WELSH STATUTORY INSTRUMENTS

2010 No. 1492 (W.135)

FOOD, WALES

The Drinking Milk (Wales) Regulations 2010

Made - - - -	*25 May 2010*
Laid before the National Assembly for Wales - -	*27 May 2010*
Coming into force - -	*18 June 2010*

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 [F1] and it appears to the Welsh Ministers that it is expedient for the references to the provisions of Article 114(2) of, and Annex XIII to, Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) [F2] to be construed as references to those provisions as amended from time to time.

As required by Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety [F3], there has been open and transparent public consultation during the preparation and evaluation of the following Regulations.

In accordance with section 48(4A) of the Food Safety Act 1990 [F4], the Welsh Ministers have had regard to relevant advice from the Food Standards Agency.

The Welsh Ministers make the following Regulations in exercise of powers conferred by paragraph 1A of Schedule 2 to the European Communities Act 1972 [F5] and sections 6(4), 16(1), 17(2), 26(1) and (3) and 48(1) of the Food Safety Act 1990 [F6] and now vested in the Welsh Ministers [F7].

Annotations:

F1 1972 c. 68.

F2 OJ No L 299, 16.11.2007, p. 1 to which there are amendments not relevant to these Regulations.

F3 OJ No. L 31, 1.2.2002, p. 1, as last amended by Commission Regulation (EC) No 596/2009 OJ No L188, 18.7.2009 p.14.

F4 1990 c. 16. Section 48(4A) is inserted by section 40(1) of, and Schedule 5, paragraph 21, to, the Food Standards Act 1999 (c. 28) ("the 1999 Act").

F5 Paragraph 1A was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c. 51).

F6 Section 6(4) is amended by section 31 of, and Schedule 9, paragraph 6, to, the Deregulation and Contracting Out Act 1994 c. 40 and section 40(1) of, and Schedule 5, paragraph 10(1) and (3), to, the 1999 Act; section 16(1) is amended by section 40(1) of, and Schedule 5, paragraphs 7 and 8, to, the

1999 Act; section 17(2) is amended by section 40(1) of, and Schedule 5, paragraphs 7, 8 and 12, to the 1999 Act; section 48(1) is amended by section (40)(1) of, and Schedule 5, paragraphs 7 and 8, to the 1999 Act.

F7 In relation to Wales functions formerly exercisable by "the Ministers" were transferred to the National Assembly for Wales by S.I. 1999/672 as read with section 40(3) of the 1999 Act and thereafter transferred to the Welsh Ministers by section 162 of, and paragraph 30 of Schedule 11 to the Government of Wales Act 2006 c. 32.

Title, commencement and application

1. The title of these Regulations is the Drinking Milk (Wales) Regulations 2010. They come into force on 18 June 2010 and apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

"the 1990 Act" ("*Deddf 1990*") means the Food Safety Act 1990;

F8 …

"Article 114(2)" ("*Erthygl 114(2)*") means Article 114(2) of the Council Regulation;

"the Council Regulation" ("*Rheoliad y Cyngor*") means Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation);

"drinking milk" ("*llaeth yfed*") has the meaning given in point I(b) of **[**F9Part IV**]**;

"food authority" ("*awdurdod bwyd*") means a county council or a county borough council.

"milk" ("*llaeth*") has the meaning given in point I(a) of **[**F9Part IV**]**;

[F10"Part IV" ("*Rhan IV*") means **[**F11Part 4 of Annex 7 to Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products**]**, as amended from time to time;**]** and

"sell" ("*gwerthu*") includes possess for sale and offer, expose or advertise for sale.

(2) Other expressions used in these Regulations and in the Council Regulation **[**F12or Part IV**]** which are not defined in these Regulations have the same meaning in these Regulations as they have in the Council Regulation **[**F12or Part IV**]**.

F13(3) . . . . . .

Annotations:

F8 Words in reg. 2(1) omitted (1.1.2014) by virtue of The Single Common Market Organisation (Consequential Amendments) (Wales) Regulations 2013 (S.I. 2013/3270), regs. 1(c), **4(2)(a)**

F9 Words in reg. 2(1) substituted (1.1.2014) by The Single Common Market Organisation (Consequential Amendments) (Wales) Regulations 2013 (S.I. 2013/3270), regs. 1(c), **4(2)(b)**

F10 Words in reg. 2(1) inserted (1.1.2014) by The Single Common Market Organisation (Consequential Amendments) (Wales) Regulations 2013 (S.I. 2013/3270), regs. 1(c), **4(2)(c)**

F11 Words in reg. 2(1) substituted (28.3.2019) by The Rural Affairs, Environment, Fisheries and Food (Miscellaneous Amendments and Revocations) (Wales) Regulations 2019 (S.I. 2019/463), regs. 1(3), **23**

F12 Words in reg. 2(2) inserted (1.1.2014) by The Single Common Market Organisation (Consequential Amendments) (Wales) Regulations 2013 (S.I. 2013/3270), regs. 1(c), **4(3)**

F13 Reg. 2(3) omitted (1.1.2014) by virtue of The Single Common Market Organisation (Consequential Amendments) (Wales) Regulations 2013 (S.I. 2013/3270), regs. 1(c), **4(4)**

Sale or delivery of milk and use of sales description

3. No person may—

(a) sell or deliver milk; or

(b) use or omit to use a sales description for any product,

in contravention of Article 114(2) or point II(1) and (2) of **[**F14Part IV as read with point III of Part IV**]**.

Annotations:

F14 Words in reg. 3 substituted (1.1.2014) by The Single Common Market Organisation (Consequential Amendments) (Wales) Regulations 2013 (S.I. 2013/3270), regs. 1(c), **4(5)**

Importation of products from outside the European Union for sale as drinking milk

F15**4.** . . . . . .

Annotations:

F15 Reg. 4 omitted (1.1.2014) by virtue of The Single Common Market Organisation (Consequential Amendments) (Wales) Regulations 2013 (S.I. 2013/3270), regs. 1(c), **4(6)**

Enforcement

5.—(1) Each food authority must enforce the provisions of these Regulations within its area.

(2) Each food authority must give such assistance and information to any other food authority in Great Britain as that other food authority may reasonably require for the purpose of carrying out its duties under these Regulations or an equivalent provision.

(3) In this regulation, "equivalent provision" ("*darpariaeth gyfatebol*") means a provision in Regulations made in England or Scotland for the purpose of implementing Article 114(2) or **[**F16Part IV**]**.

Annotations:

F16 Words in reg. 5(3) substituted (1.1.2014) by The Single Common Market Organisation (Consequential Amendments) (Wales) Regulations 2013 (S.I. 2013/3270), regs. 1(c), **4(7)**

Offences and penalties

6. Any person who fails to comply with regulation 3 F17... is—

(a) guilty of an offence; and

(b) liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Annotations:

F17 Words in reg. 6 omitted (1.1.2014) by virtue of The Single Common Market Organisation (Consequential Amendments) (Wales) Regulations 2013 (S.I. 2013/3270), regs. 1(c), **4(8)**