
STATUTORY INSTRUMENTS

1989 No. 380

The Dairy Produce Quotas Regulations 1989

Transfer of quota

9.—(1) For the purposes of Article 7 of Council Regulation 857/84 and Article 7 of the Commission Regulation (transfer of quota when any holding is sold, leased or transferred by inheritance) on a transfer of any holding or part of a holding, other than a transfer pursuant to an agreement to which paragraph 7 applies, the transferee shall submit to the Minister—

- (a) within two months of the change of occupation of the holding or part of a holding, a duly completed form prescribed for this purpose from time to time by the Minister, and
- (b) such other evidence relating to the transfer, and within such time, as the Minister may reasonably require.

(2) 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 calculation—

- (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 but shall nevertheless be treated as if it remained unused quota available for re-allocation by the Minister in the year in which the transfer took place, and
- (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 8 for the quota year in which the transfer took effect.

(3) A decision by the Minister, together with the date determined by him under paragraph (2) 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.

(4) Where there is a transfer of the entirety of a holding it shall be presumed that the transferee intends to deliver dairy produce from the holding by wholesale delivery to the purchasers named, and in the proportions listed, in the transferor's entry in the wholesale register.

(5) Where there is a transfer of part of a holding—

- (a) an apportionment of the quota relating to the holding shall be carried out in accordance with regulation 10, and
- (b) dairy produce previously sold by direct sale or delivered by wholesale delivery from the holding in the quota year in which the change of occupation takes place shall be deemed, for the purposes of any levy, to have been sold or delivered from each part of the holding proportionally in accordance with that apportionment.

(6) A prospective apportionment of quota in respect of a part of a holding may be made in accordance with regulation 11.

(7) This Regulation shall not apply to the following—

- (a) a licence to occupy land,

- (b) the tenancy of any land under which a holding, or part of a holding, in England and Wales is occupied for a period of less than ten months,
- (c) the lease of any land under which a holding, or part of a holding, in Scotland is occupied for a period of less than eight months,
- (d) the tenancy of any land under which a holding, or part of a holding, in Northern Ireland is occupied for a period of less than twelve months,
- (e) the lease of any land under which part of a holding in Scotland is occupied for a term of less than one year, where the area occupied is no larger than 5 hectares and is less than one quarter of the area of the remainder of the holding,
- (f) the termination of a tenancy or lease to which sub-paragraph (b), (c), (d) or (e) applies.