

**EXPLANATORY MEMORANDUM TO**  
**THE DRINKING MILK (WALES) REGULATIONS 2010**

This Explanatory Memorandum has been prepared by the Rural Affairs Department and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 24.1.

**Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Drinking Milk (Wales) Regulations 2010.

*Elin Jones*

**Minister for Rural Affairs**

**25 May 2010**

**1. Description**

This Statutory Instrument, which applies in Wales, amends references to the Commission Regulation referred to in the 1998 Regulations and makes some consequential amendments to domestic Regulations. There are no other changes of substance.

**2. Matters of special interest to the Constitutional Affairs Committee**

None

**3. Legislative background**

The Regulations are made sections 6(4), 16(1), 17(2), 26(1) and (3) and 48(1) of the Food Safety Act 1990 and under section 2(2) of the European Communities Act 1972 pursuant to the CAP designation contained in SI 2005/2766. By virtue of sections 59(1) and 162 of and paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006, functions conferred on the National Assembly by both those Acts are now exercisable by the Welsh Ministers.

This SI follows the negative procedure.

#### **4. Purpose & intended effect of the legislation**

This Statutory Instrument revokes and replaces the Drinking Milk Regulations 1998 (S.I. 1998/2424). The new legislation updates references to European legislation as a result of the coming into force of certain provisions of Council Regulation (EC 1234/2007) establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulations).

#### **5. Consultation**

There is a requirement to consult on the making of these regulations, set out under Article 9 of Regulation (EC) No 178/2002 laying down the general principles and requirements of food law and pursuant to section 48 of the Food Safety Act 1990. However, the draft regulations only update references to the Community legislation and do not change the legal requirements relating to drinking milk. Further the Council Regulation is directly applicable and there is little scope for Regulations to be amended as a result of consultation. The Single CMO was itself subject to consultation in early 2007. Bringing this legislation into force will implement European regulations and bring Welsh legislation in line with English, Scottish and Irish legislation.

#### **6. Regulatory Impact Assessment (RIA)**

A Regulatory Impact Assessment (RIA) has not been prepared for this Instrument because the proposed legislation simply amends existing legislation to update and remove references which would otherwise be obsolete, and makes no substantive changes.

**LINDA PUGH**  
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