Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Milk and Milk Products (Pupils in Educational Establishments) (Scotland) Regulations 2001. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

SCOTTISH STATUTORY INSTRUMENTS

2001 No. 162

AGRICULTURE

The Milk and Milk Products (Pupils in Educational Establishments) (Scotland) Regulations 2001

Made - - - -	*23rd April 2001*
Laid before the Scottish Parliament - - - -	*24th April 2001*
Coming into force - -	*15th May 2001*

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972[F1] and of all other powers enabling them in that behalf, hereby make the following Regulations:

F1 1972 c.68; section 2(2) was amended by the Scotland Act 1998 (c.46), **Schedule 8**, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Milk and Milk Products (Pupils in Educational Establishments) (Scotland) Regulations 2001, and shall come into force on 15th May 2001.

(2) These Regulations extend to Scotland only.

Interpretation

2. In these Regulations–

"applicant" means an applicant as described in Article 6, and approved in accordance with Articles 7, 8 and (where applicable) 9, of the Commission Regulation;

"the Commission Regulation" means Commission Regulation (EC) No. 2707/2000 laying down rules for applying Council Regulation (EC) No. 1255/1999 as regards Community aid for supplying milk and certain milk products to pupils in educational establishments [F2];

"Community aid" means Community aid granted pursuant to Article 14(1) of the Council Regulation, as read with the Commission Regulation, to pupils in educational establishments (except secondary schools);

"the Council Regulation" means Council Regulation (EC) No.1255/1999 on the common organisation of the market in milk and milk products [F3] as amended by Council Regulation (EC) No. 1040/2000[F4] and Council Regulation (EC) 1670/2000[F5];

F2 O.J. No. L 311, 12.12.00, p.37.
F3 O.J. No. L 160, 26.6.99, p.48.
F4 O.J. No. L118, 19.5.00, p.1.
F5 O.J. No. L 193, 29.7.00, p.10

Additional payments under Article 14(2) of the Council Regulation

3.—(1) Subject to paragraph (2) below, where an applicant is in receipt of Community aid, the Scottish Ministers may, in accordance with the provisions of Article 14(2) of the Council Regulation, as read with the Commission Regulation, pay that applicant an amount in addition to that Community aid.

(2) For the purposes of the following provisions of the Commission Regulation (which apply to payments of Community aid)–

(a) Article 2(1)(a) and (b) and (2) (beneficiaries);

(b) Article 2(3), first sub-paragraph (written commitments made by certain classes of applicant);

(c) Articles 8 (excluding, in sub-paragraph (b), the words following the reference to Article 2) and 9 (written commitments made by applicants generally);

(d) Article 10 (possibility for approval of an applicant to be suspended or withdrawn);

(e) Article 11 (conditions governing applications for payment);

(f) Article 12 (conditions governing payment);

(g) Article 13 (possibility of payment in advance);

(h) Article 14 (policing),

an application for aid to be paid under paragraph (1) above shall be treated as if it were an application for Community aid, and any sum payable or paid under paragraph (1) above shall be treated as if it were payable or paid by way of Community aid.

Withholding or recovery

4.—(1) Where an applicant has received Community aid or a payment under regulation 3 above 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 Community aid or of a payment under that regulation, the Scottish Ministers may–

(a) withhold the whole or any part of such Community aid or payment under regulation 3 above that they might otherwise have made; or

(b) recover on demand the whole or any part of any such Community aid or payment under regulation 3 above already made by them.

(2) Before taking any action under paragraph (1) above, the Scottish Ministers shall–

(a) give to the applicant written notification of the action proposed to be taken (including the amount proposed to be withheld or recovered), with an explanation of the reasons for the action they propose to take;

(b) afford that applicant the opportunity of making written representations within such time as they consider reasonable; and