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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 70**

**Dairy Produce Quotas Regulations (Northern Ireland) 2005**

**PART 3**

**TRANSFERS OF QUOTA**

**Transfer of part of holding**

**10.**—(1) Subject to regulations 14 and 16, this regulation shall apply where there is a transfer of part of a holding.

(2) Subject to regulations 11(4) and (5) and 12, where a notice of transfer has been duly submitted in accordance with regulation 9, an apportionment of the quota relating to the holding shall –

- (a) be made in accordance with the agreed apportionment set out in that notice; or
- (b) if there is no such agreement, be determined by arbitration in accordance with Schedule 1.

(3) Subject to paragraph (4) and regulations 11(4) and (5) and 12, any dairy produce which has been –

- (a) the subject of a direct sale; or
- (b) delivered,

from the holding during the quota year in which the change of occupation takes place and prior to the transfer of the part of the holding shall be treated for the purposes of any levy calculation as if it were sold, transferred free of charge or delivered, as the case may be from each part of the holding in proportion to the apportionment under paragraph (2).

(4) Paragraph (3) shall not apply if the parties agree otherwise and submit to the Department a notice of that agreement.

(5) A notice referred to in paragraph (4) shall be submitted –

- (a) in such form as the Department may reasonably require; and
- (b) at the same time as the submission of the notice of transfer in accordance with regulation 9.