

EXPLANATORY MEMORANDUM TO
THE SCHOOL MILK (WALES) (AMENDMENT) REGULATIONS 2009

This Explanatory Memorandum has been prepared by the Department for Children, Education, Lifelong Learning and Skills and is laid before the National Assembly for Wales in accordance with Standing Order 24.1.

Description

This Regulation makes minor technical amendments to the School Milk (Wales) Regulations 2008 S.I. 2008/2141 (W.190).

Matters of special interest to the Subordinate Legislation Committee

There are no matters of special interest in relation to these Regulations..

Legislative Background

The power enabling subordinate legislation to be made by way of regulations to implement European Community obligations is contained in section 2(2) of the European Communities Act 1972.

The Welsh Ministers have been designated by virtue of section 59(1) of the Government of Wales Act 2006, to exercise the power conferred by section 2(2) of the European Communities Act 1972 in relation to matters specified in Schedule 3 to the European Communities (Designation) (No.3) Order 2005 (SI 2005/2766). Those matters include measures under the common agricultural policy of the European Community in relation to food (including drink).

When making subordinate legislation under Section 2(2) of the European Communities Act 1972, the affirmative or negative resolution procedure may be used.

The negative resolution procedure is considered appropriate in this case as the power to make the proposed regulations under section 2(2) will not

- be combined with any other power;
- amend primary legislation;
- impose a mandatory requirement on the Welsh Ministers that will involve substantial government expenditure; or
- contain unusual criminal provision or civil penalties, confer unusual powers of entry, examination or inspection, or provide for collection of information under powers of compulsion or impose onerous duties on the subject.

Purpose and intended effect of the legislation

This Regulation makes minor amendments to the School Milk (Wales) Regulations 2008 by:

- Replacing the reference to “section 355 of the 1996 Act” with “section 103 of the Education Act 2002” in regulation 2(1); and
- Replacing the words “educational establishments’ with “qualifying educational establishments” in regulation 3(1).

Consultation

A formal consultation has not been conducted given the purpose and intention of this Regulation.

Regulatory Impact Assessment

A Regulatory Impact Assessment has not been prepared as the Regulations will not effect the costs of businesses or the voluntary sector.