

2007 No. 106

FOOD

The Dairy Produce Quotas (Amendment) Regulations 2007

<i>Made</i>	- - - -	<i>20th January 2007</i>
<i>Laid before Parliament</i>		<i>24th January 2007</i>
<i>Coming into force</i>	- -	<i>31st March 2007</i>

The Secretary of State has been 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 Community.

He 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 2007 and come into force on 31st March 2007.

Amendment of the Dairy Produce Quotas Regulations 2005

2.—(1) The Dairy Produce Quotas Regulations 2005^(c) are amended as follows.

(2) In regulation 2(1)—

- (a) at the end of the definition of “the Commission Regulation” add “, as amended by Commission Regulation (EC) No. 1468/2006 (OJ No. L274, 5.10.2006, p 6)”;
- (b) omit the definition of “Commission Regulation 1756/93”;
- (c) in the definition of “the Community legislation”, for “, the Commission Regulation and Commission Regulation 1756/93” substitute “and the Commission Regulation”;
- (d) at the end of the definition of “the Council Regulation” add “, as amended by Council Regulation (EC) No. 1406/2006 (OJ No. L265, 26.9.2006, p 8)”.

(3) In regulation 7(a), for sub-paragraphs (i) to (iii) substitute—

“(i) is the quota holder identified in that entry, or

(a) 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 4(4) of the European Communities (Designation) (No. 3) Order 2005 (S.I. 2005/2766). 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).

(b) 1972 c. 68.

(c) S.I. 2005/465, as amended by S.I. 2006/120.

- (ii) gives the Secretary of State 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), for the words after “Secretary of State” to the end of the paragraph substitute “no later than 31st March in the quota year in which the transfer takes place.”.
- (5) In regulation 31(5), for “1st September” substitute “30th September”.
- (6) In regulation 36—
 - (a) in paragraph (1), for “(2) to (3)” substitute “(2A) and (3)”;
 - (b) omit paragraph (2);
 - (c) in paragraph (5), for “paragraphs (2) to (4)” substitute “paragraphs (2A), (3), (4) and (6A)”;
 - (d) for paragraph (6), substitute—

“(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 Secretary of State 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 Secretary of State.”;
 - (e) after paragraph (6) insert—

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

 - (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 Secretary of State 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 Secretary of State.”.
- (7) In paragraph 7, for “(6)” substitute “(6A)”.
- (8) In regulation 38, omit paragraph (2).
- (9) In regulation 39(2)(a)(ii), for “by virtue of regulation 38(2)” substitute “under article 11(4) of the Commission Regulation”.
- (10) In paragraph 2(1) of Schedule 2, at the beginning of both sub-paragraph (h) and (i) insert “if he holds 4,855 or more litres of direct sales quota,”.

20th January 2007

Jeff Rooker
Minister 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 2007, amend the Dairy Produce Quotas Regulations 2005 (SI 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 L270, 21.10.2003, p 123), as last amended by Council Regulation (EC) No 1406/2006 (OJ 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 (OJ No L94, 31.3.2004, p 22), as last amended by Commission Regulation (EC) No. 1468/2006 (OJ No. L274, 5.10.2006, p 6) (“the Commission Regulation”).

Regulation 2—

- (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 Secretary of State, 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.

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.

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