

1986 No. 470

AGRICULTURE

The Dairy Produce Quotas Regulations 1986

<i>Made</i>	- - -	<i>12th March 1986</i>
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<i>Coming into Operation</i>		<i>31st March 1986</i>

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The Minister of Agriculture, Fisheries and Food and the Secretary of State,

being Ministers designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Economic Community, acting jointly in exercise of the powers conferred on them by that section and of all other powers enabling them in that behalf after consultation with the Council on Tribunals in accordance with section 10 of the Tribunals and Inquiries Act 1971(c), hereby make the following regulations:—

Title and commencement

1. These regulations may be cited as the Dairy Produce Quotas Regulations 1986 and shall come into operation on 31st March 1986.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“Commission Regulation” means Commission Regulation (EEC) 1371/84(d) laying down detailed rules for the application of the levy as amended by the Commission Regulations listed in Schedule 3;

“Community legislation” means Article 5c of Council Regulation 804/68, Council Regulation 857/84 and the Commission Regulation;

“consent or sole interest notice” means a notice, in relation to a holding or part of a holding, signed by the person required under these regulations to provide the notice, that either—

- (a) he is the occupier of that holding or part of a holding and no other person has an interest in that holding or part of the holding, or
- (b) all persons having an interest in that holding or part of the holding the value of which interest might be reduced by the transaction or prospective apportionment to which the notice relates agree to that transaction or proposed prospective apportionment;

“Council Regulation 804/68” means Council Regulation (EEC) No. 804/68(e) on the common organisation of the market in milk and milk products as amended by the Council Regulations listed in Schedule 1;

“Council Regulation 857/84” means Council Regulation (EEC) No. 857/84(f) adopting general rules for the application of the levy in the milk and milk products sector, as amended by the Council Regulations listed in Schedule 2;

“dairy enterprise” means an area stated by the occupier of that area to be run as a self-contained dairy produce business;

(a) S.I. 1972/1811.

(b) 1972 c.68; section 2 is subject to Schedule 2 to that Act and is to be read, as regards England and Wales, with section 32(7) and (9) of the Magistrates' Courts Act 1980 (c.43), and S.I. 1984/447, as regards Scotland, with section 289B(4) and (6) of the Criminal Procedure (Scotland) Act 1975 (c.21), as inserted by paragraph 5 of Schedule 11 to the Criminal Law Act 1977 (c.45) and amended by section 55(2) of the Criminal Justice Act 1982 (c.48) and S.I. 1984/526 and, as regards Northern Ireland, with S.I. 1984/703 (N.I.3) and S.R.(N.I.) 1984 No. 253.

(c) 1971 c.62.

(d) O.J. No. L132, 18.5.1984, p.11.

(e) O.J. No. L148, 28.6.1968, p.13 (OJ/SE 1968 (I) p.176).

(f) O.J. No. L90, 1.4.1984, p.13.

“dairy produce” means the produce, expressed in kilograms or litres (one kilogram being 0.97116 litres) of milk, in respect of which levy and Formula B contribution are payable under the Community legislation;

“Dairy Produce Quota Tribunal” has the meaning assigned to it by regulation 37;

“dairy unit” means a set of buildings used for the production of dairy produce, the location of which is registered under these regulations or, if not so registered, is registered for any purpose by a milk marketing board or under any enactment relating to conditions to be observed in the production of dairy produce;

“delivery” has the meaning assigned to it by Article 12 of Council Regulation 857/84 (which sets out definitions) and ‘deliver’ shall be construed accordingly;

“development claim” means a claim based on Article 3(1) of Council Regulation 857/84 (which deals with milk production development plans and investments);

“direct sale” means a sale referred to in Article 12(h) of Council Regulation 857/84;

“direct sales quota” means quantity of dairy produce which may be sold by direct sale from a holding in a quota year without the direct seller in occupation of that holding being liable to pay levy;

“direct seller” means a producer selling dairy produce by direct sale;

“division” means a part of a holding in a region where the remainder of the holding is in another region;

“farming press” means any newspaper, journal or similar publication considered by the Minister to be likely to be read by producers and purchasers;

“Formula B” has the meaning assigned to it by Article 5c(1) of Council Regulation 804/68 (which deals with implementation of the levy);

“Formula B contribution” means the sums to be recovered under Article 10 of Council Regulation 857/84 (which deals with contributions by producers to levy payable by purchasers) by a purchaser from a producer;

“Gazette” means, as respects anything in these regulations relating to—

- (a) England and Wales alone, the London Gazette,
- (b) Scotland alone, the Edinburgh Gazette,
- (c) Northern Ireland alone, the Belfast Gazette, and
- (d) the United Kingdom, the London, Edinburgh and Belfast Gazettes;

“holding” has the meaning assigned to it by Article 12 of Council Regulation 857/84, but—

- (a) in relation to any region, it means the division of the holding in that region, and
- (b) in relation to any register entry identifying a holding and used under these regulations, it means (for the purpose of making calculations in respect of changes of occupation) the land identified in that register entry;

“identification” means a description of a holding specifying—

- (a) its address,
- (b) where possible, the location of any dairy unit on that holding, and
- (c) such other particulars (if any) as the Minister may require for defining land to which direct sales quota or wholesale quota may relate—

and “identify” and “identified” shall be construed accordingly;

“interest” includes the interest of a mortgagee or heritable creditor and a trustee, but does not include the interest of a beneficiary under a trust or settlement or, in Scotland, the estate of a superior;

“Intervention Board” means the Intervention Board for Agricultural Produce established under section 6(1) of the European Communities Act 1972;

“levy” means the levy, payable under the Community legislation to the competent authority referred to therein, described in Article 1 of the Council Regulation 857/84 (which deals with the fixing of the levy);

“milk marketing board” means a milk marketing board constituted under the Agricultural Marketing Act 1958(a) or the Agricultural Marketing Act (Northern Ireland) 1964(b);

“Minister”, as respects anything in these regulations relating to—

- (a) England and Wales alone, means the Minister of Agriculture, Fisheries and Food and the Secretary of State for Wales acting jointly,
- (b) Scotland alone, means the Secretary of State for Scotland,
- (c) Northern Ireland alone, shall be construed in accordance with paragraph (3), and
- (d) the United Kingdom, means the Ministers;

“Ministers” means all those to whom the definition of ‘the Minister’ relates, acting jointly;

“national direct sales reserve” means the reserve constituted under regulation 7(1) of the 1984 Regulations for the purpose of Article 6.3 of Council Regulation 857/84 (which enables Member States to constitute a reserve from the national direct sales quota);

“national wholesale quota” means quota applied for the time being to the United Kingdom or any part thereof by or under Article 5(c)(3) and (4) of Council Regulation 804/68;

“new region” means a region the establishment of which is announced under regulation 6(1);

“occupier” includes, in relation to land in respect of which there is no occupier, the person entitled to grant occupation of that land to another person;

“old region” means a region the discontinuance of which is announced under regulation 6(1);

“producer” has the meaning assigned to it by Article 12 of Council Regulation 857/84;

(a) 1958 c.47, to which there are amendments not relevant to these regulations.

(b) 1964 c.13 (N.I.), to which there are amendments not relevant to these regulations.

“prospective apportionment” in relation to quota on a holding means apportionment of quota ascertained under Schedule 4, Part II which will take place if there is a change of occupation of a part of the holding to which the prospective apportionment relates within six months of that prospective apportionment;

“purchaser” has the meaning assigned to it by Article 12 of Council Regulation 857/84;

“purchaser details” means in relation to a producer, the name and address of any purchaser to whom that producer delivers, or intends to deliver, dairy produce by wholesale delivery and the proportions of that dairy produce which he delivers or intends to deliver to each;

“purchaser quota” means quantity of dairy produce which may be delivered by wholesale delivery to a purchaser, from holdings in a region, during a quota year without that purchaser being liable to pay levy;

“quota” means direct sales quota or wholesale quota, as the case may be;

“quota year” means a consecutive period described in the first subparagraph of Article 5c(1) of Council Regulation 804/68 (which deals with periods in respect of which levy is payable);

“regions” means regions into which the United Kingdom is divided for the purposes of Article 1(2) of Council Regulation 857/84 (which deals with regions);

“regional wholesale quota” has the meaning assigned to it by regulation 6(1);

“remote area” means Scottish area B and any area outside the area of a milk marketing board;

“running regional wholesale reserve” means a reserve constituted under regulation 7(2)(b) or 5(9) of the 1984 Regulations or regulation 6(2) or 9;

“Scottish area A” means Scotland except for—

- (a) the Shetland Islands, and
- (b) Scottish area B;

“Scottish area B” means Kintyre, south of Tarbert, and the islands of Arran, Bute, Coll, Gigha, Great Cumbrae, Islay, Little Cumbrae and Orkney;

“secondary wholesale quota” means wholesale quota which was allocated under paragraph 12(5) of Schedule 2 to the 1984 Regulations in consequence of a claim based on Article 3(1) or (3) of Council Regulation 857/84 or Article 3 of the Commission Regulation;

“the 1984 Regulations” means the Dairy Produce Quotas Regulations 1984(a);

“total direct sales quota” means the total quantity of dairy produce which may be sold by direct sale from a holding in a quota year without the direct seller in occupation of that holding being liable to pay levy;

“total wholesale quota” means the total quantity of dairy produce which may be delivered by wholesale delivery to a given purchaser from a holding in a region in a quota year without the producer in occupation of that holding being liable to pay Formula B contribution;

(a) S.I. 1984/1047; amended by S.I. 1984/1538, 1787 and S.I. 1985/509.

