

EXPLANATORY MEMORANDUM TO THE MILK MARKETING BOARD (ENGLAND AND WALES) (REVOCATIONS) REGULATIONS 2015

This Explanatory Memorandum has been prepared by Agriculture and 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 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Milk Marketing Board (England and Wales) (Revocations) Regulations 2015.

Rebecca Evans
Deputy Minister for Farming and Food

26 March 2015

1. Description

This instrument revokes three Regulations:

- The Milk Marketing Board Scheme of Reorganisation (Third Party Rights) Regulations 1994;
- The Milk Marketing Board (Residuary Functions) Regulations 1994; and
- The Milk Marketing Board (Residuary Functions) (Amendment) Regulations 2001.

The Regulations being revoked are no longer relevant as the Milk Marketing Board was dissolved in 2002.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

As part of the UK Government's Red Tape Challenge initiative a number of regulations were identified as redundant and suitable for revoking. These Regulations are being made to revoke three Regulations relating to the Milk Marketing Board.

The three Regulations, which apply to England and Wales, could be revoked in England only but this would leave the redundant legislation in place in Wales. The Welsh Ministers' powers to make these Regulations must in any event be exercised jointly with the Secretary of State.

These Regulations will apply to England and Wales and are subject to negative resolution procedure in the National Assembly for Wales and in the UK Parliament. Because the Regulations will be subject to UK Parliamentary scrutiny, it is not considered reasonably practicable for this instrument to be made or laid bilingually.

3. Legislative Background

These Regulations are made under sections 14(2) and (3), 62(1) and (2) and paragraphs 42(3)(a), 43(3) and 442(2)(a) of Schedule 2 to the Agriculture Act 1993.

Sections 14(2) and (3), 62(1) and (2) and paragraph 43(3) of Schedule 2 to the Agriculture Act 1993 confer powers to make the Regulations on 'the appropriate authority'. Section 24(2) specifies that references to the appropriate authority, in the case of a milk marketing board whose area is England and Wales, are references to the Minister of Agriculture, Fisheries and Food and the Secretary of State, acting jointly. By Article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), the Secretary of State's functions under the Agriculture Act 1993 were transferred to the National Assembly for Wales. These functions were later transferred to the Welsh Ministers by operation of section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act

2006.

Paragraphs 42(3)(a) and 44(2)(a) of Schedule 2 to the Agriculture Act 1993, confer a power on the Minister for Agriculture Fisheries and Food and the Secretary of State acting jointly to make Regulations. By Article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), the Secretary of State's functions under the Agriculture Act 1993 were transferred to the National Assembly for Wales. These functions were later transferred to the Welsh Ministers by operation of section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

The Regulations are subject to annulment (the negative procedure).

4. Purpose and intended effect of the legislation

These Regulations will revoke the following Regulations:

- The Milk Marketing Board Scheme of Reorganisation (Third Party Rights) Regulations 1994;
- The Milk Marketing Board (Residuary Functions) Regulations 1994; and
- The Milk Marketing Board (Residuary Functions) (Amendment) Regulations 2001.

The Milk Marketing Board Scheme of Reorganisation (Third Party Rights) Regulations 1994 provide for the appointment of arbitrators should disputes arise under paragraphs 42 and 44 of Schedule 2 to the Agriculture Act 1993 (1993 Act). Further, the Regulations provide for the giving of notices to qualifying parties following an approved scheme of reorganisation under paragraph 43 of Schedule 2 to the 1993 Act, the provision of certificates of compliance in relation to certain types of contracts and their service.

The Milk Marketing Board (Residuary Functions) Regulations 1994 make provision for the purpose of giving effect to an approved scheme of reorganisation, providing that the Milk Marketing Board will not be dissolved, but shall continue to exist in a residuary form to enable the Milk Marketing Board to wind up its affairs. The Milk Marketing Board's functions are set out in Regulations 4(1) and 21, and the methods of winding up are specifically set out in Regulation 27.

The Milk Marketing Board (Residuary Functions) (Amendment) Regulations 2001 amend the 1994 Regulations and facilitate the winding up of the affairs of the Milk Marketing Board. Specifically, the Regulations deal with the transfer of property, rights and liabilities, and the holding of assets following the winding up of the Milk Marketing Board.

The Milk Marketing Board was dissolved in 2002.

5. Consultation

The revocation of the Regulations is not contentious and no consultation has been undertaken.

6. Regulatory Impact Assessment (RIA)

Having considered the Welsh Ministers' code of practice, a Regulatory Impact Assessment has not been prepared for these Regulations. These Regulations have no impact on business, charities or voluntary bodies as these Regulations revoke obsolete legislation.

There is no impact on the public sector as these Regulations revoke obsolete legislation.