

2006 No. 60

FOOD

Dairy Produce Quotas (Amendment) Regulations (Northern Ireland) 2006

Made - - - - - *22nd February 2006*

Coming into operation - *31st March 2006*

The Department of Agriculture and Rural Development (“the Department”), has been designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Community. The Department makes the following Regulations under the powers conferred by that section.

Citation and commencement

1. These Regulations may be cited as the Dairy Produce Quotas (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 31st March 2006.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Dairy Produce Quotas Regulations (Northern Ireland) 2005

3. The Dairy Produce Quotas Regulations (Northern Ireland) 2005(d) shall be amended in accordance with regulations 4 to 8.

4. In regulation 16(3) (restrictions on transfer of quota), before the word “quota” there shall be inserted the words “, as unused,”.

5. In regulation 23(4)(a) (adjustment of purchaser quota), for the words “reach the Department no later than” there shall be substituted the words “be sent to the Department on or before”.

6. In regulation 33(5) (information)—

(a) for the words “provide the Department with” there shall be substituted the words “send to the Department”; and

(b) for the words “and ensure that the list reaches it no later than” there shall be substituted the words “on or before”.

7. In regulation 35 (annual declarations and summaries)—

(a) S.I. 2000/2812 to which there are amendments not relevant to the subject matter of these Regulations

(b) 1972 c. 68

(c) 1954 c. 33(N.I.)

(d) S.R. 2005 No. 70

- (a) in paragraph (1)(a)—
 - (i) each time the word “submit” appears there shall be substituted the word “send”; and
 - (ii) the words “so that the declaration reaches it” shall be omitted;
- (b) in paragraph (1)(b)—
 - (i) each time the word “submit” appears there shall be substituted the word “send”; and
 - (ii) the words “so that the summary reaches it” shall be omitted; and
- (c) in paragraph (2), for the word “submitted” there shall be substituted the word “sent”.

8. In regulation 36 (administrative penalties)—

- (a) in paragraph (1), for the words “and (3)” there shall be substituted the words “to (3)”;
- (b) after paragraph (2), there shall be added the following paragraph—
 - “(2A) Where a purchaser—
 - (a) sends to the Department a summary of producers’ statements required to be submitted under Article 8(2) of the Commission Regulation, which is inaccurate; and
 - (b) by doing so causes an overstatement or an understatement by him, of deliveries made to him,

he shall be liable to pay to the Department a penalty equivalent to the theoretical amount of levy that would be due on 0.5% of the quantity by volume of milk which comprises the overstatement or understatement.”; and

- (c) in paragraph (6)—
 - (i) after the words “liable to pay to the Department” there shall be inserted the words “if it serves notice”; and
 - (ii) after the words “reaching the Department” there shall be inserted the words “starting on the thirtieth day after service of the notice”.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 22nd February 2006.

(L.S.)

David Small
A senior officer of the Department of Agriculture and Rural Development

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations, which come into operation on 31st March 2006, amend the Dairy Produce Quotas Regulations (Northern Ireland) 2005 (S.R. 2005 No. 70) (“the 2005 Regulations”).

The 2005 Regulations implement Council Regulation (EC) No. 1788/2003 establishing a levy in the milk and milk products sector (O.J. No. L 279, 21.10.2003, p.123) and Commission Regulation (EC) No. 595/2004 laying down detailed rules for applying Council Regulation (EC) No. 1788/2003 establishing a levy in the milk and milk products sector (O.J. No. L 94, 31.3.2004, p. 22) (“the Commission Regulation”).

Regulation 4 corrects an error in regulation 16 of the 2005 Regulations preventing the transfer of quota necessary to cover production taking place before the date of transfer. The amendment provides that such quota may be transferred, but cannot be identified as unused quota.

Regulations 5 to 7 amend provisions requiring dairy producers and purchasers to provide information to the Department of Agriculture and Rural Development (“the Department”) by a specified date. The requirement is that the information is sent to the Department on or before that date.

Regulation 8 corrects an omission in regulation 36 of the 2005 Regulations to penalise purchasers who send inaccurate summaries of production required to be submitted under Article 8(2) of the Commission Regulation. It also provides that the penalty for purchasers who fail to submit a summary as required by Article 8(4) of the Commission Regulation before 1st July in the year in which it is required applies 30 days after the service of a notice by the Department to this effect.