“transferee” means a person who replaces another person as occupier of a holding or part of a holding;

“transferor” means a person who is replaced by another person as occupier of a holding or part of a holding;

“wholesale delivery” means delivery from a producer to a purchaser;

“wholesale development award” means secondary wholesale quota consequent upon a development claim; and

“wholesale quota” means quantity of dairy produce which may be delivered by wholesale delivery to a purchaser (to the extent specified in relation to that purchaser under these regulations), from a holding in a quota year without the producer in occupation of that holding being liable to pay Formula B contribution.

(2) In these regulations, unless the context otherwise requires—

- (a) any reference to a numbered regulation or Schedule shall be construed as a reference to the regulation or Schedule so numbered in these regulations,
- (b) any reference in a regulation or Schedule to a numbered paragraph shall be construed as a reference to the paragraph so numbered in that regulation or Schedule, and
- (c) any reference in a paragraph to a numbered or lettered subparagraph shall be construed as a reference to the subparagraph so numbered or lettered in that paragraph.

(3) In their application to Northern Ireland these regulations shall have effect with the substitution, for references to the Minister, of references to the Department of Agriculture for Northern Ireland.

Establishment of quota

3. Total direct sales quota and total wholesale quota for any person and purchaser quota for any purchaser in respect of any quota year shall be established in accordance with these regulations and the Community legislation.

Formula B

4. For the purposes of Article 1 of Council Regulation 856/84 the levy system shall be implemented in accordance with Formula B.

Milk equivalence of cheese

5.—(1) For the purposes of Article 8 of the Commission Regulation (which deals with milk equivalence of cream, butter and cheese) the milk equivalence of cheese shall be calculated on the basis that each kilogram of cheese shall equal such quantity of milk referred to in paragraph (2) as is required to make that kilogram of cheese.

(2) The milk to which paragraph (1) relates is milk the fat content of which has not been altered since milking.

Regions

6.—(1) The Minister shall, in respect of each quota year, announce by advertisement published in the Gazette and farming press any change in the regions into which the United Kingdom is divided for the purposes of Article 1(2) of Council Regulation 857/84 (which deals with regions) and the allocation from the national wholesale quota of a regional wholesale quota for each region.

(2) Where, in respect of any quota year, the regional wholesale quota allocated for a region is increased in relation to the preceding quota year, the wholesale quota so added shall create, or be added to, the running regional wholesale reserve for that region.

(3) Where, in respect of any quota year, the regional wholesale quota allocated for a region is reduced in relation to the preceding quota year the wholesale quota so subtracted shall be satisfied from all persons with wholesale quota in proportion to the wholesale quota of each at the start of the quota year (the reduction of purchaser quotas to be calculated in accordance with those reductions of wholesale quota).

(4) Where, in respect of any quota year, there is a change of regions as described in paragraph (1), the following shall be deemed to have taken place, for the purposes of these regulations, immediately before the end of the prior quota year—

- (a) the adjustment of wholesale quota applicable to any holding affected by the change in accordance with the following calculations—
 - (i) where any holding in more than one old region is in one new region, by aggregating the total wholesale quota relating to that holding;
 - (ii) where any holding in one old region is in more than one new region, by allocating wholesale quota in accordance with paragraph (5) in relation to divisions in new regions;
 - (iii) where any holding in more than one old region is in more than one new region but in different divisions, by aggregating the total wholesale quota relating to that holding and allocating wholesale quota in accordance with paragraph (5) in relation to divisions in new regions;
- (b) the calculation of the running regional wholesale reserve of each new region by aggregating the running regional wholesale reserves of each of the old regions and dividing the aggregate among the new regions proportionally in accordance with the total wholesale quota then allocated in each new region;
- (c) the calculation of the regional wholesale quota of each new region by adding to its aggregate of wholesale quotas (taking account of subparagraph (a)) its running regional wholesale reserve calculated under subparagraph (b).

(5) An allocation is made in accordance with this paragraph by allocating to the division of a holding which contains the dairy unit (where that holding contains a single dairy unit) the total wholesale quota relating to that holding or (in respect of any other holding) allocating to each division of that holding a part of the total wholesale quota relating to that holding calculated proportionally in accordance with the area of that division.

(6) The Minister may at any time reallocate the national wholesale quota among the regions to the extent that such reallocation can be achieved by the transfer of wholesale quota between running regional wholesale reserves, and any increase or reduction in any regional wholesale quota consequent thereon shall be announced by advertisement published in the Gazette and farming press.

(7) For the purpose of any reallocation of national wholesale quota under paragraph (6) the Minister may remove wholesale quota from any running regional wholesale reserve and add it to any other running regional wholesale reserve.

Adjustment of Purchaser Quota

7.—(1) Where any wholesale quota is increased or reduced in accordance with the Community legislation or these regulations, the purchaser quota of any purchaser to whom that quota is applicable shall be correspondingly increased or reduced.

(2) On any transaction to which Article 7(2) of Council Regulation 857/84 or Article 6(1)(d) of the Commission Regulation (which between them deal with replacements of purchasers and changes by producers from one purchaser to another) applies, any purchaser whose purchaser quota has been increased by virtue of that transaction shall, no later than a date 21 days after the date of the transaction, submit to the Minister—

- (a) a statement of the transaction, that is to say a statement setting out (in accordance with Article 7(2) of Council Regulation 857/84 where applicable) the following particulars—
 - (i) the nature of the transaction;
 - (ii) the parties to the transaction;
 - (iii) the changes of purchaser quota of any purchaser to whom the transaction relates;
 - (iv) the changes in respect of matters referred to in the list, mentioned in regulation 30(2)(a)(iv), forming part of the wholesale register entry of each producer to whom the transaction relates; and
- (b) a statement that all purchasers and all producers to whom the transaction relates either agree to, or (so far as the purchaser submitting the statement is aware) have no right to bring proceedings in respect of, the changes the particulars of which are set out in the statement of the transaction.

(3) Following a transaction referred to in subparagraph (2) dairy produce previously delivered by wholesale delivery in the quota year of the transaction by any producer involved in that transaction to any purchaser involved in that transaction (and any levy or Formula B contribution paid or payable in respect of that dairy produce) shall be deemed, for the purpose of calculation of levy or Formula B contribution, to have been delivered (or paid or payable) proportionally in accordance with changes effected by that transaction.

(4) The Minister may provide such forms as he reasonably considers to be necessary for the purposes of this regulation.

Change of occupation

8.—(1) Where there is a change of occupation of the entirety of or a part of a holding, the transferee shall within 21 days of that change of occupation notify the Minister in writing of the date of that change of occupation and the holding or part of a holding occupation of which has changed, and shall submit to the Minister such evidence relating to that change of occupation, and within such time, as the Minister may reasonably require.

(2) On any change of occupation of the entirety of a holding it shall be presumed that the transferee intends to deliver dairy produce from the holding by wholesale delivery to the purchasers named, and in the proportions listed, in the transferor's entry in the wholesale register.

(3) Where there is a change of occupation of part of a holding—

- (a) the apportionment of quota shall be carried out as laid down in Schedule 4, Parts I and III, and
- (b) dairy produce previously sold by direct sale or delivered by wholesale delivery from that holding in the quota year of the change of occupation shall be deemed, for the purpose of any levy or Formula B contribution, to have been sold or delivered from each part of the holding proportionally in accordance with that apportionment.

(4) Schedule 4, Part II shall have effect in respect of the prospective apportionment of quota.

(5) This regulation shall not apply to—

- (a) a minor change of occupation, being a change of occupation of part of a holding where the area occupation of which changes is less than—
 - in respect of a holding in Northern Ireland, three quarters of the area of the holding as previously constituted (and also no larger than 40 hectares), and
 - in respect of a holding elsewhere, one quarter of the area of the remainder of the holding (and also no larger than 5 hectares),and the interest of the occupier who comes into that part of that holding is a tenancy or less than a tenancy and has a duration of less than one year or
- (b) a change of occupation of land occupied by virtue of such a minor change of occupation

but shall apply to the continuation in occupation, by an occupier occupying by virtue of such a minor change of occupation, at a date one month after the termination of his interest in the land so occupied.

(6) For the purposes of this regulation a change of occupation of a holding or part of a holding shall be treated as a case to which the first sentence of Article 5(3) of the Commission Regulation applies, except that a minor change of occupation as described in paragraph (5) shall be disregarded by virtue of the last sentence of Article 5(2) of the Commission Regulation.

(7) The Minister may provide such forms as he reasonably considers to be necessary for the purposes of this regulation.

Reserves

9. There may be constituted for any region a running regional wholesale reserve and there may be added to the national direct sales reserve and to any appropriate running regional wholesale reserve such quota as is not for the time being allocated to any person.

Quota exchange

10. For the purposes of Article 4(5) and (6) of the Commission Regulation (which deals with changes from direct sales to wholesale delivery and vice versa) any person in a region may exchange direct sales quota for wholesale quota with any other person with a holding in the same region on such terms as those producers and the Minister may agree having regard to the provisions of the Community legislation.

