
WELSH STATUTORY INSTRUMENTS

2002 No. 897

The Dairy Produce Quotas (Wales) Regulations 2002

Confiscation and restoration of quota

33.—(1) On or before 14th May following the end of each quota year, each purchaser shall supply to the National Assembly 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 that purchaser during that year.

(2) Pursuant to Article 5 of the Council Regulation (which concerns the confiscation and restoration of quota), the National Assembly shall notify—

- (a) any producer who from information available to the National Assembly appears not to have made deliveries or direct sales or a temporary transfer of quota pursuant to regulation 14 during the previous quota year, that his or her quota has been taken into the national reserve;
- (b) any direct seller to whom Article 6(4) of the Commission Regulation (which concerns the late submission of declarations) applies that, unless that producer submits to the National Assembly a declaration under Article 6(1) thereof within 30 days of the notification, his or her quota will be confiscated to 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(3) Any quota withdrawn pursuant to Article 5 of the Council Regulation shall be placed in the national reserve with effect from the beginning of the quota year following the quota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(4) Any quota withdrawn pursuant to Article 5 of the Council Regulation may be restored to the producer in respect of the holding from which it was withdrawn within a period of six years from the beginning of the quota year in which it was withdrawn, in accordance with the provisions of this regulation.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 land comprised in the holding of the content of that notification; and
- (b) within six months of receipt of that notification, submit a notification to the National Assembly, in such form as the National Assembly may reasonably require for that purpose, as to whether that producer wishes to retain the right to request restoration of the quota, and such a notification shall include—
 - (i) a statement that he or she is the occupier of the entirety of the holding and that no other person has an interest in all or any of it;
 - (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 land comprised in the holding; or
 - (iii) a statement requesting apportionment of the quota in accordance with an arbitration under paragraphs 1(5), 3(2), 4 and 6 to 34 of Schedule 1.

(6) Where a producer has notified the National Assembly under paragraph (5)(b) that he or she wishes to retain the right to restoration of quota, he or she may request the National Assembly to restore to him or her the quota relating to that holding or part holding provided that the request—

- (a) is submitted to the National Assembly by 15th July in the quota year following the quota year to which the request relates; and
- (b) in the case of confiscation of quota arising from the lack of any declaration being submitted by a direct seller, follows submission of any such declaration.

(7) Where a producer has notified the National Assembly that he or she 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 National Assembly to restore to him or her the quota relating to that holding or part holding, provided that the request is received by the National Assembly 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 or under 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 pursuant to paragraph (7), the amount of quota to be restored to that part shall be determined in accordance with—

- (a) the apportionment referred to in paragraph (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 as the agricultural area concerned bears to the total agricultural area of the holding from which quota was withdrawn.

(9) Where a producer—

- (a) fails to submit a notification in accordance with paragraph (5)(b);
- (b) indicates on the notification submitted under paragraph (5)(b) that he or she does not wish to retain the right to restoration of quota;
- (c) fails to request the restoration of quota in accordance with paragraph (6) or (7);
- (d) having had quota restored to him or her 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 or her 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 or her 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.