

2007 No. 33

FOOD

Dairy Produce Quotas (Amendment) Regulations (Northern Ireland) 2007

Made - - - - - *22nd January 2007*

Coming into operation- - - - - *31st March 2007*

The Department of Agriculture and Rural Development (“the Department”), being a Department designated(a) for the purposes, makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(b).

Citation and commencement

1. These Regulations may be cited as the Dairy Produce Quotas (Amendment) Regulations (Northern Ireland) 2007 and shall come into operation on 31st March 2007.

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.—(1) The Dairy Produce Quotas Regulations (Northern Ireland) 2005(d) shall be amended in accordance with paragraphs (2) to (10).

(2) In regulation 2(1)(interpretation)—

- (a) at the end of the definition of “the Commission Regulation” there shall be added “, as last amended by Commission Regulation (EC) No. 1468/2006 (O.J. No. L274, 5.10.2006, p.6)”;
- (b) the definition of “Commission Regulation 1756/93” shall be omitted;
- (c) in the definition of “the Community legislation”, for “, the Commission Regulation and Commission Regulation 1756/93” there shall be substituted “and the Commission Regulation”;
- (d) at the end of the definition of “the Council Regulation” there shall be added “, as last amended by Council Regulation (EC) No. 1406/2006 (O.J. No. L265, 26.9.2006, p.8)”.

(3) In regulation 7(a) (Inspection of entries in the Department’s registers), for heads (i) to (iii) there shall be substituted—

(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, as amended by S.R. 2006 No. 60

- “(i) is the quota holder identified in that entry, or
- (ii) gives the Department a statement in writing that he has an interest in the holding of the quota holder identified in that entry; or”.

(4) In regulation 9(3) (Transfer of quota with transfer of land: general), for the words after “Department” to the end of the paragraph there shall be substituted “no later than 31st March in the quota year in which the transfer takes place.”.

(5) In regulation 31(5) (Payment and recovery of levy), for “1st September” there shall be substituted “30th September”.

(6) In regulation 36 (Administrative penalties)—

- (a) in paragraph (1), for “(2) to (3)” there shall be substituted “(2A) and (3)”;
- (b) paragraph (2) shall be omitted;
- (c) in paragraph (5), for “paragraphs (2) to (4)” there shall be substituted “paragraphs (2A), (3), (4) and (6A)”;
- (d) for paragraph (6), there shall be substituted—

“(6) Subject to Article 8(5) of the Commission Regulation, if a purchaser fails to submit a summary required to be submitted under Article 8(2) of the Commission Regulation, by the end of the period specified in Article 8(4), he is liable to pay to the Department a penalty equivalent to the theoretical amount of levy that would be due on 0.01% of the quantity by volume of milk covered by that declaration for each day of the period of the delay in the submission reaching the Department.”;

(e) after paragraph 6 there shall be inserted—

“(6A) Subject to paragraphs (5) and (7), where a purchaser fails to provide or submit to the Department—

- (a) an application, statement or declaration concerning the adjustment of purchaser quota in accordance with regulation 23(2) to (4);
- (b) information in accordance with regulation 33(2) to (4); or
- (c) a confirmation or amendments relating to a revised version of a summary in accordance with regulation 35(2),

he is liable to pay to the Department a penalty equivalent to the theoretical amount of levy that would be due on 0.01% of the quantity by volume of milk covered by that application, statement, declaration or revised version, or that information, for each day of the period of delay in the submission reaching the Department.”.

(7) In paragraph 7, for “(6)” there shall be substituted “(6A)”.

(8) In regulation 38 (Confiscation of quota), paragraph (2) shall be omitted.

(9) In regulation 39(2)(a)(ii), for “by virtue of regulation 38(2)” there shall be substituted “under Article 11(4) of the Commission Regulation”.

(10) In paragraph 2(1) of Schedule 2, at the beginning of both sub-paragraphs (h) and (i) there shall be inserted “if he holds 4,855 or more litres of direct sales quota.”.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 22nd January 2007.

(L.S.)

Dr. John Speers
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 2007, 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. L270, 21.10.2003, p.123) as last amended by Council Regulation (EC) No. 1406/2006 (O.J. No. L265, 26.9.2006, p.8), 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), as last amended by Commission Regulation (EC) No. 1468/2006 (O.J. No. L274, 5.10.2006,p.6) (“the Commission Regulation”).

Regulation 3—

- (i) updates the references to Community legislation;
- (ii) removes the reference to the agent of a quota holder in respect of inspection of registers;
- (iii) amends the requirement to submit a notice to the Department, on the transfer of quota with the transfer of land, by lease and otherwise, on two different dates, to require submission by a single date, the 31st March, in both cases;
- (iv) amends the date from when unpaid levy may be recovered;
- (v) amends the administrative penalty procedure on late submission of summaries of deliveries by milk purchasers in accordance with changes to the Commission Regulation;
- (vi) amends the administrative penalty procedure on late submission of declarations of direct sales to remove the provision on confiscation of quota since this is fully set out in the amended Commission Regulation;
- (vii) amends the record keeping requirements for direct sellers of milk and milk products.