

SL(5)117 – The School Milk (Wales) Regulations 2017

Background and Purpose

These Regulations repeal and replace the School Milk (Wales) Regulations 2008 ('the 2008 Regulations') SI 2008/2141, in light of changes in EU law to permit the continuation of the EU school milk scheme in Wales when the new EU school milk scheme under Regulation (EU) No 1308/2013, Commission Implementing Regulation (EU) 2017/39 and Commission Delegated Regulation (EU) 2017/40 comes into effect from 1 August 2017.

In particular, these Regulations will allow the Rural Payments Agency (on behalf of the Welsh Ministers) to continue to administer the national top up schemes in Wales and have equivalent effect of the provisions of the 2008 Regulations. Also, to provide the Welsh Ministers (via the Rural Inspectorate for Wales) with explicit powers of entry and inspection to facilitate the enforcement of the school milk scheme, as required by EU obligations.

Procedure

Negative

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Implications arising from exiting the European Union

This instrument is made by the Welsh Ministers using powers given to them in the European Communities Act 1972 ('the 1972 Act') in relation to the common agricultural policy of the European Union in relation to food (including drink). It is unclear how measures under such policy will be exercisable when the UK exits the European Union. However, at the present time, a failure to introduce legislation within Wales which reflects the immediate changes to EU legislation and to facilitate the enforcement of the School Milk Scheme could result in infraction proceedings.

Government Response

No government response is required.

Legal Advisers

Constitutional and Legislative Affairs Committee

10 July 2017

