
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 110

The Dairy Produce Quotas (Scotland) Regulations 2002

Administrative penalties

30.—(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 Scottish Ministers—

- (a) a statement or declaration concerning the adjustment of purchaser quota in accordance with regulation 7(2);
- (b) a revised summary of the statements required in accordance with regulation 21(2); or
- (c) any monthly statistics in accordance with regulation 27(2),

the purchaser shall be liable to pay to them 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 Scottish Ministers pursuant to regulation 21(1) or (2) a summary or revised summary, as the case may be, of the statements required in accordance therewith which is accurate, thus resulting in an overstatement of deliveries made to the purchaser, that purchaser shall be liable to pay to them 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 29, the purchaser shall be liable to pay to the Scottish Ministers 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, that seller shall be liable to pay to the Scottish Ministers 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) Where a penalty is due in accordance with the provisions of paragraphs (2) to (5), the value of the penalties referred to therein shall, notwithstanding the provisions of those paragraphs—

- (a) in the case of purchasers and direct sellers, be £60, where the value 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 the value would otherwise exceed those respective amounts.