

1989 No. 16

FOOD

The Dairy Produce Quotas (Amendment)  
Regulations 1989

<i>Made</i> . . . . .	<i>7th January 1989</i>
<i>Laid before Parliament</i>	<i>10th January 1989</i>
<i>Coming into force</i> . . . . .	<i>31st January 1989</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers 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 Economic Community, acting jointly in exercise of the powers conferred on them by that section and of all other powers enabling them in that behalf, hereby make the following Regulations:-

**Title and commencement**

1. These Regulations may be cited as the Dairy Produce Quotas (Amendment) Regulations 1989 and shall come into force on 31st January 1989.

**Interpretation**

2. In these Regulations "the principal regulations" means the Dairy Produce Quotas Regulations 1986(c).

**Amendment of the principal regulations**

3. The principal regulations shall be amended in accordance with the following provision.

**Transfer of quota**

4. After paragraph (1) of regulation 8 of the principal regulations there shall be inserted-

"(1A) Notwithstanding paragraph (1) above, the Minister may decide, in respect of transfers of any holding or part of a holding in a quota year which have not been notified to him in writing by the transferee before a date to be determined by him in the following quota year, that for the purposes of any levy or Formula B contribution-

- (a) the unused quota transferred with such transfers shall not be treated as a part of the transferee's quota entitlement for the quota year in which the transfer took effect and shall be treated as if it remained the unused quota of the transferee as at 31st March of that quota year, and

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(a) S.I. 1972/1811.  
(b) 1972 c.68.  
(c) S.I. 1986/470, amended by S.I. 1988/534.

(b) a 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 6 for the quota year in which the transfer took effect.

(1B) A decision by the Minister, together with the date determined by him, under paragraph (1A) above shall be announced by advertisement published in the Gazette and the farming press at least two months before that date or, in the event that such publication is not possible for any reason, by such other means of publication as the Minister considers likely to come to the attention of producers."

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 6th January 1989.



*John MacGregor*  
Minister of Agriculture, Fisheries and Food

7th January 1989

*Sanderson of Bowden*  
Minister of State, Scottish Office

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#### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply throughout the United Kingdom and come into force on 31 January 1989, amend the Dairy Produce Quotas Regulations 1986 ("the principal regulations").

Regulation 8 of the principal regulations dealing with the arrangements for the transfer of quota when a holding is sold leased or transferred by inheritance is modified. The amendment enables the Minister to decide that where a transfer has not been notified to him in writing by the transferee before a date in the following quota year to be determined by the Minister, the unused quota transferred with that transfer shall be deemed not to count as any part of the transferee's quota entitlement for the quota year in which the transfer took effect and shall be treated generally as if it was unused quota of the transferee in that year and also that a transferee shall not be entitled to demand, as a result of the transfer, that an amendment be made to the amount of quota reallocated to him at the end of the quota year in which the transfer took effect. A decision by the Minister for this purpose, together with the date determined by the Minister, must be announced by advertisement published in the Gazette and the farming press at least two months before that date or, where such publication is not possible, by such other means of publication as the Minister considers likely to come to the attention of producers.

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