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STATUTORY INSTRUMENTS

2006 No. 120

FOOD

The Dairy Produce Quotas (Amendment) Regulations 2006

<i>Made</i>	- - - -	<i>24th January 2006</i>
<i>Laid before Parliament</i>		<i>26th January 2006</i>
<i>Coming into force</i>	- -	<i>31st March 2006</i>

The Secretary of State has been designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the common agricultural policy of the European Community. She makes the following Regulations under the powers conferred by that section.

Title and commencement

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

Amendment of the Dairy Produce Quotas Regulations 2005

2. The Dairy Produce Quotas Regulations 2005⁽³⁾ are amended as follows.
3. In regulation 16(3), before the word “quota” insert “, as unused, ”.
4. In regulation 23(4)(a), for “reach the Secretary of State no later than” substitute “be sent to the Secretary of State on or before”.
5. In regulation 33(5)—
 - (a) for “provide the Secretary of State with” substitute “send to the Secretary of State”;
 - (b) for “and ensure that the list reaches her no later than” substitute “on or before”.

(1) The power of the Secretary of State, as a Minister designated by virtue of S.I. 1972/1811 in relation to the common agricultural policy of the European Community, to make regulations which extend to Scotland remains exercisable by virtue of section 57(1) of the Scotland Act 1998 (1998 c. 46). The Secretary of State’s power, as a Minister so designated, to make regulations which apply to Wales is confirmed by article 3(4) of the European Communities (Designation) (No. 3) Order 1999 (S.I. 1999/2788). The Secretary of State’s power, as a Minister so designated, to make regulations which extend to Northern Ireland is confirmed by article 3(2) of the European Communities (Designation) (No. 3) Order 2000 (S.I. 2000/2812).

(2) 1972 c. 68.

(3) S.I. 2005/465.

6. In regulation 35—
 - (a) in paragraph (1)(a)—
 - (i) for “submit” (wherever occurring) substitute “send”;
 - (ii) omit “so that the declaration reaches her”;
 - (b) in paragraph (1)(b)—
 - (i) for “submit” (wherever occurring) substitute “send”;
 - (ii) omit “so that the summary reaches her”;
 - (c) in paragraph (2), for “submitted” substitute “sent”.
7. In regulation 36—
 - (a) in paragraph (1), for “and (3)” substitute “to (3)”;
 - (b) after paragraph (2), insert—

“(2A) Where a purchaser—

 - (a) sends to the Secretary of State 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 is liable to pay to the Secretary of State 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.”;
 - (c) in paragraph (6)—
 - (i) after “liable to pay to the Secretary of State” insert “, if she serves notice,”;
 - (ii) at the end add “starting on the thirtieth day after service of the notice”.

24th January 2006

Bach
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 31st March 2006, amend the Dairy Produce Quotas Regulations 2005 (S.I. 2005/465) (“the 2005 Regulations”).

The 2005 Regulations implement Council Regulation (EC) No. 1788/2003 establishing a levy in the milk and milk products sector (OJ 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 (OJ No. L 94, 31.3.2004, p. 22) (“the Commission Regulation”).

Regulation 3 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 4 to 6 amend provisions requiring dairy producers and purchasers to provide information to the Secretary of State by a specified date. The requirement is that the information is sent to the Secretary of State on or before that date.

Regulation 7 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 Secretary of State to this effect.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business, charities or voluntary bodies.