

**EXPLANATORY MEMORANDUM TO**  
**THE FOOD AND RURAL AFFAIRS (MISCELLANEOUS REVOCATIONS)**  
**REGULATIONS 2018**

**2018 No. 908**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by Department for Environment, Food and Rural Affairs Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

- 2.1 The purpose of this instrument is to revoke three instruments relating to countryside access which are now redundant or have been superseded and to amend twelve instruments related to dairy produce so that they will cease to have effect on 31 March 2019 once they can be deemed to be redundant.

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

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

- 3.1 None.

*Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

**4. Extent and Territorial Application**

- 4.1 The extent of this instrument is England and Wales.  
4.2 Regulations 3(b), 3(d), 3(f), 3(i) and 3(l) apply to Wales only.

**5. European Convention on Human Rights**

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

**6. Legislative Context**

- 6.1 The Countryside Access Regulations 1994 provided for the payment of aid to farmers who undertook for a period of five years to permit members of the public to have access to an area of set-aside land. The amending regulations, The Countryside Access (Amendment) (No. 2) Regulations 1999, provided for the cessation of payment of aid from 15 January 2000.  
6.2 The EU Milk Quota regime ended on 31 March 2015. Milk quotas were originally introduced for five years to address the oversupply on the EU market and the European Commission brought in milk quotas in 1984. The expiry date was put back several times, however on 20 November 2008, EU agriculture ministers reached a political agreement on the "Health Check" of the Common Agricultural Policy:

[https://ec.europa.eu/agriculture/policy-perspectives/impact-assessment/cap-health-check\\_de](https://ec.europa.eu/agriculture/policy-perspectives/impact-assessment/cap-health-check_de)). The Health Check set out a number of options, one of which was the agreement to abolish milk quotas by 2015, the details of which can be found the impact assessment carried out for the health check:  
[https://ec.europa.eu/agriculture/sites/agriculture/files/policy-perspectives/impact-assessment/cap-health-check/documents/ia-annex/d2\\_en.pdf](https://ec.europa.eu/agriculture/sites/agriculture/files/policy-perspectives/impact-assessment/cap-health-check/documents/ia-annex/d2_en.pdf).

- 6.3 As a result of the Health Check, the twelve regulations relating to dairy produce quotas, which implemented the regime domestically, will be redundant once the Rural Payments Agency has completed all post scheme requirements. As such, they can be revoked on the 31st March 2019.

## **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 fifteen of those relating to food and rural affairs.

## **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

## **9. Consolidation**

- 9.1 Not applicable.

## **10. Consultation outcome**

- 10.1 These are legislative functions which require no outside consultation. However as part of the Red Tape Challenge initiative, these regulations were included as part of the public consultation to review out of date legislation under the Agriculture theme which ran for 9 weeks (17 July to 15 September 2013).
- 10.2 The consultation was open to members of the public, businesses and key stakeholders. The results of the consultation 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).

## **11. Guidance**

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

## **12. Impact**

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 An Impact Assessment has not been prepared for this instrument because this instrument neither regulates nor de-regulates business; it simply removes redundant legislation.

**13. Regulating small business**

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

**14. Monitoring & review**

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

**15. Contact**

- 15.1 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 be contacted with any queries regarding the instrument.
- 15.2 Lucy Stewart at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 George Eustice at the Department for Environment, Food and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.