

WELSH STATUTORY INSTRUMENTS

**2017 No. 724**

**The School Milk (Wales) Regulations 2017**

**[<sup>F1</sup>Withholding and recovery of aid]**

5.—[<sup>F2</sup>(A1) In this regulation—

(a) “aid” includes—

- (i) any aid granted before IP completion day pursuant to Article 23(1) of the Council Regulation as it applied before that day; and
- (ii) any aid granted by the Welsh Ministers before IP completion day under regulation 3 of these regulations as it had effect before that day, and

(b) “applicant” is to be construed accordingly.]

(1) Where an applicant has received [<sup>F3</sup>aid] to which the applicant was not entitled, or where the applicant is in breach of any commitment given by the applicant as a condition of such [<sup>F4</sup>aid], the Welsh Ministers may—

- (a) withhold the whole or any part of such [<sup>F3</sup>aid] that they might otherwise have made; or
- (b) recover on demand the whole or any part of any such [<sup>F3</sup>aid] already made by them.

(2) Before taking action under paragraph (1), the Welsh Ministers must—

- (a) give the applicant written reasons for the action the Welsh Ministers propose to take;
- (b) afford the applicant the opportunity to make written representations within such time as the Welsh Ministers considers reasonable; and
- (c) consider any such representations.

(3) Any money due to the Welsh Ministers under or by virtue of these Regulations is recoverable as a debt.

**F1** Reg. 5 heading substituted (31.12.2020) by The Food (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/732), regs. 1(2), **8(5)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

**F2** Reg. 5(A1) inserted (31.12.2020) by The Food (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/732), regs. 1(2), **8(5)(a)**(as amended by The Food and Rural Affairs (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1308), regs. 1(2), **3(5)**); 2020 c. 1, Sch. 5 para. 1(1)

**F3** Word in reg. 5(1) substituted (31.12.2020) by The Food (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/732), regs. 1(2), **8(5)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)

**F4** Word in reg. 5(1) substituted (31.12.2020) by The Food (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019 (S.I. 2019/732), regs. 1(2), **8(5)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

**Commencement Information**

**I1** Reg. 5 in force at 1.8.2017, see **reg. 1(1)**

**Changes to legislation:**

There are currently no known outstanding effects for the The School Milk (Wales) Regulations 2017, Section 5.