

SCHEDULE 2

Regulation 34(2)

KEEPING AND RETENTION OF RECORDS

Records to be kept by purchasers

1. In respect of each quota year, a purchaser shall keep, and retain for the relevant period, records comprising—

- (a) details of each wholesale producer making deliveries to the purchaser, including—
 - (i) the name and address of the wholesale producer,
 - (ii) the wholesale quota available to that wholesale producer at the beginning and end of each quota year,
 - (iii) the representative fat content (butterfat base) of the milk delivered by that wholesale producer, and
 - (iv) the total wholesale quota available for all the wholesale producers who make deliveries to the purchaser and the weighted butterfat of that quota;
- (b) details, in terms of each delivery and each month, of the quantities of milk which each wholesale producer has delivered to the purchaser;
- (c) details of the cumulative total of the quantities delivered to the purchaser each month by all wholesale producers;
- (d) details of the average fat content of deliveries per month of each wholesale producer;
- (e) details of the weighted average fat content of the cumulative total referred to in sub paragraph (c);
- (f) a list of purchasers and other undertakings which supply treated or processed milk or milk products to that purchaser;
- (g) details, in terms of each such purchaser or undertaking and each month, of the quantities supplied that purchaser by that purchaser or undertaking;
- (h) details of the use to which milk and milk products collected from that purchaser has been put;
- (i) records of individual deliveries and supplies and accompanying collection documents identifying each delivery or supply by wholesale producer, purchaser or other undertaking; and
- (j) all books, registers, accounts, correspondence, commercial data, vouchers and supporting documents relating to the business activities of the purchaser.

Commencement Information

II Sch. 2 para. 1 in force at 31.3.2005, see reg. 1(2)

Records to be kept by producers

2.—(1) In respect of each quota year, a direct seller shall keep, and retain for the relevant period, records comprising—

- (a) details of the quota held by that direct seller, including any permanent and temporary transfers of quota if appropriate;

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- (b) the herd records (comprising number and breed of cows and calved heifers in dairy herd with details of number of cows in milk and number of cows dry) of that direct seller;
 - (c) daily records of milk produced;
 - (d) invoices of any feed purchased;
 - (e) details recorded as a result of the participation of that direct seller in the National Milk Recording Scheme or other similar recording scheme;
 - (f) details of quantities of milk processed, methods of processing and quantities and type of milk products produced;
 - (g) details of quantities of whole milk used in the production of milk products (with conversion rates applied);
 - (h) details of quantities and types of milk and milk products which are produced and used on the holding of that direct seller for stock feeding and human consumption;
 - (i) details of quantities and types of milk and milk products which are disposed of (other than under paragraph (h)) or wasted on the holding;
 - (j) without prejudice to paragraph (i), details of any milk or milk products which—
 - (i) were transported from the holding of that direct seller to be destroyed elsewhere for sanitary purposes pursuant to a decision of the Scottish Ministers,
 - (ii) were so destroyed, and
 - (iii) as a consequence, are to be excluded from the levy calculation,including information about the reason why such destruction was necessary and details of where, when and how such destruction occurred;
 - (k) details of quantities and types of milk and milk products sold directly to the consumer or transferred free of charge from the holding of that direct seller (including milk and milk products sold on the holding of that direct seller);
 - (l) details of quantities and types of milk and milk products purchased, exchanged or otherwise received by that direct seller, and records relating to their disposal; and
 - (m) details of stocks of milk and milk products held by that direct seller on a monthly basis.
- (2) Where a direct seller also delivers milk or milk products to a purchaser, that direct seller shall, in respect of each quota year, also keep, and retain for the relevant period, records comprising—
- (a) details of quantities and types of milk and milk products delivered by that direct seller and the name and address of any purchaser involved;
 - (b) the payment slips issued in respect of any such purchaser; and
 - (c) where there is a discrepancy between the payment slip of a purchaser and the relevant tanker receipt, that tanker receipt.

Commencement Information

12 [Sch. 2 para. 2](#) in force at 31.3.2005, see [reg. 1\(2\)](#)

- 3.** A wholesale quota holder who makes deliveries to a purchaser shall, in respect of each quota year, keep, and retain for the relevant period, records, comprising—
- (a) details of the quota held by that wholesale quota holder, showing permanent and temporary transfers of quota if appropriate;

