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## SCOTTISH STATUTORY INSTRUMENTS

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# 2005 No. 91

## The Dairy Produce Quotas (Scotland) Regulations 2005

### PART 7

#### PENALTIES AND MISCELLANEOUS PROVISIONS

##### Restoration of quota

**39.**—(1) Subject to the second sub paragraph of Article 15(1) of the Council Regulation (which specifies the time limit for quota restoration), a person whose quota has been taken into the national reserve may request the Scottish Ministers to restore to that person the quota in respect of the holding from which it was confiscated or in respect of part of that holding if that person is a producer.

(2) Subject to paragraph (3), a request under paragraph (1)—

(a) must reach the Scottish Ministers—

(i) no later than the end of the quota year to which it relates; or

(ii) in the case of confiscation of quota notified by virtue of regulation 38(2), no later than the end of the quota year in which the quota is to be restored; and

(b) in a case falling within sub-paragraph (a)(ii), must include the declaration which the person making the request failed to submit under Article 11 of the Commission Regulation.

(3) Where—

(a) there is a change of occupation of all or part of the holding in respect of which quota has been taken into the national reserve; and

(b) the new occupier is a producer,

the new occupier may submit a request to the Scottish Ministers to restore to the new occupier the quota relating to that holding or part of the holding before the expiry of the time limit for quota restoration specified by the second sub paragraph of Article 15(1) of the Council Regulation.

(4) A request for restoration of quota to part of a holding made under paragraph (1) or (3) shall include—

(a) 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

(b) a statement requesting apportionment of the quota in accordance with an arbitration under paragraphs 1, 2, 3(4), and 5 to 30 of Schedule 1.

(5) Where quota is restored to part of a holding in accordance with a request made under paragraph (1) or (3), the amount of quota to be restored to that part shall be determined in accordance with the apportionment referred to in paragraph (4)(a) or (b).

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##### Commencement Information

**II** [Reg. 39](#) in force at 31.3.2005, see [reg. 1\(2\)](#)

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Dairy Produce Quotas (Scotland) Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Regulations revoked by [S.S.I. 2018/391 sch. Pt. 2](#)
- reg 39 am by [S.S.I. 2007/118 reg 9](#)
- reg. 39(1) words substituted by [S.S.I. 2011/83 Sch. para. 18](#)
- reg. 39(3) words substituted by [S.S.I. 2011/83 Sch. para. 18](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 2(1)(1A) substituted for reg. 2(1) by [S.S.I. 2011/83 Sch. para. 1](#)