WELSH STATUTORY INSTRUMENTS

2005 No. 537

The Dairy Produce Quotas (Wales) Regulations 2005

PART 2

REGISTRATION OF QUOTA

Registers and notices to be maintained and prepared by the National Assembly

4.—(1) The National Assembly must —

(a) maintain a direct sales register; and

(b) send to each direct seller a copy of the entry in the direct sales register relating to him or her.

(2) The direct sales register must contain an entry in respect of each direct seller setting out in particular —

(a) his or her name;

(b) his or her trading address;

(c) a reference number which serves to identify him or her;

(d) the direct sales quota available to him or her for the quota year; and

(e) the details of his or her direct sales.

(3) The National Assembly must—

(a) maintain a wholesale register;

(b) send to each wholesale producer a copy of the entry in the wholesale register relating to him or her; and

(c) send to each purchaser named in the list referred to in paragraph (4)(e) a copy of that part of the entry relating to his or her purchaser quota.

(4) The wholesale register must contain an entry in respect of each wholesale producer setting out in particular —

(a) his or her name;

(b) his or her trading address;

(c) a reference number which serves to identify him or her;

(d) the wholesale quota available to him or her for the quota year; and

(e) a list of the name and address of each purchaser whose purchaser quota will be calculated to take into account all or part of that wholesale producer's total wholesale quota, and of the wholesale quota registered with each purchaser, showing the representative fat content base of that quota calculated in accordance with Article 7 of the Commission Regulation.

(5) The National Assembly must —

(a) maintain a register of purchasers; and

(b) send to each purchaser a copy of the purchaser entry relating to him or her.

(6) The register of purchasers must contain an entry in respect of each purchaser setting out in particular —

(a) his or her name; and

(b) his or her purchaser quota.

(7) For the purposes of paragraphs (1) to (4), where the holding of a quota holder comprises more than one dairy enterprise, that quota holder may, after submitting to the National Assembly a consent or sole interest notice in respect of that holding, agree with the National Assembly the partition of the quota available to that quota holder relating to that holding between separate direct sales register entries or separate wholesale register entries, as the case may be.

(8) The National Assembly —

(a) may make such enquiries as it reasonably considers necessary for the purposes of ensuring the accuracy of the registers which it is required to maintain under this regulation;

(b) must amend the registers —

(i) to record any allocation or adjustments made under or by virtue of these Regulations, or

(ii) to make any correction or amendment which it reasonably considers to be necessary; and

(c) must notify any person affected by any correction or amendment made by it.

(9) Notwithstanding that a person is no longer a producer, he or she must—

(a) remain registered pursuant to this regulation; and

(b) for the purposes of this regulation and regulations, 6, 7(a) and 33(1), continue to be regarded as a producer,

until the start of the quota year following the year in which the quota available to him or her has been transferred or until the quota has been withdrawn under Article 15 of the Council Regulation.

(10) The obligation under paragraphs (1)(b), (3)(b) and (c) and (5)(b) is an obligation to send a copy of —

(a) an entry; or

(b) part of an entry,

as the case may be, as it has effect on 1 April in each year.

Approval of purchasers

5.—(1) For the purposes of Article 23 of the Commission Regulation (which concerns the approval of purchasers), a purchaser must make an application to the National Assembly for approval in such form as the National Assembly may reasonably require.

(2) An application under paragraph (1) must state the purchaser's trading address, or, if there is more than one such address, each such address and his or her principal trading address.

(3) For the purposes of Article 23(2) of the Commission Regulation (which permits Member States to lay down stricter rules on the approval of purchasers), the National Assembly may only approve a purchaser if the purchaser has complied with the requirements of paragraph (4).

(4) The requirements referred to in paragraph (3) are that the purchaser —

(a) has given an undertaking to the National Assembly to comply with the provisions of these Regulations and the Community legislation;

(b) has not materially contravened the provisions of any scheme for support in the agricultural sector derived from legislation; and

(c) either —

(i) by submitting to the National Assembly such information as it may reasonably require, has demonstrated to the reasonable satisfaction of the National Assembly that he or she has a sound financial basis upon which to operate, or

(ii) if the National Assembly considers that the purchaser has not been trading long enough for that to be so demonstrated, has provided such security as the National Assembly may reasonably require.

(5) Each purchaser must inform the National Assembly of —

(a) any change in his or her trading address, or, where there is more than one such address, any change in any such trading address, any additional trading address and any change in his or her principal trading address; and

(b) any factor or change in circumstances which the National Assembly might reasonably consider materially to affect any matter that was relevant to its consideration of his or her application for approval, or which affects his or her ability to comply with the undertaking referred to in paragraph (4)(a).

(6) Each purchaser must —

(a) confirm to each producer supplying him or her that he or she is approved pursuant to this regulation and provide details of the approval if requested; and

(b) notify each producer supplying him or her if the approval is withdrawn.

Obligations of producers and purchasers with respect to registration and deliveries

6.—(1) Every —

(a) direct seller; and

(b) wholesale producer,

must register his or her quota with the National Assembly.

(2) Each purchaser must maintain, in respect of all wholesale producers whose register entries include that purchaser's name on the list referred to in regulation 4(4)(e) —

(a) a register corresponding to that maintained by the National Assembly under regulation 4(3) in respect of that part of his or her purchaser quota attributable to each of those producers;

(b) a register of particulars of deliveries from each of those producers to that purchaser; and

(c) the information required by paragraphs 2 to 4 of Article 24 of the Commission Regulation (which concerns the records required in connection with levy assessment).

(3) Each person who holds registered wholesale quota, including any producer who has temporarily ceased or who intends temporarily to cease making deliveries, must register his or her quota with a purchaser.

(4) A wholesale producer may supply milk only to a purchaser.

(5) Each purchaser must maintain a system approved by the National Assembly for —

(a) sampling the milk of each wholesale producer whose register entries include the purchaser's name on the list referred to in regulation 4(4)(e); and

(b) determining its fat content.

(6) Each purchaser must amend the register referred to in paragraph (2)(a) on each occasion when he or she is notified by the National Assembly that the equivalent register maintained by the National Assembly has been amended in relation to wholesale producers registered in that purchaser's register.

Inspection of entries in the National Assembly's registers

7. If a request —

(a) is made in respect of a register entry referred to in regulation 4(2) or (4) by any person who —

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

(ii) gives the National Assembly a statement in writing that he or she has an interest in the holding of the quota holder identified in that entry, or

(iii) is the agent of a person referred to in sub-paragraph (i) or (ii); or

(b) is made by a purchaser in respect of an entry in the register referred to in regulation 4(6) relating to himself or herself,

the National Assembly may, on payment of a reasonable charge, supply to the person making the request a copy of the register entry.

Registers as evidence

8. In any proceedings, any entry in a register which the National Assembly is required by these Regulations to maintain is evidence of the matters stated in it.