STATUTORY RULES OF NORTHERN IRELAND

2001 No. 129

AGRICULTURE

Milk and Milk Products (Pupils in Educational Establishments) Regulations (Northern Ireland) 2001

Made - - - -	*26th March 2001*
Coming into operation	*24th April 2001*

The Department of Agriculture and Rural Development, being a Department 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, in exercise of the powers conferred on it by the said section 2(2), and all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Milk and Milk Products (Pupils in Educational Establishments) Regulations (Northern Ireland) 2001 and shall come into operation on 24th April 2001.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

"applicant" means an applicant as described in Article 6, and approved in accordance with Articles 7, 8 and (if 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(**3**);

"Community aid" means Community aid granted pursuant to Article 14(1) as amended(**4**), of the Council Regulation, and in accordance with the applicable rules and requirements, and subject to the applicable conditions, contained in the Commission Regulation;

"the Council Regulation" means Council Regulation (EC) No.1255/1999 on the common organisation of the market in milk and milk products(**5**), as amended(**6**);

(**1**) S.I.1972/1811
(**2**) 1972 c. 68
(**3**) O.J. No. L311, 12.12.2000, p. 37
(**4**) Relevant amendment is in Council Regulation (EC) No. 1670/2000 (O.J. No. L193, 29.7.2000, p. 10)
(**5**) O.J. No. L160.26.6.1999, p. 48

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

(2) The Interpretation Act (Northern Ireland) 1954 (**7**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Additional payments under Article 14(2) of Regulation 1255/1999

3.—(1) Subject to paragraphs (2) and (3), where an applicant is in receipt of Community aid the Department may, in accordance with the provisions of Article 14(2), as amended(**8**), 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) 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) shall be treated as if it were an application for Community aid, and any sum payable or paid under paragraph (1) shall be treated as if it were payable or paid by way of Community aid.

Withholding or recovery

4.—(1) Where the Department reasonably believes that an applicant has received from it Community aid or a payment under regulation 3 to either (or both) of which he was not entitled or is in breach of any commitment given by him as a condition of any Community aid or of a payment under that regulation, it may—

(a) withhold the whole or any part of such aid or payment that it might otherwise have made; or

(b) recover on demand the whole or any part of any such aid or payment already made by it.

(2) Before taking any action under paragraph (1), the Department shall—

(a) give to the applicant in question a written explanation of the reasons for the action it proposes to take;

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

(c) consider any such representations.

5. In any case where an amount falls to be paid to the Department by virtue of (or by virtue of action taken under) these Regulations, the amount so falling to be paid shall be recoverable as a debt.

(**6**) Amended by Council Regulation (EC) No. 1040/2000 (O.J. No. L118, 19.5.2000, p. 1) and Council Regulation (EC) No. 1670/2000

(**7**) 1954 c. 33 (N.I.)

(**8**) Relevant amendment is in Council Regulation (EC) No. 1670/2000