
STATUTORY INSTRUMENTS

1994 No. 672

The Dairy Produce Quotas Regulations 1994

Transfer of quota with transfer of land

7.—(1) For the purposes of Article 7 of the Council Regulation (which deals with transfer of quota when any holding is sold, leased or transferred by inheritance), on a transfer of any holding or part of a holding, other than a transfer of a kind to which paragraph (6) or (7) refers, the transferee shall submit to the Intervention Board—

- (a) no later than 28 days after the change of occupation of the holding or part of the holding, and in any event no later than seven working days after the end of the quota year in which the transfer takes place, a notice of transfer in a form from time to time prescribed for this purpose by the Intervention Board; and
- (b) such other information relating to the transfer, and within such time, as the Intervention Board reasonably may require.

(2) The notice referred to in paragraph (1)(a) shall include—

- (a) a statement, signed by the transferor and transferee, that they have agreed that the quota shall be apportioned taking account of the areas used for milk production as specified in the statement; and
- (b) a consent or sole interest notice, provided by the transferor in respect of the entirety of the holding.

(3) Where a transferee fails to submit the notice referred to in paragraph (1)(a) no later than seven working days after the end of the quota year in which the transfer takes place, then for the purposes of any levy calculation—

- (a) the unused quota transferred with such transfers shall not be treated as a part of that transferee's quota entitlement for the quota year in which the transfer takes effect but shall be treated as if it remained unused quota available for reallocation by the Intervention Board in that quota year in accordance with paragraph 7 of Schedule 5; and
- (b) that transferee shall not be entitled to demand that, by reason of such a transfer, an amendment be made to the amount of quota, if any, which has been reallocated to him under Schedule 5 for the quota year in which the transfer takes effect.

(4) Where there is a transfer of part of a holding—

- (a) an apportionment of the quota relating to the holding shall be carried out in accordance with regulation 10; and
- (b) any dairy produce which has been sold by direct sale or delivered by wholesale delivery from the holding during the quota year in which the change of occupation takes place and prior to that transfer shall be deemed, for the purposes of any levy calculation, to have been sold or delivered from each part of the holding in proportion to that apportionment, unless the parties agree otherwise.

(5) A prospective apportionment of quota in respect of a part of a holding may be made in accordance with regulation 11.

(6) No person shall transfer quota on a transfer of a holding or part of a holding in the following cases—

(a) the grant of—

- (i) a licence to occupy land;
- (ii) a tenancy of any land under which a holding, or part of a holding, in England and Wales is occupied for a period of less than ten months;
- (iii) a lease of any land under which a holding, or part of a holding, in Scotland is occupied for a period of less than eight months;
- (iv) a tenancy of any land under which a holding, or part of a holding, in Northern Ireland is occupied for a period of less than twelve months;

(b) the termination of a licence, tenancy or lease to which subparagraph (a) applies.

(7) No person shall transfer quota on a transfer of a holding or part of a holding where the transfer would result in an increase or reduction in the total direct sales quota or total wholesale quota available for use by dairy enterprises located within a Scottish Islands area.