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- (b) the herd records of that wholesale quota holder (comprising number and breed of cows and calved heifers in dairy herd with details of number of cows in milk and number of cows dry);
- (c) daily records of milk produced;
- (d) invoices of any feed purchased;
- (e) details of quantities of milk delivered by that wholesale quota holder, and the name and address of the purchaser involved;
- (f) the payment slips issued in respect of any such purchaser;
- (g) where there is a discrepancy between the payment slip of a purchaser and the relevant tanker receipt, that tanker receipt;
- (h) details recorded as a result of the participation of that wholesale quota holder in the National Milk Recording Scheme or other similar recording scheme;
- (i) details of quantities of milk produced and used on the holding of that wholesale quota holder for stock feeding and human consumption;
- (j) details of quantities of milk which are disposed of (other than under sub paragraph (i)) or wasted on the holding;
- (k) without prejudice to sub paragraph (j), details of any milk which—
 - (i) was transported from the holding of that wholesale quota holder to be destroyed elsewhere for sanitary purposes pursuant to a decision of the Scottish Ministers,
 - (ii) was so destroyed, and
 - (iii) as a consequence, is to be excluded from the levy calculation,including information about the reason why such destruction was necessary and details of where, when and how such destruction occurred;
- (l) details of quantities and types of milk and milk products transferred free of charge from the holding of that wholesale quota holder;
- (m) details of quantities of milk purchased, swapped or otherwise received, and records relating to its disposal; and
- (n) details of stocks of milk produced on the holding of that wholesale quota holder.

Commencement Information

I3 Sch. 2 para. 3 in force at 31.3.2005, see reg. 1(2)

Records to be kept by any person undertaking butterfat testing in a laboratory

4. Any person undertaking butterfat testing for a purchaser in a laboratory shall keep, and retain for the relevant period, records comprising details of all samples of milk analysed, showing—

- (a) the time and date the sample was taken on the holding;
- (b) the time and date of that person's receipt of the sample;
- (c) the time and date of the analysis;
- (d) the identity of the purchaser concerned;
- (e) the identity of the wholesale producer concerned (by name or reference number);
- (f) the butterfat content of each sample recorded to two decimal places;
- (g) the method of analysis used; and

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- (h) the results of any repeat analyses undertaken.

Commencement Information

I4 Sch. 2 para. 4 in force at 31.3.2005, see reg. 1(2)

Records to be kept by hauliers

5. Any haulier collecting milk or milk products on behalf of a purchaser shall keep, and retain for the relevant period, records comprising details of all quantities of milk or milk products so collected, showing—

- (a) the time and date of collection from each wholesale producer;
- (b) the time and date of sampling of the milk or milk products of each wholesale producer;
- (c) the identity of the wholesale producer concerned;
- (d) the volume of milk collected (including a copy of the tanker receipt in the cases referred to in paragraphs 2(2)(c) and 3(g));
- (e) the identity of the purchaser concerned;
- (f) the volume of milk delivered, and the name and address of each reception site;
- (g) the sources of all the milk carried on each tanker; and
- (h) details of any malfunction in any equipment used by that haulier.

Commencement Information

I5 Sch. 2 para. 5 in force at 31.3.2005, see reg. 1(2)

Records to be kept by processors

6. Any processor in receipt of milk or milk products for processing or treating shall keep, and retain for the relevant period, records comprising details of all quantities of milk or milk products received, showing—

- (a) the time and date of their delivery;
- (b) their volume or weight per delivery (including copies of tanker receipts and weighbridge tickets in the cases referred to in paragraphs 2(2)(c) and 3(g));
- (c) the name and address of the haulier concerned;
- (d) the name and address of their vendor or donor;
- (e) the quantities of milk processed, types of processing undertaken, and quantities and types of milk products produced;
- (f) the quantities of milk used in the production of milk products (if not ascertainable from the information provided under sub paragraph (e));
- (g) the calculated stocks of milk and milk products held by that processor at the end of each month and details of actual stocks physically held as at 31st March each year; and
- (h) the quantities of milk or milk products sold or otherwise disposed of, with the date of supply or disposal, and the names and addresses of the buyers or recipients concerned.

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Commencement Information

16 Sch. 2 para. 6 in force at 31.3.2005, see reg. 1(2)

Records to be kept by persons buying, selling or supplying milk or milk products obtained directly from a producer or purchaser

7. Any person who in the course of a business buys, sells or supplies milk or milk products obtained directly from a producer or purchaser shall keep, and retain for the relevant period, records comprising details of all quantities of milk or milk products received, showing—

- (a) the time and date of their receipt;
- (b) their volume or weight per delivery (including copies of tanker receipts or invoices in the cases referred to in paragraphs 2(2)(c) and 3(g));
- (c) the name and address of the haulier concerned;
- (d) the name and address of their vendor or donor;
- (e) the quantities of milk or milk products sold or supplied, with the date of sale or supply, and the names and addresses of the buyers or recipients concerned other than the consumers of such milk or milk products; and
- (f) the quantities of milk or milk products returned to the producer or purchaser unsold or unused, and the date of that return.

Commencement Information

17 Sch. 2 para. 7 in force at 31.3.2005, see reg. 1(2)

8. In this Schedule, in relation to any records—

“the relevant period” means the remainder of the year of record and a period of at least three years thereafter; and

“the remainder of the year of record” means, following the making of the records, the remainder of the year in which they were made.

Commencement Information

18 Sch. 2 para. 8 in force at 31.3.2005, see reg. 1(2)

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Changes and effects yet to be applied to :

- sch 2 am by [S.S.I. 2007/118 reg 10](#)
- 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](#)