Reallocation of wholesale quota

11.—(1) For the purposes of Article 8 of Council Regulation 857/84 (which deals with management of wholesale quotas by purchasers) a purchaser and a producer may agree a change (within one region) in the identification of that producer's holding, and if the Minister receives—

- (a) a notification that an agreement has been made, such notification being signed by or on behalf of both parties to the agreement,
- (b) a consent or sole interest notice, signed by or on behalf of the producer above referred to, in respect of such a change, and
- (c) such other particulars as the Minister may reasonably require—

that change shall have effect in relation to that producer's wholesale quota.

(2) For the purposes of Article 8 of Council Regulation 857/84, and subject to paragraph (3), a purchaser may, within a quota year, manage wholesale quota applicable to him, except that no person shall have his wholesale quota for any quota year reduced without his prior written consent.

(3) Where, in pursuance of paragraph (2) wholesale quota relating to a holding is reduced, the reduction shall not affect the quantity of wholesale quota which is transferred to a transferee on a change of occupation of that holding or part of that holding.

(4) Before the end of each quota year each purchaser shall notify the Minister of the quantity of wholesale quota he has reallocated by virtue of paragraph (2) in that quota year.

Special allocation

12. Where, by reason of a mistake made by the Minister or any person acting on his behalf, a person has not been allocated any quota or has been allocated a smaller quantity of any such quota than he would have been allocated if the mistake had not been made, the Minister may allocate to that person such quota as will compensate, in whole or in part, for that mistake from the national direct sales reserve or from the appropriate running regional wholesale reserve, as the case may be.

Conversion of direct sales quota and wholesale quota

13. Schedule 5 shall apply in respect of the conversion of wholesale quota into direct sales quota and of direct sales quota into wholesale quota under Article 6a of Council Regulation 857/84.

Reallocation of unused quota

14. Schedule 6 shall apply in respect of the reallocation of quota in respect of the quota year ending 31 March 1986 for the purposes of Article 4a of Council Regulation 857/84.

Expropriated land claims

15. Schedule 7 shall apply in respect of expropriated land claims.

Exceptional hardship provision

16.—(1) The Minister may make and add to an exceptional hardship provision from wholesale quota in any running regional wholesale reserve.

(2) Schedule 8 shall apply in respect of the allocation of wholesale quota in any exceptional hardship provision and in respect of matters consequential thereon or incidental thereto.

Development provision

17.—(1) The Minister may make and add to a development provision from wholesale quota in any regional running wholesale reserve.

(2) Schedule 9 shall apply in respect of the allocation of wholesale quota in any development provision and in respect of matters consequential thereon or incidental thereto.

Supplementary development provision

18.—(1) The Minister may make and add to a supplementary development provision from wholesale quota in any running regional wholesale reserve.

(2) Schedule 10 shall apply in respect of the allocation of wholesale quota in any supplementary development provision, and in respect of matters consequential thereon or incidental thereto.

General wholesale provision

19.—(1) The Minister may make and add to a general wholesale provision from wholesale quota in any regional running wholesale reserve.

(2) Schedule 11 shall apply in respect of the allocation of wholesale quota in any general wholesale provision, and in respect of matters consequential thereon or incidental thereto.

Small producer provision

20.—(1) The Minister may make and add to a small producer provision from quota in the national direct sales reserve or in any running regional wholesale reserve.

(2) Schedule 12 shall apply in respect of the allocation of quota in any small producer provision, and in respect of matters consequential thereon or incidental thereto.

Small producer supplementary development provision

21.—(1) The Minister may make and add to a small producer supplementary development provision from wholesale quota in any running regional wholesale reserve.

(2) Schedule 13 shall apply in respect of the allocation of wholesale quota in any small producer supplementary development provision and in respect of matters consequential thereon or incidental thereto.

Self-supplying institutions provision

22.—(1) The Minister may make and add to a self-supplying institutions provision from wholesale quota in any running regional wholesale reserve.

(2) Schedule 14 shall apply in respect of the allocation of wholesale quota in any self-supplying institutions provision, and in respect of matters consequential thereon or incidental thereto.

Remote areas direct sales provision

23.—(1) The Minister may make and add to a remote areas direct sales provision from direct sales quota in the national direct sales reserve.

(2) Schedule 15 shall apply in respect of the allocation of direct sales quota in any remote areas direct sales provision and in respect of matters consequential thereon or incidental thereto.

Remote areas wholesale provision

24.—(1) The Minister may make and add to a remote area wholesale provision from wholesale quota in any running regional wholesale reserve.

(2) Schedule 16 shall apply in respect of the allocation of wholesale quota in any remote area wholesale provision, and in respect of matters consequential thereon or incidental thereto.

Northern Ireland wholesale provision

25.—(1) The Minister may create and add to a Northern Ireland wholesale provision from wholesale quota in any running regional wholesale reserve in Northern Ireland.

(2) Schedule 17 shall apply in respect of the allocation of wholesale quota in

any Northern Ireland wholesale provision and in respect of matters consequential thereon or incidental thereto.

Functions of the Intervention Board for Agricultural Produce

26.—(1) The Intervention Board shall be—

- (a) the agency appointed for the purposes of Article 9(3) of Council Regulation 857/84 (which deals with payment of levy by direct sellers), and
- (b) the competent authority for the purposes of—
 - (i) Article 8 (which deals with equivalences),
 - (ii) Article 9(2) (which deals with increases in fat content),
 - (iii) Article 11(1) (which deals with records of wholesale deliveries),
 - (iv) Article 12 (which deals with payment of levy in respect of wholesale deliveries), and
 - (v) Article 13 (which deals with records of direct sales and payment of levy in respect thereof)—of the Commission Regulation.

(2) The Intervention Board and any milk marketing board may enter into an agreement providing for the discharge by the milk marketing board, on behalf of the Intervention Board, of any functions of the Intervention Board under these regulations or the Community legislation specified in the agreement, on such terms as may be specified in the agreement.

(3) In respect of any area which is not within the area of a milk marketing board, paragraph (2) shall have effect as if “person or milk marketing board” were substituted for “milk marketing board” wherever those words appear.

(4) The Intervention Board may, in respect of any person in whose name any direct sales quota is registered and who fails to submit to the Intervention Board within two months of the end of any quota year the statement required to be made by Article 13(1) of the Commission Regulation, make and recover a reasonable charge in respect of any visit to any premises reasonably required to be made by the Intervention Board to obtain that statement.

Payment of levy

27.—(1) For the purpose of Article 13(3) of the Commission Regulation the time allowed for making the payment required to be made by Article 13(2) of that Regulation (time for payment of levy by direct sellers) shall be four months from the end of the quota year in respect of which the payment is made.

(2) Levy payable by virtue of Article 9(3) of Council Regulation 857/84 (payment of levy by direct sellers) or Article 12 of the Commission Regulation (payment of levy by purchasers) shall be recoverable by the Intervention Board.

Functions under these regulations

28.—(1) The Minister and any milk marketing board may enter into an agreement providing for the discharge by that milk marketing board, on behalf of the Minister, of any functions of the Minister under these regulations or the Community legislation specified in the agreement, on such terms as may be specified in the agreement.

(2) In respect of any area which is not within the area of a milk marketing board, paragraph (1) shall have effect as if 'person or milk marketing board' were substituted for 'milk marketing board' wherever those words appear.

Disapplication of enactments

29. Nothing in section 47 (2) of the Agricultural Marketing Act 1958(a) or section 23 of the Agricultural Marketing Act (Northern Ireland) 1964(b) (which restrict the disclosure of certain information obtained under those Acts) shall restrict or apply to the disclosure of any information if, and in so far as, the disclosure is required or authorised by these regulations, the Community legislation or an agreement under regulation 26(2) or 28(1).

Registers to be prepared and maintained by the Minister

30.—(1) The Minister shall—

(a) prepare a direct sales register entry in respect of each direct seller setting out—

- (i) his name,
- (ii) his total direct sales quota, and
- (iii) an identification of his holding,

and shall send each direct seller a copy of the entry relating to him, and

(b) maintain—

- (i) a direct sales register (being a register of entries referred to in paragraph (1)(a), and
- (ii) a register of particulars of direct sales by each direct seller.

(2) For each region the Minister shall—

(a) prepare a wholesale register entry in respect of each producer in that region setting out—

- (i) his name,
- (ii) his total wholesale quota,
- (iii) an identification of his holding in that region, and
- (iv) a list—

— of the names and addresses of each purchaser in that region

(a) 1958 c.47, to which there are amendments not relevant to these regulations.

(b) 1964 c.13 (N.I.), to which there are amendments not relevant to these regulations.

whose purchaser quota will be calculated to take into account that producer's total wholesale quota, and

- of the wholesale quota to be taken into account in those calculations for each such purchaser in respect of his purchaser quota set out in accordance with proportional divisions of wholesale quota based on purchaser details to be provided by the producer on request by the Minister

and shall send to each producer a copy of the entry relating to him and to each purchaser named on a list referred to in subparagraph (iv) a copy of the entry wherein he is so named,

(b) maintain—

- (i) a wholesale register (being a register of entries referred to in paragraph (2)(a)) for each region, and
- (ii) a register for each region of particulars of wholesale deliveries by each producer in that region.

(3) In respect of each purchaser the Minister shall—

(a) prepare a purchaser notice setting out—

- (i) his name,
- (ii) a description of his undertaking and
- (iii) his purchaser quota,

and shall send each purchaser a copy of the notice relating to him,

(b) maintain—

- (i) a register of purchaser notices, and
- (ii) a register of particulars of wholesale deliveries to each purchaser.

