
WELSH STATUTORY INSTRUMENTS

2002 No. 897

The Dairy Produce Quotas (Wales) Regulations 2002

Administrative penalties

31.—(1) Subject to the provisions of Article 13(4) of the Commission Regulation (which confers a discretion on Member States not to impose penalties in certain circumstances) and paragraph (6), purchasers shall be subject to the administrative penalties specified in paragraphs (2) to (4).

(2) Where a purchaser fails to submit to the National Assembly —

- (a) a statement or declaration concerning the adjustment of purchaser quota in accordance with regulation 7(2);
- (b) a revised summary of producers' statements in accordance with regulation 22(2); or
- (c) monthly statistics in accordance with regulation 28(2),

he or she shall be liable to pay to the National Assembly a penalty equivalent to the theoretical amount of levy due on 0.01 per cent of the quantity by volume of milk covered by that statement, declaration or revised summary, or those statistics, per calendar day of the delay in submission.

(3) Where a purchaser fails to submit to the National Assembly pursuant to regulation 22(1) or (2) a summary or revised summary, as the case may be, of producers' statements which is accurate, and thereby causes an overstatement by him or her of deliveries made to him or her, he or she shall be liable to pay to the National Assembly a penalty equivalent to the theoretical amount of levy due on 0.5 per cent of the quantity by volume of milk which comprises the overstatement.

(4) Where a purchaser fails to maintain accurate and updated records pursuant to Article 14(2) of the Commission Regulation and regulation 31, he or she shall be liable to pay to the National Assembly a penalty equivalent to the theoretical amount of levy due on 0.5 per cent of the quantity by volume of milk concerned.

(5) For the purposes of the third sub-paragraph of Article 6(3) of the Commission Regulation (which requires Member States to impose proportionate penalties where producers submit incorrect declarations), and subject to the provisions of Article 6(5) of that Regulation (which confers a discretion on Member States not to impose penalties in certain circumstances) and paragraph (6), where a direct seller submits an annual declaration which overstates the volume of direct sales for the period covered by that declaration, he or she shall be liable to pay to the National Assembly a penalty equivalent to the theoretical amount of levy due on 0.5 per cent of the quantity by volume of milk which comprises the overstatement.

(6) Notwithstanding the provisions of paragraphs (2) to (5), the penalties referred to therein shall —

- (a) in the case of purchasers and direct sellers, be £60, where they would otherwise be less than that amount; or
- (b) in the case of purchasers, be £60,000, and in the case of direct sellers, be £600, where they would otherwise exceed those respective amounts.