
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 70

Dairy Produce Quotas Regulations (Northern Ireland) 2005

PART 4

ALLOCATIONS AND ADJUSTMENTS OF QUOTA

Conversion of quota: restriction on transfers of converted quota in conversion year

22.—(1) This regulation shall not apply to permanently converted quota which is transferred with a holding pursuant to Article 17 of the Council Regulation.

(2) Subject to paragraphs (3) and (6), where a producer has permanently converted quota in any quota year, he shall not transfer later in that quota year quota of the type to which he has converted, whether temporarily or otherwise.

(3) Where a producer who has permanently converted quota in any quota year applies to the Department for a release from the restriction in paragraph (2), the Department, being satisfied as to the matters set out in paragraph (5), may release that producer from that restriction.

(4) A release from the restriction in paragraph (2) shall be to the extent necessary to allow the transfer of the amount of quota that the Department considers has remained unused in the particular case.

(5) The matters referred to in paragraph (3) are –

- (a) that, as regards the producer, exceptional circumstances have resulted in a significant fall in milk production or a significant failure to achieve a planned increase in milk production; and
- (b) those circumstances could not have been foreseen or avoided by the producer at the time of his permanent conversion of quota.

(6) The restriction in paragraph (2) shall not apply if –

- (a) in a case where the permanent conversion is from direct sales quota to wholesale quota, the producer temporarily converted direct sales quota to wholesale quota in the immediately preceding quota year; or
- (b) in a case where the permanent conversion is from wholesale quota to direct sales quota, the producer temporarily converted wholesale quota to direct sales quota in the immediately preceding quota year.

(7) The following are examples of circumstances which shall be taken to be exceptional for the purposes of paragraph (5) –

- (a) the death of the producer or his inability to conduct his business for a prolonged period as a result of the onset of ill-health, injury or disability;
- (b) a natural disaster seriously affecting the holding;
- (c) the accidental destruction of buildings used for the purposes of milk production;
- (d) an outbreak of illness or disease seriously affecting the dairy herd;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (e) the serving of a notice or the making of a declaration under an order made pursuant to Article 12(1) of the Diseases of Animals (Northern Ireland) Order 1981 or the making of an order pursuant to section 1 of the Food and Environment Protection Act 1985;
- (f) the loss of a significant proportion of the forage area as a result of the compulsory purchase of the holding or a part of the holding; and
- (g) where the transferee is a tenant, the serving of a notice to quit the holding.