(4) For the purposes of paragraphs (1) and (2), where a holding comprises more than one dairy enterprise a direct seller or a producer may, on presenting to the Minister a consent or sole interest notice in respect of that holding, agree with the Minister the partition of that holding among separate direct sales register entries or wholesale register entries as specified in the agreement.

(5) The Minister shall amend the registers which he is required by this regulation to maintain to record any allocations or adjustments made under or by virtue of these regulations, and shall inform any person to whom an amendment relates and any purchaser affected by an amendment of that amendment.

(6) In this regulation “direct seller” and “producer” include a person who has moved into occupation of land with quota, whether or not that person is engaged in the sale or delivery of dairy produce.

Inspection of entries in the Minister's registers

31. The Minister shall permit, during reasonable working hours, inspection of any entry relating to—

- (a) a specific holding in the registers referred to in regulation 30(1)(b)(i) and 30(2)(b)(i) by any person who is the direct seller or producer in

relation to, or gives the Minister a statement in writing that he has an interest in, that holding, and

- (b) a specific purchaser in either register referred to in regulation 30(3)(b) by the purchaser,

and shall, on payment of a reasonable charge, forward a copy of that entry to any such person who requests it.

Registers to be maintained by purchasers

32.—(1) Each purchaser shall maintain, in respect of all producers whose register entries include that purchaser's name on the list referred to in regulation 30(2)(a)(iv)—

- (a) a register as indicated in regulation 30(2)(b)(i) in respect of each of those producers, and
- (b) a register of particulars of wholesale deliveries from each of those producers to that purchaser.

(2) Each purchaser shall amend his registers referred to in paragraph (1) on each occasion when, under these regulations, the Minister's equivalent register is required to be amended in relation to producers registered in that purchaser's register.

Registers as evidence

33. Any entry in a register or notice required by these regulations to be maintained by the Minister shall in any proceedings be evidence of matters stated therein.

Information

34.—(1) The Minister and the Intervention Board shall provide each other with such information and assistance as shall be required for the proper performance of their respective functions under these regulations and the Community legislation.

(2) Each purchaser shall provide such information to the Minister as the Minister may reasonably require for the maintenance of his register of particulars of wholesale deliveries under regulation 30(2)(b)(ii) and regulation 30(3)(b)(ii).

(3) The Minister shall copy such records to each purchaser as that purchaser may reasonably require for the purposes of his registration obligations under these regulations and Article 11(1) of the Commission Regulation.

Service of documents

35. Any document required by these regulations to be served on any person may be served by post.

Penalties

36.—(1) Subject to paragraph (2), any person who—

- (a) fails without reasonable excuse to comply with a requirement imposed on him by or under these regulations or the Community legislation, or
- (b) in connection with these regulations or the Community legislation, makes a statement or uses a document which he knows to be false in a material particular or recklessly makes a statement or uses a document which is false in a material particular—

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £2,000 and, on conviction on indictment, to a fine.

(2) Paragraph (1)(a) shall not apply to any failure by any person to comply with a requirement in an agreement referred to in regulation 26 or 28.

(3) The Minister may, following any conviction under paragraph (1)(b) against which there is no successful appeal, by notice served (within the period of 12 months following the date specified in paragraph (4)) on the person to whose quota that conviction relates reduce his quota to such extent as may reasonably be regarded by the Minister as being attributable to the falsehood on which the conviction was founded.

(4) The date specified in this paragraph is—

- (a) in the case of a conviction against which there is no appeal, the date on which the right to appeal against that conviction expires, and
- (b) in the case of a conviction against which there is an unsuccessful appeal—
 - (i) if there is no right of appeal against the result of that unsuccessful appeal, the date of that result, and
 - (ii) if there is a right of appeal against that result but no appeal is made, the date on which that right of appeal expires.

Dairy Produce Quota Tribunals

37.—(1) The Dairy Produce Quota Tribunal for England and Wales, the Dairy Produce Quota Tribunal for Scotland, and the Dairy Produce Quota Tribunal for Northern Ireland constituted under regulation 6 of the 1984 Regulations shall continue in existence and, in respect of direct sales from a holding situated in more than one area of a Dairy Produce Quota Tribunal, the Dairy Produce Quota Tribunal the functions of which shall relate to those direct sales shall continue to be the Dairy Produce Quota Tribunal chosen for the purpose by the Ministers.

(2) The local panels constituted under regulation 6(2) of the 1984 Regulations shall cease to exist.

(3) Any reference in these regulations to “The Tribunal” shall be treated as a reference to the appropriate Dairy Produce Quota Tribunal under paragraph (1).

(4) Schedule 18 shall apply in respect of the constitution, appointment of

members, remuneration of members, staffing and procedure of Dairy Produce Quota Tribunals.

Revocation

38. The regulations specified in Schedule 19 are hereby revoked.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 11th March 1986.



Michael Jopling,
Minister of Agriculture, Fisheries and Food.

Malcolm Rifkind,
One of Her Majesty's Principal Secretaries of State.

12th March 1986.

SCHEDULE 1

Regulation 2

RELEVANT AMENDMENTS TO COUNCIL REGULATION 804/68

Council Regulation	Official Journal Reference
856/84	L90, 1.4.84, p.10.
1557/84	L150, 6.6.84, p.6.
591/85	L68, 8.3.85, p.5.
1298/85	L137, 27.5.85, p.5.

SCHEDULE 2

Regulation 2

AMENDMENTS TO COUNCIL REGULATION 857/84

Council Regulation	Official Journal Reference	Article amended or added
1557/84 590/85	L150, 6.6.84, p.6 L68, 8.3.85, p.1	Annex 4a 6 6a 7 12(e)
591/85 1305/85	L68, 8.3.85, p.5 L137, 27.5.85, p.12	Annex 1 3(3) 4a(1) 6(2) 8 9 10 12(c)

Regulation 2

SCHEDULE 3

AMENDMENTS TO COMMISSION REGULATION 1371/84

Commission Regulation	Official Journal Reference	Article amended or added
1955/84	L182, 9.7.84, p.10	4(1), 4(4), 4(7) 8 11(1) 13 14 15(1) 9(2) 15(1)(a) 15(1)(c) 15(1)(c) 15(1)(c) 4(1) 15(1)(d) 15(1)(c), 15(1)(d) 2(2), 2(3) 4(1), 4(4)(a) 5 16(3) 1 4a 9(2) 10 11(1) 12 13(3) 14 15 16(3)
2988/84	L282, 26.10.84, p.44	
3010/84	L283, 27.10.84, p.34	
3201/84	L299, 17.11.84, p.25	
3291/84	L307, 24.11.84, p.38	
3372/84	L313, 1.12.84, p.47	
402/85	L48, 16.2.85, p.29	
562/85	L64, 5.3.85, p.9	
1043/85	L112, 25.4.85, p.18	
3005/85	L288, 30.10.85, p.10	

SCHEDULE 4

Regulation 8

CHANGE OF OCCUPATION

PART I—APPORTIONMENT OF DIRECT SALES QUOTA AND WHOLESALE QUOTA

1. Subject to paragraphs 6 and 8 where there is a change of occupation of part of a holding the apportionment of quota relating to that holding shall be carried out—

- (a) where within 21 days of the change of occupation the transferee submits to the Minister—
 - (i) a notification in accordance with regulation 8(1),
 - (ii) a statement, signed by the transferor and the transferee, that they have agreed that the quota shall be apportioned according to areas used for milk production as specified in the statement, and
 - (iii) a consent or sole interest notice in respect of the entirety of holding,in accordance with that agreement,
- (b) in all other cases by arbitration.

PART II—PROSPECTIVE APPORTIONMENT OF QUOTA

2. A prospective apportionment of quota in respect of a part of a holding may be made in accordance with this part of this Schedule.

3. The occupier of the holding shall submit to the Minister a statement—

- (a) identifying the parts of the holding to which the prospective apportionment is to relate,
- (b) containing such information relating to the holding as may reasonably be required by the Minister, and
- (c) requesting either—
 - (i) that a prospective apportionment of quota relating to the holding be made according to areas used for milk production as at the date of the statement as specified in the statement, or
 - (ii) that a prospective apportionment of quota be ascertained by arbitration.

4. The prospective apportionment of quota shall be made by arbitration unless a prospective apportionment has been specified in accordance with paragraph 3(c)(i) and the occupier sends to the Minister a consent or sole interest notice in respect of the entirety of the holding, in the case of which, subject to paragraph 7, the prospective apportionment shall be as so specified.

5. A prospective apportionment of quota may be revoked by a notice in writing to the Minister, signed by the occupier of the holding to which the prospective apportionment relates and accompanied by a consent or sole interest notice in respect of the entirety of that holding, that the occupier no longer wishes that prospective apportionment to have effect.

6. Where there is a change of occupation of part of a holding and within the six months preceding that change of occupation—

- (a) the occupier of that holding has submitted a statement referred to in paragraph 3 in respect of that part of that holding, or
- (b) a prospective apportionment of quota relating to that part of that holding has been made by an arbitrator

the apportionment of quota shall be carried out in accordance with—

- (i) any prospective apportionment of quota relating to that part of that holding made under paragraph 4 and not revoked under paragraph 5,
- (ii) if there is no such prospective apportionment, any prospective apportionment which is in the process of being made under paragraph 4 by virtue of a statement relating to that part of that holding under paragraph 3
- (iii) in any other case, Part I.

