
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 91

The Dairy Produce Quotas (Scotland) Regulations 2005

PART 2

REGISTRATION OF QUOTA

Registers and notices to be maintained and prepared by the Scottish Ministers

- 4.—(1) The Scottish Ministers shall—
- (a) maintain a direct sales register; and
 - (b) send to each direct seller a copy of the entry in the direct sales register relating to that direct seller.
- (2) The direct sales register shall contain an entry in respect of each direct seller setting out in particular—
- (a) the name of each direct seller;
 - (b) the trading address of each direct seller or, where there is more than one such address, each such address, and the principal trading address of each direct seller;
 - (c) a reference number which serves to identify the direct seller;
 - (d) the direct sales quota available to that direct seller for the quota year; and
 - (e) the details of the direct sales of that direct seller.
- (3) The Scottish Ministers shall—
- (a) maintain a wholesale register;
 - (b) send to each wholesale producer a copy of the entry in the wholesale register relating to that wholesale producer; and
 - (c) send to each purchaser named in the list referred to in paragraph (4)(e) a copy of that part of the entry relating to the purchaser quota of that purchaser.
- (4) The wholesale register shall contain an entry in respect of each wholesale producer setting out in particular—
- (a) the name of each wholesale producer;
 - (b) the trading address of each wholesale producer or, where there is more than one such address, each such address and the principal trading address of each wholesale producer;
 - (c) a reference number which serves to identify the wholesale producer;
 - (d) the wholesale quota available to the wholesale producer for the quota year; and
 - (e) a list of the name and address of each purchaser whose purchaser quota will be calculated to take into account all or part of the total wholesale quota of that wholesale producer, and of the wholesale quota registered with each purchaser, showing the representative fat content base of that quota calculated in accordance with Article 7 of the Commission Regulation.
- (5) The Scottish Ministers shall—

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- (a) maintain a register of purchasers; and
 - (b) send to each purchaser a copy of the purchaser entry relating to that purchaser.
- (6) The register of purchasers shall contain an entry in respect of each purchaser setting out in particular—
- (a) the name of each purchaser; and
 - (b) the purchaser quota of that purchaser.
- (7) For the purposes of paragraphs (1) to (4), where the holding of a quota holder comprises more than one dairy enterprise, that quota holder may, after submitting to the Scottish Ministers a consent or sole interest notice in respect of that holding, agree with the Scottish Ministers the partition of the quota available to that quota holder relating to that holding between separate direct sales register entries or separate wholesale register entries, as the case may be.
- (8) The Scottish Ministers—
- (a) may make such enquiries as they reasonably consider necessary for the purposes of ensuring the accuracy of the registers which they are required to maintain under this regulation;
 - (b) shall amend the registers—
 - (i) to record any allocation or adjustments made under or by virtue of these Regulations; or
 - (ii) to make any correction or amendment which they reasonably consider to be necessary; and
 - (c) shall notify any person affected by any correction or amendment made by them.
- (9) Notwithstanding that a person is no longer a producer, that person shall—
- (a) remain registered pursuant to this regulation; and
 - (b) for the purposes of this regulation and regulations 6, 7(a) and 33(1), continue to be regarded as a producer,
- until the start of the quota year following the year in which the quota available to that person has been transferred or until the quota has been withdrawn under Article 15 of the Council Regulation.
- (10) The obligation under paragraphs (1)(b), (3)(b) and (c) and (5)(b) is an obligation to send a copy of—
- (a) an entry; or
 - (b) part of an entry,
- as the case may be, as it has effect on 1st April in each year.

Commencement Information

II [Reg. 4](#) in force at 31.3.2005, see [reg. 1\(2\)](#)

Approval of purchasers

5.—(1) For the purposes of Article 23 of the Commission Regulation (which concerns the approval of purchasers), a purchaser shall make an application to the Scottish Ministers for approval in such form as the Scottish Ministers may reasonably require.

(2) An application under paragraph (1) shall state the trading address of the purchaser, or, if there is more than one such address, each such address and the principal trading address of the purchaser.

(3) For the purposes of Article 23(2) of the Commission Regulation (which permits member States to lay down stricter rules on the approval of purchasers), the Scottish Ministers may only approve a purchaser if the purchaser has complied with the requirements of paragraph (4).

