

1988 No. 132

AGRICULTURE

**The Milk Marketing Scheme (Amendment) Regulations
1988**

<i>Made - - - -</i>	<i>28th January 1988</i>
<i>Laid before Parliament</i>	<i>8th February 1988</i>
<i>Coming into force</i>	<i>29th February 1988</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated (a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Economic Community, acting jointly, in exercise of the powers conferred on them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following Regulations:—

Title, commencement and extent

1. The Regulations may be cited as the Milk Marketing Scheme (Amendment) Regulations 1988, shall come into force on 29th February 1988 and shall apply to England and Wales.

Amendment of the Milk Marketing Scheme 1933

2. The Milk Marketing Scheme 1933(c) shall be further amended—

- (a) by substituting in paragraph 66(5)(d) thereof for the words and figures “subject to sub-paragraphs (7), (8), (10) and (11) of this paragraph” the words and figures “subject to sub-paragraphs (7), (7A), (8), (10) and (11) of this paragraph”;
- (b) by substituting in paragraph 66(7) thereof for the words and figures “Subject to the provisions of sub-paragraph (8) of this paragraph” the words and figures “Subject to the provisions of sub-paragraphs (7A) and (8) of this paragraph”;
- (c) by substituting in paragraph 66(7) thereof for the final sentence, the following sentence:—

“If whole milk is fractionated and only part of the solid constituents is utilised in the production of any of the commodities specified above, the Joint Committee may negotiate different prices according to the uses of each constituent, except that prices in respect of any constituent shall be set at the same level for all uses which qualify that constituent, or any milk product derived therefrom, for sale to the Intervention Board for Agricultural Produce or for the benefit of any Community aid scheme.”;

(d) by inserting after paragraph 66(7) thereof the following sub-paragraph—

“(7A) The price of milk to be sold by the Board shall be set at the same level for all buyers who intend to use the milk for the same purpose and, without

(a) S.I. 1972/1811.

(b) 1972 c.68.

(c) S.R. & O. 1933/789, amended by S.R. & O. 1936/767, 1937/228, 744, 1939/324; S.I. 1950/1029, 1955/946, 1969/1812, 1977/900, 1981/323, 864, 1984/1330, 1986/83, 1987/735.

prejudice to the generality of this sub-paragraph, no price shall be differentiated by reason only that the milk or any milk product derived therefrom is intended for export outside the United Kingdom or for sale to the Intervention Board for Agricultural Produce.”;

- (e) by omitting from paragraph 66(8) thereof the words “The price of milk to be sold by the Board shall be set at the same level for all buyers who intend to use the milk for the same purpose, except that”;
- (f) by substituting for paragraph 66(11) thereof the following sub-paragraph:-

“(11). Notwithstanding the foregoing provisions of this paragraph, the price of milk sold by the Board shall not be set at such a level that the sale of milk by the Board at that price would contravene Article 9 of Council Regulation (EEC) No. 1422/78(a) or Article 6.2 of Commission Regulation (EEC) No. 1565/79(b). In the event of any such contravention or any other failure by the Board to comply with the Community principles, rules or special conditions referred to in Article 10 of Council Regulation (EEC) No. 1422/78, the Board shall make such adjustment in their arrangements for milk sold or to be sold as shall satisfy the Minister that the effect of such contravention or failure has been counteracted.”

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 28th January 1988.



John MacGregor
Minister of Agriculture, Fisheries and Food

28th January 1988

Peter Walker
Secretary of State for Wales

(a) O.J. No. L171, 28.6.78, p.14.
(b) O.J. No. L188, 26.7.79, p.29.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations come into force on 29th February 1988 and further amend the Milk Marketing Scheme 1933 which applies to England and Wales.

Following the European Court's judgment of 2nd December 1986 in Case 23/84, the Regulations further implement the United Kingdom's obligation to supervise compliance with Council Regulation (EEC) No. 1422/78 concerning the granting of certain special rights to milk producer organisations in the United Kingdom, by—

- (a) requiring that prices negotiated by the Joint Committee appointed by the Milk Marketing Board ("the Board") and the dairy trade, according to the uses of any constituent of whole milk, shall be set at the same level for all uses which qualify that constituent, or any milk product derived therefrom, for sale to the Intervention Board for Agricultural Produce or for a Community aid scheme (regulation 2(c));
- (b) prohibiting the differentiation of prices of milk to be sold by the Board by reason only that the milk or any milk product derived therefrom is intended for export outside the United Kingdom or for sale to the Intervention Board (regulation 2(d));
- (c) prohibiting the setting of prices of milk sold by the Board at levels which would contravene Article 9 of Council Regulation (EEC) No. 1422/78 or Article 6.2 of Commission Regulation (EEC) No. 1565/79 and requiring that, in the event of a contravention or other failure to comply with the Community provisions referred to in Article 10 of Regulation 1422/78, the Board shall make such adjustment in their arrangements for milk sold or to be sold as shall satisfy the Minister of Agriculture, Fisheries and Food that the effect of such contravention or failure has been counteracted (regulation 2(f)).