
WELSH STATUTORY INSTRUMENTS

2001 No. 275 (W. 11)

AGRICULTURE, WALES

The School Milk (Wales) Regulations 2001

Made - - - - *30th January 2001*

Coming into force - - *1st February 2001*

The National Assembly for Wales being 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, in exercise of the powers conferred on it by the said section 2(2) hereby makes the following

Regulations:—

Title, commencement and application

1.—(1) These Regulations may be cited as the School Milk (Wales) Regulations 2001 and shall come into force on 1st February 2001.

(2) These Regulations apply to Wales.

Interpretation

2.—(1) In these Regulations unless the context otherwise requires —

“the Board” (“*y Bwrdd*”) means the Intervention Board for Agricultural Produce established under section 6(1) of the European Communities Act 1972;

“claimant” (“*ceisydd*”) means a qualifying educational establishment or local education authority or any other organisation which claims Community or national aid in respect of qualifying milk products on behalf of a qualifying educational establishment;

“Community Aid” (“*cymorth Cymunedol*”) means European Community aid granted pursuant to Article 14 of the Council Regulation;

“the Commission Regulation” (“*Rheoliad y Comisiwn*”) means Commission Regulation (EC) 2707 / 2000 laying down detailed rules for applying Council Regulation (EC) 1255 /1999 as regards Community aid for supplying milk and certain milk products to pupils in educational establishments⁽³⁾;

(1) By virtue of the European Communities (Designation)(No.3) Order 1999 (S.I. 1999 / 2788).

(2) 1972 c. 68.

(3) OJ No. L311, 12.12.2000, p.37.

“the Community rules” (“*y rheolau Cymunedol*”) means the rules concerning the provision of subsidised milk and milk products to pupils attending educational establishments, laid down by the Council Regulation and the Commission Regulation;

“cost of supply” (“*cost cyflenwi*”) in relation to qualifying milk products means the cost of purchase plus an amount which the National Assembly reasonably considers to be sufficient for the purposes of defraying the cost of procuring and administering the supply of those milk products;

“the Council Regulation” (“*Rheoliad y Cyngor*”) means Council Regulation (EC) 1255 / 1999 on the common organisation of the market in milk and milk product⁽⁴⁾;

“eligible pupils” (“*disgyblion cymwys*”) means pupils receiving primary education other than those in key stage 2 or those receiving nursery education;

“the European Community subsidy scheme” (“*cynllun cymhorthdal y Gymuned Ewropeaidd*”) means the European Community’s scheme for supplying subsidised milk and milk products to pupils attending educational establishments as established by the Council Regulation and the Commission Regulation and administered in Great Britain by the Board;

“key stage 2” (“*cyfnod allweddol 2*”) has the meaning given to it by section 355 of the Education Act 1996⁽⁵⁾;

“milk equivalent” (“*yr hyn sy'n gyfwerth â llaeth*”) means the amount specified in Article 5(2) of the Commission Regulation as representing the equivalent milk content of certain milk products;

“national aid” (“*cymorth gwladol*”) means aid granted by the National Assembly under these Regulations pursuant to Article 14(2) of the Council Regulation;

“the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“nursery education” has the meaning given to it by section 117 of the School Standards and Framework Act 1998⁽⁶⁾;

“primary education” (“*addysg gynradd*”) has the meaning given to it by section 2(1) of the Education Act 1996;

“qualifying educational establishment” (“*sefydliad addysgol cymwys*”) means an establishment which provides primary education and which is registered either directly or through its local education authority or other organisation, with the Board, for the purposes of participating in the European Community subsidy scheme;

“qualifying milk products” (“*cynhyrchion llaeth cymwys*”) means the milk and milk products listed in the Annex to the Commission Regulation as products eligible for Community aid; and

“the residual costs” (“*y costau gweddillio*”) means the costs of supply, incurred by a purchaser in connection with the supply of qualifying milk products to a qualifying educational establishment, less any Community aid and national aid calculated by reference to Regulation 4(2)(d), that may be granted in respect of that supply.

(2) Any reference in these Regulations to a Community instrument is a reference to that instrument as amended on the date on which these Regulations are made.

(3) Any reference in these Regulations to a numbered regulation is a reference to the regulation so numbered in these Regulations.

⁽⁴⁾ OJ No. L160, 26.6.1999, p.48.

⁽⁵⁾ 1996 c. 56.