7. The Minister shall—

- (a) prepare a prospective apportionments register entry in respect of each prospective apportionment made under this Schedule setting out—
 - (i) an identification of the holding concerned and the parts thereof to which the prospective apportionment relates,
 - (ii) the quota prospectively apportioned to each part of that holding and
 - (iii) the date on which the prospective apportionment was made, being the date of the statement referred to in paragraph 3 or, where the prospective apportionment was ascertained by arbitration, the date of the award.and shall send the occupier of the holding to which the prospective apportionment relates a copy of the entry, and
- (b) maintain a prospective apportionments register, being a register of entries referred to in subparagraph (a).

PART III—GENERAL

8. Where the Minister reasonably considers that the areas used for milk production on a holding are not as specified in a statement made for the purpose of paragraphs 1(a)(ii) or 3(c)(i) he shall give notice of this fact in writing to the person who made the statement and the apportionment or prospective apportionment of that quota shall then be made by arbitration.

9.—(1) In any case where an apportionment is to be carried out by arbitration an arbitrator shall be appointed by agreement between the transferor and transferee or, in default of agreement, by the Chairman of the Tribunal.

(2) In any case where a prospective apportionment is to be made by arbitration an arbitrator shall be appointed—

- (a) where paragraph 7 applies, by agreement between the occupier of the relevant holding and the Minister,
 - (b) in any other case, by agreement between the occupier and any other interested party,
- or, in default, by the Chairman of the Tribunal.

10. In any case where an apportionment is to be carried out or a prospective apportionment is to be made by arbitration—

- (a) any person having an interest in the holding to which the arbitration relates shall be entitled to make representations to the arbitrator,
- (b) subject to paragraph (c) of this paragraph, the Arbitration Act 1950(a) shall apply to any arbitration in England and Wales and the Arbitration Act (Northern Ireland) 1937(b) shall apply to any arbitration in Northern Ireland,
- (c) an arbitrator shall base his award on findings made by him as to areas used for milk production in the five years preceding the change of occupation, or in the case of a prospective apportionment in the five years preceding the arbitration.

11. In this Schedule “arbitrator” means, in Scotland, an arbiter.

SCHEDULE 5

Regulation 13

CONVERSION OF DIRECT SALES QUOTA AND WHOLESALE QUOTA

1. An applicant for the conversion of direct sales quota into wholesale quota or wholesale quota into direct sales quota in respect of a quota year shall submit his application to the Minister no later than a date to be determined by the Minister in respect of each quota year and published in the Gazette.

2. An application referred to in paragraph 1 shall, in respect of the quota year concerned—

- (a) state the quantity of direct sales quota which the applicant wishes to convert into wholesale quota, or the quantity of wholesale quota which he wishes to convert into direct sales quota, as the case may be. The quantity shall be equal to, or less than, that which the applicant has not used in that quota year,
- (b) provide such information as may reasonably be required to be provided in order to enable the Minister to assess the factors referred to in Article 6a of Council Regulation 857/84.

3.—(1) The quantity of direct sales quota which is to be converted into wholesale quota by virtue of an application referred to in paragraph 1 shall be taken from the applicant's direct sales quota and added to the national direct sales reserve. An equivalent quantity shall be transferred from that reserve to the appropriate running regional wholesale reserve and allocated from that reserve to the applicant.

(a) 1950 c.27, to which there are amendments not relevant to these regulations.

(b) 1937 c.8 (N.I.), to which there are amendments not relevant to these regulations.

(2) The quantity of wholesale quota which is to be converted into direct sales quota by virtue of such an application shall be taken from the applicant's wholesale quota and added to the appropriate running regional wholesale reserve. An equivalent quantity shall be transferred from that reserve to the national direct sales reserve and allocated from that reserve to the applicant.

Regulation 14

SCHEDULE 6

REALLOCATION OF UNUSED QUOTA

Direct sales quota

1. The Minister shall calculate—

- (a) to what extent, if at all, the quantity of dairy produce sold by direct sales from the holding of each direct seller falls short of, or exceeds, that direct seller's total direct sales quota; and
- (b) the aggregate of the amounts by which all those quantities which fall short of the appropriate direct seller's total quotas do so.

2. The aggregate referred to in paragraph 1(b) shall be reallocated among those direct sellers whose direct sales of dairy produce exceed their direct sales quotas in proportion to, and (so far as it is available) to the extent of, the quantity each such direct seller has sold in excess of his total direct sales quota.

Wholesale quota

3. The Minister shall calculate in respect of each region—

- (a) to what extent, if at all, the quantity of wholesale deliveries of dairy produce from each holding in that region falls short of, or exceeds, the total wholesale quota of the producer in occupation of that holding, and
- (b) the aggregate of the amounts by which all those quantities which fall short of the appropriate producers' wholesale quotas do so.

4. The aggregate referred to in paragraph 3(b) shall be reallocated among those producers in that region whose deliveries of dairy produce exceed their wholesale quotas in proportion to and (so far as it is available) to the extent of, the quantity of dairy produce each such producer has sold in excess of his wholesale quota.

Purchaser quota

5. The Minister shall calculate in respect of each region—

- (a) to what extent, if at all, the quantity of wholesale deliveries of dairy produce to each purchaser in that region falls short of, or exceeds, the total purchaser quota of that purchaser, and
- (b) the aggregate of the amounts by which all those quantities which fall short of the appropriate purchasers' quotas do so.

6. The aggregate referred to in paragraph 5(b) shall be reallocated among those purchasers in that region to whom wholesale deliveries of dairy produce

exceed their purchaser quotas in proportion to, and (so far as it is available) to the extent of, the quantity of dairy produce each such purchaser has had delivered to him in excess of his total purchaser quota.

Reallocation between regions

7. The Minister shall calculate—

- (a) to what extent, if at all, the total quantity of wholesale deliveries of dairy produce in each region falls short of, or exceeds, the appropriate regional wholesale quota after any reallocations under paragraphs 4 and 6 have been carried out, and
- (b) the aggregate of the amounts by which all those quantities which fall short of the appropriate regional wholesale quota do so.

8. The aggregate referred to in paragraph 7(b) shall be reallocated among those regions in which wholesale deliveries of dairy produce have exceeded the appropriate regional wholesale quota in proportion to, and (as far as it is available) to the extent of, the quantity by which wholesale deliveries of dairy produce in each such region have exceeded that region's regional wholesale quota.

9. Any wholesale quota reallocated to a region by virtue of paragraph 8 shall be reallocated to producers or purchasers within that region in accordance with the provisions of paragraphs 4 or 6 as the case may be.

Final reallocation

10. The Minister shall calculate—

- (a) to what extent, if at all, the total quantity of dairy produce sold by direct sale or by wholesale delivery from each holding in respect of which there is both direct sales quota and a wholesale quota exceeds the aggregate of those quotas after any reallocations under paragraphs 2 and 4 have been carried out, and
- (b) the aggregate of the amounts referred to in paragraph 7(b) which remains after any reallocations under paragraph 8 have been carried out.

11. The aggregate referred to in paragraph 10(b) shall be reallocated among those producers whose direct sales and wholesale deliveries of dairy produce exceed the aggregate of their quotas in proportion to, and (so far as it is available) to the extent of, the quantity of dairy produce each such producer has sold in excess of the aggregate of his quotas.

Interpretation

12. In this Schedule “direct seller” and “producer” include a person who has moved into occupation of land with quota, whether or not that person is engaged in the sale or delivery of dairy produce.

Regulation 15

SCHEDULE 7

EXPROPRIATED LAND CLAIMS

1. For the purposes of this Schedule an expropriated land claim is a claim for quota made by a person to whom Article 4(1)(c) of Council Regulation 857/84 (which deals with producers undertaking farming as their main occupation) applies or who intends to undertake farming as his main occupation if, and before the end of the quota year in which, he is allocated quota under this provision, to the effect that—

- (a) in or before 1981 (so far as concerns a claim for direct sales quota) or in or before 1983 (so far as concerns a claim for wholesale quota) certain land, which had previously been used by him for milk production was used or set aside for use by another person in the exercise of rights in land in pursuance of or by virtue of a statutory authority or power, with or without the consent of the claimant, in such a way as to make it reasonable for the claimant to give up milk production on that land, and that
- (b) the use of that land either—
 - (i) has not been returned to him, but is to be returned to him on or before 31 March 1989; or
 - (ii) has been returned to him, but in such circumstances that he could not reasonably have been expected to fulfil the conditions for an exceptional hardship award in respect of the land; and that
- (c) it is therefore fair and reasonable that he should be allocated quota in respect of that land.

2.—(1) A claimant shall no later than a date to be determined by the Minister and published by advertisement in Gazette and farming press submit his expropriated land claim to the Minister on a form (as specified in subparagraph (2)) duly completed by him or under his authority.

(2) The form referred to in subparagraph (1) shall be provided on request by the Minister and shall require an applicant to provide such information as may reasonably be required to be provided in order to enable the Tribunal to make a determination for the purpose of paragraph 3.

(3) No expropriated land claim shall be considered by the Tribunal unless it is made on or before the date determined by the Minister for the purposes of subparagraph (1) and provides the information required by virtue of subparagraph (2).

