
STATUTORY INSTRUMENTS

1994 No. 672

The Dairy Produce Quotas Regulations 1994

Confiscation and restoration of quota

33.—(1) Within forty-five days after the end of each quota year, each purchaser shall supply to the Intervention Board a list of those producers registered with that purchaser (whether for the whole or part of the quota year) who have not made deliveries to him during that year.

(2) Pursuant to Article 5 of the Council Regulation (which deals with the confiscation and restoration of quota), the Intervention Board shall notify—

- (a) any producer who from information available to the Intervention Board appears not to have made deliveries or direct sales or a temporary transfer of quota under regulation 15 during the previous quota year, that his quota has been taken into the national reserve;
- (b) any producer who is a direct seller and to whom Article 4(2) third subparagraph of the Commission Regulation (which deals with the late submission of declarations) applies, that unless that producer submits to the Intervention Board a declaration under the first sub-paragraph of Article 4(2) within 30 days of the date the notice is sent, his quota will be taken into the national reserve.

(3) Any quota withdrawn pursuant to Article 5 of the Council Regulation shall be placed in the national reserve with effect from the beginning of the quota year following the quota year for which the list referred to in paragraph (1) was supplied, the quota year for which the declaration indicating no direct sales was made, or the quota year for which no declaration was submitted, as the case may be.

(4) Any quota withdrawn pursuant to Article 5 of the Council Regulation may be restored to the producer in respect of the holding from which it was withdrawn within a period of six years from the beginning of the quota year in which it was withdrawn, in accordance with the provisions of this regulation.

(5) A producer who receives a notification of confiscation under paragraph (2) above shall—

- (a) within 28 days of receipt of that notification notify any person with an interest in the holding of the content of that notification; and
- (b) within six months of receipt of that notification, submit a notice to the Intervention Board, in a form from time to time prescribed by the Intervention Board for that purpose, indicating whether he wishes to retain the right to request restoration of the quota, and such notice shall include—
 - (i) a consent or sole interest notice in respect of the entirety of the holding;
 - (ii) a statement of the agreed apportionment of quota taking account of the areas used for milk production, signed by every person with an interest in the holding; or
 - (iii) a statement apportioning the quota in accordance with an arbitration under paragraphs 1(5), 3, 4 and 6 to 35 of Schedule 2 in respect of England and Wales, paragraphs 1, 2, 3(4) and 5 to 28 of Schedule 3 in respect of Scotland, and paragraphs 1, 2, 3(5), 5, 6, and 8 to 19 in respect of Northern Ireland.

(6) Where a producer has notified the Intervention Board under paragraph (5)(b) that he wishes to retain the right to restoration of quota, he may request the Intervention Board to restore to him the

quota relating to that holding or part holding provided that the request is received by the Intervention Board at least six months before the end of the six-year period referred to in paragraph (4).

(7) Where a producer has notified the Intervention Board that he wishes to retain the right to restoration of quota and there is a change of occupation of all or part of the holding to which the quota relates, the new occupier may request the Intervention Board to restore to him the quota relating to that holding or part holding, provided that the request is received by the Intervention Board at least six months before the end of the six-year period referred to in paragraph (4) or within six months of the change of occupation, whichever is the earlier.

(8) Where quota is restored to part of a holding in respect of which an apportionment of quota has been made in accordance with paragraph (5)(b)(ii) or (iii), in accordance with a request made under paragraph (6), or following a change of occupation of part of a holding under paragraph (7), the amount of quota to be restored to that part shall be determined in accordance with—

- (a) the apportionment referred to in (5)(b)(ii) or (iii) and within that apportionment in proportion to the agricultural areas concerned; or
- (b) where no such apportionment has been carried out, in the same proportion which the agricultural area concerned bears to the total agricultural area of the holding from which quota was confiscated.

(9) Where a producer—

- (a) fails to submit a notice in accordance with paragraph (5)(b);
- (b) indicates on the notice submitted under paragraph (5)(b) that he does not wish to retain the right to restoration of quota;
- (c) fails to request the restoration of quota in accordance with paragraphs (6) or (7);
- (d) having had quota restored to him in accordance with paragraph (6), fails to make deliveries or direct sales of dairy produce from the holding to which the quota relates within six-months of his application for the restoration of quota or the end of the six-year period whichever is the earlier; or
- (e) having had quota restored to him following a change of occupation referred to in paragraph (7), fails to make deliveries or direct sales of dairy produce from the holding within 18 months of the change of occupation or the end of the six-year period whichever is the earlier,

the relevant quota shall be taken into the national reserve.