⁽⁶⁾ 1998 c. 31

Grant of national aid

3. Subject to Regulation 4, the National Assembly may grant national aid in connection with the supply of qualifying milk products to pupils receiving primary education who attend qualifying educational establishments.

Conditions and restrictions applying to grant of national aid

4.—(1) National aid under Regulation 3 shall be granted subject to the conditions and restrictions specified in paragraph (2).

(2) The conditions and restrictions referred to in paragraph (1) are —

- (a) that claimants are registered or approved by the Board for the purpose of claiming Community aid;
- (b) that the Board is satisfied that a claimant and a qualifying educational establishment (if different), are complying, and have complied, with the Community rules and with any other obligations or requirements that may have been notified to them by it, in connection with their participation in the European Community subsidy scheme;
- (c) that for any qualifying educational establishment, the maximum quantity of qualifying milk products in respect of which national aid may be granted shall be 0.25 litres of milk or milk equivalent as the case may be, per pupil on the school roll, per school day;
- (d) that subject to Regulation 5 national aid shall be restricted —
 - (i) in the case of the supply of whole milk, to an amount representing the sterling equivalent of 6.2 euros per 100 kilograms, or
 - (ii) in the case of the supply of qualifying milk products other than whole milk, to an amount that shall be determined from time to time by the National Assembly and notified to claimants in writing.

Additional national aid for eligible pupils

5. Where national aid is granted in connection with the supply of a qualifying milk product which is either flavoured or unflavoured, whole or semi skimmed milk, to eligible pupils, the amount so granted, may be an amount sufficient to defray the residual costs that would otherwise be borne by such pupils or their parents or guardians in respect of that supply.

Payment of national aid

6. National aid granted by the National Assembly pursuant to Regulation 3 shall be paid to claimants by the Board acting as agent of the National Assembly.

Withholding and recovery of national aid

7. The Board may withhold or recover on demand from a claimant the whole or any part of any national aid granted under these Regulations where it is satisfied that the claimant or a qualifying educational establishment in respect of which a claim has been made by a claimant, is not complying or has not complied with any of the conditions and restrictions specified in regulation 4(2).

Applicable exchange rate

8.—(1) For the purposes of calculating national aid in sterling, the National Assembly shall determine and may, subject to paragraph (2), periodically revise, the sterling / euro rate of exchange to be applied to the calculation.

(2) Prior to any proposed revision of the sterling / euro rate of exchange in accordance with paragraph (1), the National Assembly shall provide claimants with at least 14 days written notice of the revised rate to be applied.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(7)

30th January 2001

D. Elis Thomas
The Presiding Officer of the National Assembly

EXPLANATORY NOTE

(This note does not form part of the Regulations)

These Regulations, which come into force on 1st February 2001, lay down implementing measures in respect of Article 14(2) of Council Regulation (EC) No. 1255 / 1999 on the common organisation of the market in milk and milk products (OJ No. L160, 26.6.1999, p.48).

The Regulations provide for payment, by the National Assembly for Wales, of national aid (supplementing European Community aid), in connection with the supply of milk and certain milk products to children receiving primary education.

The Regulations provide that the National Assembly may grant national aid in connection with a maximum supply of 0.25 litres of milk (or milk equivalent in the case of certain milk products), per child per school day.

Children benefiting from national aid under these Regulations are those attending an establishment providing primary education which is registered with the Intervention Board for Agricultural Produce for the purpose of the European Community's scheme for the supply of subsidised milk products.

The Regulations provide that the rate of national aid granted by the National Assembly shall be restricted —

- (a) in the case of the supply of whole milk, to an amount that represents the sterling equivalent of 6.2 euros per 100 kilograms; or
- (b) in the case of the supply of all other qualifying milk products, to an amount that shall be determined by the National Assembly and notified to claimants in writing.

However, the Regulations provide that where national aid is granted in connection with the supply of flavoured or unflavoured whole or semi skimmed milk to primary pupils other than those receiving nursery education or those in key stage 2, that aid may amount to a sum sufficient for the purposes of defraying any cost that would otherwise have to be borne by those pupils or their parents or guardians in circumstances where European Community aid does not fully meet the cost of supplying those products.

The Regulations provide for national aid to be paid to claimants by the Intervention Board as agent of the National Assembly (Regulation 6) and also provide for the withholding and recovery of aid in certain circumstances (Regulation 7).

The Regulations also provide that the applicable sterling / euro exchange rate to be applied for the purposes of calculating national aid shall be fixed from time to time by the National Assembly and notified in writing to claimants (Regulation 8).