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SCOTTISH STATUTORY INSTRUMENTS

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**2000 No. 52**

**FOOD**

**The Dairy Produce Quotas Amendment  
(Scotland) Regulations 2000**

<i>Made</i>	- - - -	<i>9th March 2000</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>10th March 2000</i>
<i>Coming into force</i>	- -	<i>1st April 2000</i>

The Scottish Ministers, in exercise of the powers conferred upon them by section 2(2) of the European Communities Act 1972<sup>(1)</sup> and of all other powers enabling them in that behalf, hereby make the following Regulations:

**Citation, commencement, interpretation and extent**

1.—(1) These Regulations may be cited as the Dairy Produce Quotas Amendment (Scotland) Regulations 2000 and shall come into force on 1st April 2000.

(2) In these Regulations, “the 1997 Regulations” means the Dairy Produce Quotas Regulations 1997<sup>(2)</sup>.

(3) These Regulations extend only to Scotland.

**Amendment of the 1997 Regulations**

2. The 1997 Regulations are amended in accordance with regulations 3 to 7.

3. In regulation 2(1) (interpretation) of the 1997 Regulations—

(a) in the definition of “the Council Regulation”, for the words “Commission Regulations (EC) No. 1109/96” there is substituted the words “Council Regulation (EC) No. 1256/1999<sup>(3)</sup>”; and

(b) in the definition of “Scottish Islands area” sub-paragraph (a) is deleted.

4. In regulation 7 (transfer of quota with transfer of land) of the 1997 Regulations—

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(1) 1972 c. 68. Section 2(2) was amended by the Scotland Act 1998 (c. 46), Schedule 8, paragraph 15(3). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

(2) S.I. 1997/733 amended by S.I. 1997/1093 and S.I. 1998/2880.

(3) O.J. No. L160, 26.6.1999, p.73.

- (a) in paragraph (1), for sub-paragraph (a) there is substituted—
    - “(a) a notice of transfer in such form as may reasonably be required by the Board—
      - (i) in the case of a transfer made by lease before 1st March in any quota year, on or before 1st March in that year;
      - (ii) in the case of a transfer made otherwise than by lease, on or before 31st March in the quota year in which the transfer takes place;
- and, in any case, no later than 28 days after the change of occupation of the holding or part of the holding takes place; and”;
- (b) in paragraph (6), for the words “Where a transferee fails to submit the notice referred to in paragraph (1)(a) no later than seven working days after the end of the quota year in which the transfer takes place,” there is substituted the words “Where a notice of transfer referred to in paragraph (1)(a) has not been submitted, in the case of a transfer made by lease, on or before 1st March or, in the case of a transfer made otherwise than by lease, on or before 31st March in the quota year in which the transfer takes place,”.
5. In regulation 11 (transfer of quota without transfer of land) of the 1997 Regulations—
- (a) in paragraph (1), for the words “the fifth indent of the first paragraph” there is substituted “sub-paragraph (e)”;
  - (b) in paragraph (5), for the words “no later than seven working days after the end of” there is substituted “not after 31st March in”.
6. In regulation 13 (temporary transfer of quota) of the 1997 Regulations—
- (a) in paragraph (1) the words “and subject to paragraph (5) below” are deleted;
  - (b) in paragraph (3) for the words “31st December” there is substituted “31st March”;
  - (c) paragraph (5) is deleted.
7. In regulation 30 (powers of authorised officers) of the 1997 Regulations—
- (a) in paragraphs (2) and (3), immediately following the word “holding” there is inserted the words “or any other premises of a relevant person”;
  - (b) in paragraphs (4) and (5), for the word “producer” there is substituted the words “relevant person”;
  - (c) immediately after paragraph 5 there is added the following paragraph—
    - “(6) In this regulation, a “relevant person” means a producer, a purchaser, any employee or agent of a producer or of a purchaser, any milk haulier or any person undertaking butterfat testing for purchasers in a laboratory.”.

St Andrew’s House,  
Edinburgh  
9th March 2000.

*ROSS FINNIE*  
A member of the Scottish Executive

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which come into force on 1st April 2000, amend the Dairy Produce Quotas Regulations 1997 (S.I.1997/733).

They remove the Shetlands Islands from the definition of the Scottish Islands area in which particular milk quota arrangements apply (regulation 4).

They implement Council Regulation (EC) No. 1256/1999 (O.J. No. L160, 26.6.1999, p.73) by extending the deadline for the temporary transfer of milk quota from 31st December to 31st March (regulation 7).

Changes are made to the dates by which notices etc. are required to be submitted to the Intervention Board (regulations 5 and 6).

In addition, the Regulations provide that the classes of persons who are required to render reasonable assistance to authorised officers, include purchasers, employees and agents of producers and purchasers, milk hauliers and persons undertaking butterfat testing for purchasers in a laboratory. They align this with the premises in respect of which powers of entry may be exercised (regulation 8).