3. The Tribunal shall determine for any claimant who satisfies them of the matters referred to in paragraph 1—

- (a) the quota to which he is entitled by reason of the facts disclosed by his expropriated land claim, and
- (b) the quota year during which the Tribunal considers the claimant can reasonably be expected to resume milk production on the land in question.

4. Each determination of the Tribunal under paragraph 3 shall be communicated to the Minister and the claimant.

5.—(1) Before the beginning of each quota year the Minister shall provisionally allocate any quota in—

- (a) the national direct sales reserve to eligible producers in proportion to, and (so far as it is available) to the extent of, the direct sales quota of each such producer determined under paragraph 3(a), and
- (b) any running regional wholesale reserve to eligible producers in the region to which the reserve relates in proportion to, and (so far as it is available) to the extent of, the wholesale quota of each such producer determined under paragraph 3(a).

(2) For the purpose of subparagraph (1) “eligible producer” means a claimant—

- (a) whom the Tribunal have determined under paragraph 3(b) can reasonably be expected to resume milk production on the land in question in that quota year, and
- (b) who has submitted to the Minister, no later than a date to be determined by the Minister in relation to each quota year and published by advertisement in the Gazette, a signed statement, that he is in occupation of the land in question or expects so to be in the course of the next quota year and that he is a person to whom Article 4(1)(c) of Council Regulation 857/84 applies.

(3) The Minister shall inform each eligible producer of the provisional allocation of quota to him under this paragraph.

6. A quota provisionally allocated to an eligible producer under paragraph 5 in respect of a quota year shall be finally allocated to him when the Minister receives a statement signed by that producer that—

- (i) he is in occupation of the land in question
- (ii) he intends to start milk production on that land during that quota year and has entered into a transaction or made arrangements accordingly and
- (iii) he is a person to whom Article 4(1)(c) of Council Regulation 857/84 applies, or will apply by the end of that quota year.

SCHEDULE 8

Regulation 16

EXCEPTIONAL HARDSHIP PROVISION

1. For the purpose of this schedule “exceptional hardship claim” shall be construed in accordance with paragraph (2), and “claimant” shall be construed accordingly.

2. An exceptional hardship claim shall be a claim by a person in the appropriate region to whom Article 4(1)(c) of Council Regulation 857/84 (which deals with producers undertaking farming as their main occupation) applies that—

- (a) before 2nd April 1984 he has entered into, or become obliged to enter into, a transaction or made an arrangement—
 - (i) as a result of which his wholesale quota is substantially less than it

would have been had he not entered into or become obliged to enter into that transaction or made that arrangement, or

- (ii) the reasonably expected outcome of which is a level of wholesale delivery of dairy produce in respect of which, or a substantial part of which, wholesale quota is not otherwise capable under these regulations of being allocated to him,
- (b) at the time of entering into or becoming obliged to enter into that transaction or making that arrangement, he intended to go into or remain in business as a producer,
- (c) he has not received, and will not receive or become entitled to receive, as a result of that transaction or arrangement, benefit reasonably commensurate with the want of wholesale quota to which his exceptional hardship claim relates,
- (d) as a result of the matters specified in the preceding paragraphs of this paragraph, he has suffered or will suffer exceptional hardship in comparison with producers in general, and
- (e) it is fair and reasonable that he should be allocated wholesale quota as a result of his exceptional hardship claim.

3. Where an exceptional hardship provision is made, the Minister shall by advertisement published in the Gazette announce—

- (a) the quantity of dairy produce in the exceptional hardship provision, and
- (b) the time limit and procedural requirements for exceptional hardship claims—

and no exceptional hardship claim shall be considered by the Tribunal unless it is made within that time limit and complies with those requirements.

4. The Tribunal shall determine for any claimant who satisfies them of the matters referred to in paragraph 2 his gross additional wholesale quotas being the quantity of dairy produce which the Tribunal determines is justified by his exceptional hardship claim.

5. Each determination of the Tribunal, under paragraph (4), of an exceptional hardship claim shall be forwarded to the Minister and copied to the claimant.

6. The Minister shall aggregate the gross additional wholesale quotas determined under paragraph (4) and—

- (a) if that aggregate exceeds the exceptional hardship provision, the additional wholesale quota of each claimant shall be his gross additional wholesale quota multiplied by a fraction the numerator of which shall be the exceptional hardship provision and the denominator of which shall be that aggregate, and
- (b) if paragraph (a) of this subparagraph does not apply, the additional wholesale quota of each claimant shall be his gross additional wholesale quota.

SCHEDULE 9

Regulation 17

DEVELOPMENT PROVISION

1. The Minister shall serve on each producer in the appropriate region who has a wholesale development award a written notice requiring him, if he is a producer to whom Article 4(1)(c) of Council Regulation 857/84 (which deals with producers undertaking farming as their main occupation) applies, to deliver to the Minister at such address as may be specified in the notice and within such time (being not less than 21 days from the date when the Minister's notice is served) as may be specified in the notice written confirmation that he is such a producer, and any producer with a wholesale development award who complies with that requirement shall be an eligible producer for the purposes of this Schedule.

2. Wholesale quota in any development provision shall be allocated among eligible producers in proportion to the wholesale quota which each such producer has consequent upon his wholesale development award and (so far as it is available) to the extent that that wholesale quota has not been allocated under the 1984 Regulations, under a previous development provision, or under any provision made under regulation 18 (supplementary development provision) or regulation 21 (small producer supplementary development provision).

3. Where a development provision is made or added to the Minister shall, by advertisement placed in the Gazette, announce the quantity of wholesale quota in that provision.

4. In this Schedule "producer" does not include a producer who has undertaken to cease milk production under the Milk Supplementary Levy (Outgoers) Scheme or any other scheme which provides payments to producers giving up such production for the duration of milk quotas or longer.

SCHEDULE 10

Regulation 18

SUPPLEMENTARY DEVELOPMENT PROVISION

1. The Minister shall serve on each producer in the appropriate region who has a wholesale development award a written notice requiring him, if he is a producer to whom Article 4(1)(c) of Council Regulation 857/84 (which deals with producers undertaking farming as their main occupation) applies, to deliver to the Minister at such address as may be specified in the notice and within such time (being not less than 21 days from the date when the Minister's notice is served) as may be specified in the notice written confirmation that he is such a producer, and any producer with a wholesale development award who complies with that requirement shall be an eligible producer for the purposes of this Schedule.

2. Subject to paragraphs 3 and 4, wholesale quota in any supplementary development provision shall be allocated among eligible producers in proportion to the amount, if any, by which, on a date to be determined by the Minister, each such producer's wholesale quota falls short of a percentage to be determined by the Minister of that amount which his total wholesale quota would have been had his wholesale development award been allocated to him in full.

3. For the purpose of calculating the amount which a producer's total wholesale quota would have been on the date determined for the purpose of paragraph 2 had his wholesale development award been allocated to him in full an allocation of wholesale quota by virtue of a small producer supplementary development provision shall be treated as an allocation of wholesale development award.

4. Where a producer has transferred the occupation of all or part of his holding to another person after the date determined for the purpose of paragraph 2, any allocation of quota in respect of that producer by virtue of this provision shall be apportioned between that producer and the transferee in the same proportions that the wholesale quota relating to the holding was apportioned as a consequence of the change of occupation.

5. Where a supplementary development provision is made or added to the Minister shall, by advertisement placed in the Gazette, announce—

- (a) the quantity of wholesale quota in the provision, and
- (b) the date and the percentage determined by the Minister for the purpose of paragraph 2.

6. In this Schedule "producer" does not include a producer who has undertaken to cease milk production under the Milk Supplementary Levy (Outgoers) Scheme or any other scheme which provides payments to producers giving up such production for the duration of milk quotas or longer.

Regulation 19

SCHEDULE 11

GENERAL WHOLESALE PROVISION

1.—(1) The Minister shall serve on each provisionally eligible producer a written notice requiring him, if he is a producer to whom Article 4(1)(c) of Council Regulation 857/84 (which deals with producers undertaking farming as their main occupation) applies, to deliver to the Minister at such address as may be specified in the notice and within such time (being not less than 21 days from the date when the Minister's notice is served) as may be specified in the notice written confirmation that he is such a producer, and any provisionally eligible producer who complies with that requirement shall be an eligible producer for the purposes of this Schedule.

(2) For the purposes of sub-paragraph (1) a "provisionally eligible producer" shall be a producer who, on a date to be determined by the Minister, has wholesale quota and has not been allocated any wholesale quota under Schedule 12 or 13.

2. Wholesale quota in any general wholesale provision shall be allocated among eligible producers in proportion to each such producers' total wholesale quota.

3. Where a general wholesale provision is made or added to the Minister shall, by advertisement placed in the Gazette, announce the quantity of wholesale quota in that provision and the date determined by the Minister for the purpose of paragraph 1(2).

4. In this Schedule "producer" does not include a producer who has

undertaken to cease milk production under the Milk Supplementary Levy (Outgoers) Scheme or any other scheme which provides payments to producers giving up such production for the duration of milk quotas or longer.

SCHEDULE 12

Regulation 20

SMALL PRODUCER PROVISION

1.—(1) The Minister shall serve on each provisionally eligible producer a written notice requiring him, if he is a producer to whom Article 4(1)(c) of Council Regulation 857/84 (which deals with producers undertaking farming as their main occupation) applies, to deliver to the Minister at such address as may be specified in the notice and within such time (being not less than 21 days from the date when the Minister's notice is served) as may be specified in the notice written confirmation that he is such a producer, and any provisionally eligible producer who complies with that requirement shall be an eligible producer for the purposes of this Schedule.