- (4) The requirements referred to in paragraph (3) are that the purchaser—
- (a) has given an undertaking to the Scottish Ministers to comply with the provisions of these Regulations and the Community legislation;
 - (b) has not materially contravened the provisions of any scheme for support in the agricultural sector derived from legislation; and
 - (c) either—
 - (i) by submitting to the Scottish Ministers such information as they may reasonably require, has demonstrated to the reasonable satisfaction of the Scottish Ministers that that purchaser has a sound financial basis upon which to operate; or
 - (ii) if the Scottish Ministers consider that the purchaser has not been trading long enough for that to be so demonstrated, has provided such security as the Scottish Ministers may reasonably require.
- (5) Each purchaser shall inform the Scottish Ministers of—
- (a) any change of trading address, or, where there is more than one such address, any change in any such trading address, any additional trading address and any change of principal trading address; and
 - (b) any factor or change in circumstances which the Scottish Ministers might reasonably consider to affect materially any matter that was relevant to their consideration of the application for approval, or which affects the ability of the applicant to comply with the undertaking referred to in paragraph (4)(a).
- (6) Each purchaser shall—
- (a) confirm to each wholesale producer supplying that purchaser that the purchaser is approved pursuant to Article 23 of the Commission Regulation and this regulation and provide details of the approval if requested; and
 - (b) notify each wholesale producer supplying that purchaser if the approval is withdrawn.

Commencement Information

I2 [Reg. 5](#) in force at 31.3.2005, see [reg. 1\(2\)](#)

Obligations of producers and purchasers with respect to registration and deliveries

- 6.—(1) Every—
- (a) direct seller; and
 - (b) wholesale producer,

shall register their quota with the Scottish Ministers.

(2) Each purchaser shall maintain, in respect of all wholesale producers whose register entries include the name of that purchaser on the list referred to in regulation 4(4)(e)—

- (a) a register corresponding to that maintained by the Scottish Ministers under regulation 4(3) in respect of that part of the purchaser quota attributable to each of those wholesale producers;
- (b) a register of particulars of deliveries from each of those wholesale producers to that purchaser; and

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- (c) the information required by paragraphs 2 to 4 of Article 24 of the Commission Regulation (which concern the records required in connection with levy assessment).
- (3) Each person who holds registered wholesale quota, including any wholesale producer who has temporarily ceased or who intends temporarily to cease making deliveries, shall register that quota with a purchaser.
- (4) A wholesale producer may supply milk only to a purchaser.
- (5) Each purchaser shall maintain a system approved by the Scottish Ministers for—
- (a) sampling the milk of each wholesale producer whose register entries include the name of that purchaser on the list referred to in regulation 4(4)(e); and
 - (b) determining its fat content.
- (6) Each purchaser shall amend the register referred to in paragraph (2)(a) on each occasion when the purchaser is notified by the Scottish Ministers that the equivalent register maintained by the Scottish Ministers has been amended in relation to wholesale producers registered in the register of that purchaser.

Commencement Information

I3 [Reg. 6](#) in force at 31.3.2005, see [reg. 1\(2\)](#)

Inspection of entries in the Scottish Ministers' registers

7. If a request—
- (a) is made in respect of a register entry referred to in regulation 4(2) or (4) by any person who—
 - (i) is the quota holder identified in that entry;
 - (ii) gives the Scottish Ministers a statement in writing that such person has an interest in the holding of the quota holder identified in that entry; or
 - (iii) is the agent of a person referred to in sub paragraph (i) or (ii); or
 - (b) is made by a purchaser in respect of an entry in the register referred to in regulation 4(6) relating to that purchaser or, by another person, provided the request is made with the express written authority of the purchaser in question,

the Scottish Ministers may, on payment of a reasonable charge, supply to the person making the request a copy of the register entry.

Commencement Information

I4 [Reg. 7](#) in force at 31.3.2005, see [reg. 1\(2\)](#)

Registers as evidence

8. Any entry in a register which the Scottish Ministers are required by these Regulations to maintain shall in any proceedings (unless the contrary is shown) be conclusive evidence of the matters stated therein.

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I5 [Reg. 8](#) in force at 31.3.2005, see [reg. 1\(2\)](#)

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Changes and effects yet to be applied to :

- Regulations revoked by [S.S.I. 2018/391 sch. Pt. 2](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 2(1)(1A) substituted for reg. 2(1) by [S.S.I. 2011/83 Sch. para. 1](#)