STATUTORY RULES OF NORTHERN IRELAND

2008 No. 323

AGRICULTURE

Milk and Milk Products (Pupils in Educational Establishments) Regulations (Northern Ireland) 2008

Made - - - -	*28th July 2008*
Coming into operation-	*25th August 2008*

The Department of Agriculture and Rural Development is designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Community.

These Regulations make provision for a purpose mentioned in that section and it appears to the Department of Agriculture and Rural Development that it is expedient for the references in these Regulations to—

(a) Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)(**3**), and

(b) Commission Regulation (EC) No 657/2008 laying down detailed rules for applying Council Regulation (EC) No 1234/2007 as regards Community aid for supplying milk and certain milk products to pupils in educational establishments(**4**),

to be construed as a reference to that Council Regulation and that Commission Regulation as amended from time to time.

The Department of Agriculture and Rural Development makes the following Regulations in exercise of the powers conferred on it by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(**5**).

Citation and commencement

1. These Regulations may be cited as the Milk and Milk Products (Pupils in Educational Establishments) Regulations (Northern Ireland) 2008 and shall come into operation on 25th August 2008.

(**1**) S.I. 2000/2812
(**2**) 1972 c.68
(**3**) OJ No L 299, 16.11.07, p 1; last amended by Council Regulation (EC) No 361/2008 (OJ No L 121, 7.5.08, p 1).
(**4**) OJ No L 183, 11.7.08, p 17
(**5**) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51)

Interpretation

2.—(1) In these Regulations—

"applicant" means an applicant for Community aid, as described in Article 6 of the Commission Regulation;

"the Commission Regulation" means Commission Regulation (EC) No 657/2008 laying down detailed rules for applying Council Regulation (EC) No 1234/2007 as regards Community aid for supplying milk and certain milk products to pupils in educational establishments as amended from time to time;

"Community aid" means Community aid granted pursuant to Article 102(1) of the Council Regulation and in accordance with the Commission Regulation;

"the Council Regulation" 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), as amended from time to time;

"the Department" means the Department of Agriculture and Rural Development;

"national aid" means aid payable or paid by the Department in accordance with regulation 3(1).

(2) The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Payment of national aid

3.—(1) The Department may pay national aid to an applicant in accordance with Article 102(2) of the Council Regulation (grant of national aid for supplying certain processed milk products to pupils in educational establishments) and this regulation.

(2) For the purposes of paragraph (1), the Department may determine the type or class of educational establishments referred to in Article 2 of the Commission Regulation or eligible products listed in Annex 1 to the Commission Regulation in relation to which national aid may be paid, framed by reference to any set of circumstances the Department thinks fit.

(3) Subject to paragraph (2), the following provisions of the Commission Regulation shall apply in relation to national aid as if it were Community aid—

(a) Article 2 (beneficiaries);

(b) Article 3(1) and (4) (eligible products);

(c) Article 5(4), first sub-paragraph (milk and milk products used in preparation of meals not to benefit from aid);

(d) Article 8 (general conditions for approval), except for the words in sub-paragraph (b) following the reference to Article 2;

(e) Article 9 (specific conditions for the approval of certain applicants);

(f) Article 10 (suspension and withdrawal of approval);

(g) Article 11 (payment applications);

(h) Article 12 (payment of aid);

(i) Article 14 (price monitoring); and

(j) Article 15 (controls and sanctions).

(**6**) 1954 c.33 (N.I.)