(2) For the purposes of subparagraph (1) a "provisionally eligible producer" shall be a producer the aggregate of whose total direct sales quota and total wholesale quota on a date to be determined by the Minister is less than 200,000 litres, except that a producer who has no wholesale quota and whose holding is entirely in a remote area shall not be a provisionally eligible producer.

2.—(1) Subject to subparagraph (2) the Minister shall make an initial calculation in relation to the relevant direct sales and wholesale deliveries of each eligible producer, being,

(a) in respect of the direct sales of each eligible producer—

- (i) 6.38 per cent of his total direct sales quota,
- (ii) if his direct sales between 1 April 1983 and 31 March 1984 exceeded 101 per cent of his direct sales in 1981 by a percentage less than 6.38 per cent, that lesser percentage of his total direct sales quota, or
- (iii) if his direct sales between 1 April 1983 and 31 March 1984 were 101 per cent of his direct sales in 1981 or less, nil, and

(b) in respect of the wholesale deliveries of any eligible producer—

- (i) 1.04 per cent of the total wholesale quota applicable to any division of his holding in Shetland or the Scilly Isles,
- (ii) 7.28 per cent of the total wholesale quota applicable to any division of his holding in Scottish area B,
- (iii) 10.98 per cent of the total wholesale quota applicable to any division of his holding in Northern Ireland, and
- (iv) 11.04 per cent of the total wholesale quota applicable to any division of his holding elsewhere.

(2) For the purpose of subparagraph (1) "quota" shall exclude any—

- (i) secondary direct sales quota, being gross direct sales quota applicable to a direct seller as a result of a claim based on Article 3(1) or (3) of Council Regulation 857/84 or Article 3 of the Commission Regulation;

- (ii) direct sales quota allocated under paragraph 17A of Schedule 1 to the 1984 Regulations (direct sales supplementary provision);
- (iii) secondary wholesale quota awarded as a result of a development claim;
- (iv) wholesale quota allocated under paragraph 17A of Schedule 2 to the 1984 Regulations or under regulation 17 (development provision), regulation 18 (supplementary development provision), or regulation 21 (small producer supplementary development provision).

3. The Minister shall, in respect of each eligible producer in respect of whom an initial calculation is made under paragraph 2, make a provisional addition of the quota so calculated to his direct sales quota and his wholesale quota, but if, following such provisional addition, the aggregate of his direct sales quota and wholesale quota exceeds 200,000 litres that provisional addition shall be adjusted so that—

- (a) that aggregate shall equal 200,000 litres, and
- (b) the aggregate of provisional additions so adjusted shall be divided among direct sales quota and wholesale quota for each division of the holding in the proportions in which they would have been divided had the adjustment not been made.

4. The Minister shall allocate any small producer provision to eligible producers so as to give effect to paragraph 3 but, to the extent that the small producer provision is insufficient for this purpose, such allocations shall be made in order of priority commencing with the lowest aggregate of direct sales and wholesale quota following such provisional additions, following with the next lowest, and so on.

5. Where any small producer provision is made or added to, the Minister shall by advertisement published in the Gazette announce—

- (a) the quantity of quota in the small producer provision, and
- (b) the date determined by the Minister for the purpose of paragraph 1(2).

6. In this Schedule “producer” does not include a producer who has undertaken to cease milk production under the Milk Supplementary Levy (Outgoers) Scheme or any other scheme which provides payments for producers giving up milk production.

Regulation 21

SCHEDULE 13

SMALL PRODUCER SUPPLEMENTARY DEVELOPMENT PROVISION

1.—(1) The Minister shall serve on each provisionally eligible producer a written notice requiring him, if he is a producer to whom Article 4(1)(c) of Council Regulation 857/84 (which deals with producers undertaking farming as their main occupation) applies to deliver to the Minister at such address as may be specified in the notice and within such time (being not less than 21 days from the date when the Minister’s notice is served) as may be specified in the notice written confirmation that he is such a producer, and any provisionally

eligible producer who complies with that requirement shall be an eligible producer for the purposes of this Schedule.

(2) For the purposes of sub-paragraph (1) a “provisionally eligible producer” shall be a producer in the appropriate region who has a wholesale development award and the aggregate of whose total direct sales quota and total wholesale quota, on a date to be determined by the Minister, is less than 200,000 litres.

2. Subject to paragraphs 3, 4 and 5, wholesale quota in any small producer supplementary development provision shall be allocated among eligible producers in proportion to each such producer’s wholesale development award and, so far as it is available, to the extent that each such producer’s wholesale development award has not been allocated to him under the 1984 Regulations, under a previous small producer supplementary development provision or under any provision made under regulation 17 (development provision) or regulation 18 (supplementary development provision).

3. For the purpose of calculating the amount which a producer’s total wholesale quota would have been on the date determined for the purpose of paragraph 1 had his wholesale development award been allocated to him in full, an allocation of wholesale quota by virtue of a supplementary development provision shall be treated as an allocation of wholesale development award.

4. Where a producer has transferred the occupation of all or part of his holding to another person after the date determined for the purpose of paragraph 1, any allocation of quota in respect of that producer by virtue of this provision shall be divided between that producer and the transferee in the proportion that the wholesale quota relating to the holding was apportioned.

5. No producer shall be allocated a greater quantity of wholesale quota under paragraph 1 than is necessary to increase his wholesale quota to 200,000 litres.

6. In this Schedule “producer” does not include a producer who has undertaken to cease milk production under the Milk Supplementary Levy (Outgoers) Scheme or any other scheme which provides payments to producers giving up such production for the duration of milk quotas or longer.

SCHEDULE 14

Regulation 22

SELF-SUPPLYING INSTITUTIONS PROVISION

1. Wholesale quota in any self-supplying institutions provision shall be allocated among eligible producers in the appropriate region in proportion to, and, so far as it is available, to the extent of the quantity of relevant milk produced by each such producer in the 12 months prior to 1st November 1985.

2.—(1) An applicant for an allocation of wholesale quota in any self-supplying institutions provision shall submit an application to the Minister on a form (as specified in subparagraph (2)) duly completed by him or under his authority no later than a date to be determined by the Minister.

(2) The form referred to in subparagraph (1) shall be provided by the Minister on request and shall require the applicant to provide—

- (a) such information as may reasonably be required to enable the Minister to make a calculation under paragraph 3,
- (b) a statement that he is an eligible producer, and
- (c) the name and address of any purchaser to whom he intends to deliver the relevant milk and the proportions of such milk that he intends to deliver to each purchaser.

3. The Minister shall calculate in respect of each applicant an estimate of the wholesale quota to be provisionally allocated under this provision, being the quantity of relevant milk produced by the applicant in the 12 months prior to 1st November 1985 and shall notify each applicant of that estimate.

4. Within 21 days of service of a statement in accordance with paragraph 3 any applicant may submit to the Minister a written objection specifying the wholesale quota to which he claims he is entitled under this provision and the reasons for that claimed entitlement.

5. Where an objection is made in accordance with paragraph 4 the Minister shall forward the objection to the Tribunal and the Tribunal shall determine the wholesale quota to be provisionally allocated under this provision and shall send to the Minister (and shall copy to the applicant) a notification of their determination.

6. The Minister shall allocate wholesale quota in this provision to producers in proportion to and, so far as it is available, to the extent of the provisional allocations made in accordance with the preceding paragraphs.

7. Where any self-supplying institutions provision is created or added to the Minister shall by advertisement published in the Gazette announce—

- (a) the quantity of wholesale quota in the provision, and
- (b) the date determined by the Minister for the purpose of paragraph 2(1).

8. In this Schedule—

- (a) an “eligible producer” means a producer—
 - (i) who before 1 November 1985 produced relevant milk,
 - (ii) who delivers or intends to deliver to a purchaser milk which, but for the provisions of the Milk (Special Designation) (Amendment) Regulations 1985(a) would be relevant milk, and
 - (iii) to whom Article 4(1)(c) of Council Regulation 857/84 (which deals with producers undertaking farming as their main occupation) applies;
- (b) “relevant milk” means milk not subjected to any heat treatment which was supplied on a regular basis, whether by sale or otherwise, for the producer’s own catering purposes to persons other than farm employees of the producer or members of his family and in respect of which there has been no allocation of direct sales quota.

(a) S.I. 1985/530.

SCHEDULE 15

Regulation 23

REMOTE AREAS DIRECT SALES PROVISION

1. An applicant for an allocation of direct sales quota in any remote areas direct sales provision (who shall be a producer to whom Article 4(1)(c) of Council Regulation 857/84 (which deals with producers undertaking farming as their main occupation) applies) shall submit his application to the Minister no later than a date to be determined by the Minister.
2. An application referred to in paragraph 1 shall—
 - (a) state the quantity of direct sales quota which the applicant wishes to have allocated to him, and
 - (b) provide such information as may reasonably be required to be provided in order to enable the Minister to assess what quantity of dairy produce can reasonably be expected to be sold by direct sale by the applicant in the area in which his holding, or that part of his holding in relation to which the application is made, is situated.
3. The Minister shall determine what quantity of dairy produce can reasonably be expected to be sold by direct sale annually by each applicant in the area to which the remote areas direct sales provision relates.
4. The Minister shall allocate any quantities of dairy produce in any remote areas direct sale provision to applicants in proportion to and, so far as it is available, to the extent of the quantities determined in respect of each applicant under paragraph 3.
5. Where a remote areas direct sales provision is made or added to the Minister shall, by advertisement placed in the Gazette, announce—
 - (a) the quantity of direct sales quota in the remote areas direct sales provision,
 - (b) the date determined by the Minister for the purpose of paragraph 1, and
 - (c) the remote area, or the part of a remote area, to which the provision relates.
6. In this Schedule “producer” does not include a producer who has undertaken to cease milk production under the Milk Supplementary Levy (Outgoers) Scheme or any other scheme which provides payments to producers giving up such production for the duration of milk quotas or longer.

