensation to tenants from their landlord, for milk quotas registered to them in relation to the land which makes up the holding upon termination of tenancy of land in England and Wales. These regulations ceased to have effect on 1 April 2015 following the final day of operation of the EU Milk Quota regime.
- 4.3 The Agricultural Wages Committees (Transitional Provisions) Order 1974, which is made under section 254 of the Local Government Act 1972, dissolves all existing agricultural wages committees in England and Wales on 1st April 1974 in order that new committees can be set up in conformity with the altered Local Government boundaries. It also amends the Agricultural Wages Act 1948 so as to enable committees to be set up for combinations of the new counties.
- 4.4 Under the Enterprise and Regulatory Reform Act 2013, which abolished the Agricultural Wages Board in England and Wales and related English Bodies, this Order ceased to have effect at the end of 2013.

- 4.5 The Importation of Hay and Straw Order 1979 prohibits the landing in Great Britain of any hay or straw from a place outside Great Britain (GB) except under the authority of a licence. This Order was introduced to protect animal health by requiring all hay and straw to be licensed prior to import into Great Britain, thereby allowing the Secretary of State to put in place necessary conditions to protect animal health in Great Britain. Hay and straw can be a potential source of the foot and mouth disease virus.
- 4.6 EU legislation now provides conditions for the importation of hay and straw from third countries, as such, this Order is now redundant. It has been superseded by the definition of hay and straw in the Trade in Animals and Related Products Regulations 2011, which allows England to set conditions for processed hay and straw, which may still carry animal health risks.
- 4.7 The Code of Practice on Environmental Procedure for Flood Defence Operating Authorities (Internal Drainage Boards and Local Authorities) Approval Order 1996 granted approval, in accordance with section 61E of the Land Drainage Act 1991, of the “Code of Practice on Environmental Procedures for Flood Defence Operating Authorities” issued by them.
- 4.8 As a result of the Red Tape Challenge initiative, this code of practice was identified as now being embedded in good practice and suitable for revocation.

## **5. Extent and Territorial Application**

- 5.1 The extent of this instrument is England and Wales.
- 5.2 The territorial application of this instrument is England and Wales with the exception of the Agricultural Wages Committees (Transitional Provision) Order 1974, which applies to England only.

## **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**

### *What is being done and why*

- 7.1 As part of Defra’s commitment to the Red Tape Challenge initiative a number of regulations were identified as redundant and suitable for revoking. This instrument is being made to revoke nine of those relating to environment and rural affairs.

## **8. Consultation outcome**

- 8.1 Under section 61E(4) of the Land Drainage Act 1991, there was a statutory requirement for us to consult on the proposal to revoke the Code of Practice on Environmental Procedures for Flood Defence Operating Authorities (Internal Drainage Boards and Local Authorities) Approval Order 1996. This, along with the remaining regulations were identified under the Red Tape Challenge initiative as suitable for revocation. These regulations were included as part of the public consultation to review out of date legislation under the Water and Marine theme, which ran for 8 weeks (12 February to 6 May 2012) and the Agriculture theme, which ran for 9 weeks (17 July to 15 September 2013).

- 8.2 These consultations were open to members of the public, businesses and key stakeholders. The results of the consultations were published in *Defra better for business, A Strategic Reform Plan for Defra's Regulations* which is available on Gov.uk - [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/302112/pb14166-defra-better-for-business.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/302112/pb14166-defra-better-for-business.pdf).

## **9. Guidance**

- 9.1 No guidance or any other form of publicity is required as this instrument simply revokes redundant legislation.

## **10. Impact**

- 10.1 There is no impact on business, charities or voluntary bodies.
- 10.2 There is no impact on the public sector.
- 10.3 An Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

- 11.1 The legislation does not apply to activities that are undertaken by small businesses.
- 11.2 However, as with all businesses, revocation of these redundant instruments will have no impact on them so no mitigating action is necessary.

## **12. Monitoring & review**

- 12.1 No monitoring will be conducted as this instrument simply revokes redundant legislation.

## **13. Contact**

- 13.1 Monnette Keenaghan at the Department for Environment, Food and Rural Affairs  
Telephone: 0208 026 4506 or email: [Monnette.Keenaghan@defra.gsi.gov.uk](mailto:Monnette.Keenaghan@defra.gsi.gov.uk) can answer any queries regarding the instrument.