SCHEDULE 16

Regulation 24

REMOTE AREAS WHOLESALE PROVISION

- 1.—(1) The Minister shall serve on each provisionally eligible producer a written notice requiring him, if he is a producer to whom Article 4(1)(c) of Council Regulation 857/84 (which deals with producers undertaking farming as their main occupation) applies, to deliver to the Minister at such address as may be specified in the notice and within such time (being not less than 21 days from the date when the Minister’s notice is served) as may be specified in the

notice written confirmation that he is such a producer, and any provisionally eligible producer who complies with that requirement shall be an eligible producer for the purposes of this Schedule.

(2) For the purpose of sub-paragraph (1) a “provisionally eligible producer” shall be a producer who has wholesale quota and whose holding or part of whose holding is, on a date to be determined by the Minister, within such remote area, or such part of a remote area, as has been identified by the Minister as an area or part of an area in relation to which there shall be a remote areas wholesale provision.

2.—(1) The Minister shall allocate quota in any remote areas wholesale provision to eligible producers in proportion to and (so far as it is available) to the extent of the wholesale quota of each such eligible producer.

(2) For the purpose of subparagraph (1) “wholesale quota” shall exclude any secondary wholesale quota awarded consequent upon a development claim and any wholesale quota allocated under paragraph 17A of Schedule 2 to the 1984 Regulations (development provision) or Schedule 13 (small producer supplementary development provision).

3. Where any remote areas wholesale provision is made or added to, the Minister shall by advertisement published in the Gazette announce—

- (a) the quantity of dairy produce in the remote areas wholesale provision,
- (b) the date determined by the Minister for the purposes of paragraph 1(2), and
- (c) the remote area, or the part of a remote area, identified by the Minister for the purposes of paragraph 1(2).

4. In this Schedule “producer” does not include a producer who has undertaken to cease milk production under the Milk Supplementary Levy (Outgoers) Scheme or any other scheme which provides payments to producers giving up such production for the duration of milk quotas or longer.

Regulation 25

SCHEDULE 17

NORTHERN IRELAND WHOLESALE PROVISION

1.—(1) The Minister shall serve on each provisionally eligible producer a written notice requiring him, if he is a producer to whom Article 4(1)(c) of Council Regulation 857/84 (which deals with producers undertaking farming as their main occupation) applies, to deliver to the Minister at such address as may be specified in the notice and within such time (being not less than 21 days from the date when the Minister’s notice is served) as may be specified in the notice written confirmation that he is such a producer, and any provisionally eligible producer who complies with that requirement shall be an eligible producer for the purposes of this Schedule.

(2) For the purposes of subparagraph (1) a “provisionally eligible producer” shall be a producer in Northern Ireland the aggregate of whose primary wholesale quota, net secondary wholesale quota and quota allocated from the exceptional hardship provision made available under paragraph 17 of Schedule

2 to the 1984 Regulations is less than 70 per cent of the aggregate of his primary wholesale quota, secondary wholesale quota and gross additional quota determined for the purposes of that exceptional hardship provision.

2. The Minister shall calculate, in respect of each eligible producer, what quantity of wholesale quota will compensate for the difference between the two aggregates mentioned in paragraph 1.

3. The Minister shall allocate quantities of dairy produce in any Northern Ireland wholesale provision to eligible producers in proportion to, and, so far as it is available, to the extent of the quantities calculated in respect of each eligible producer under paragraph 2.

4. Where any Northern Ireland wholesale provision is made or added to, the Minister shall by advertisement published in the Gazette announce the quantity of quota in that provision.

5. In this Schedule “producer” does not include a producer who has undertaken to cease milk production under the Milk Supplementary Levy (Outgoers) Scheme or any other scheme which provides payments to producers giving up such production for the duration of milk quotas or longer.

Regulation 37

SCHEDULE 18

DAIRY PRODUCE QUOTA TRIBUNALS

PART I—DAIRY PRODUCE QUOTA TRIBUNALS (OTHER THAN FOR SCOTLAND)

1. Each Dairy Produce Quota Tribunal shall consist of up to ninety members appointed by the Minister, including a Chairman appointed by him.
2. The quorum for any determination by a Dairy Produce Quota Tribunal shall be three.
3. Any determination to be made by a Dairy Produce Quota Tribunal shall be made by a majority.
4. Each Dairy Produce Quota Tribunal may be serviced by a Secretary and such other staff as the Minister may appoint.
5. Any document purporting to be signed by the Chairman of or the Secretary to a Dairy Produce Quota Tribunal and purporting to state a determination (or guidance of) the Dairy Produce Quota Tribunal shall in any proceedings be evidence of such a determination (or such guidance).
6. The terms of appointment and the remuneration of the members, Secretary and other staff of a Dairy Produce Quota Tribunal shall be determined by the Minister.
7. Except as otherwise provided in these regulations, the procedure of a Dairy Produce Quota Tribunal shall be such as their Chairman shall in his discretion determine.

PART II—THE DAIRY PRODUCE QUOTA TRIBUNAL FOR SCOTLAND

8. The Dairy Produce Quota Tribunal shall consist of twenty members appointed by the Minister.
9. The Dairy Produce Quota Tribunal shall sit in separate panels, and a determination of any such panel shall be treated as the determination of the Tribunal for the purpose of these regulations.
10. Each panel constituted under paragraph 9 shall choose their own Chairman.
11. The quorum for any determination by the Dairy Produce Quota Tribunal shall be three.
12. Any determination to be made by the Dairy Produce Quota Tribunal shall be made by a majority.
13. Each panel constituted under paragraph 9 shall be serviced by a Secretary and such other staff as the Minister may appoint.
14. Any document purporting to be signed by the Chairman of or the Secretary to a panel constituted under paragraph 9 and purporting to state a

determination of the Dairy Produce Quota Tribunal shall in any proceedings be evidence of such a determination.

15. The terms of appointment and the remuneration of—

- (a) the members of the Dairy Produce Quota Tribunal, and
- (b) the Secretary and other staff of a panel constituted under paragraph 9—

shall be determined by the Minister.

16. Except as otherwise provided in these regulations, the procedure of a panel constituted under paragraph 9 shall be such as their Chairman shall in his discretion determine.

17. A panel constituted under paragraph 9 may consult with any person whom the panel consider to be capable of assisting them in reaching their determination and, in the event of such consultation, the applicant whose special case claim is being examined by the panel shall be afforded the opportunity to comment, before the panel reach their determination, on any advice given by that person.

PART III—GENERAL

18. The Dairy Produce Quota Tribunals for England and Wales, Scotland and Northern Ireland shall, if so required by the Ministers, issue a joint written statement of general guidance in respect of the criteria to be used in reaching any determination in relation to direct sales quota, and each Dairy Produce Quota Tribunal shall make its determinations in accordance with those criteria.

19. Any function of appointing an arbitrator vested by these regulations in the Chairman of a Dairy Produce Quota Tribunal may be exercised—

- (a) outside Scotland, by any member thereof with permission of the Chairman, and
- (b) in Scotland, by any member thereof.

Regulation 38

SCHEDULE 19

REVOCATION

Column 1 Regulations revoked	Column 2 References
The Dairy Produce Quotas Regulations 1984	S.I. 1984/1047
The Dairy Produce Quotas (Definition of Base Year Revision Claims) Regulations 1984	S.I. 1984/1048
The Dairy Produce Quotas (Amendment) Regulations 1984	S.I. 1984/1538
The Dairy Produce Quotas (Amendment) (No. 2) Regulations 1984	S.I. 1984/1787
The Dairy Produce Quotas (Amendment) Regulations 1985	S.I. 1985/509

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations consolidate with amendments the Dairy Produce Quotas Regulations 1984 ("the 1984 Regulations") as amended and the Dairy Produce Quotas (Definition of Base Year Provision Claims) Regulations 1984. The 1984 Regulations implemented Council Regulation (EEC) No. 856/84(a) (which, (with Council Regulation 1557/84(b)), amended Council Regulation (EEC) No. 804/68(c) on the common organisation of the market in milk and milk products), Council Regulation (EEC) No. 857/84(d) as amended by Council Regulation (EEC) No. 1557/84 (which adopted general rules for the application of the levy referred to in Article 5c of Regulation (EEC) No. 804/68) and Commission Regulation (EEC) No. 1371/84(e) as amended by Commission Regulation (EEC) No. 1955/84(f), (which laid down detailed rules for the application of the levy). Under this Community legislation as now amended by the amendments listed in Schedules 1, 2 and 3 to these regulations a levy is charged on dairy produce sold by direct sale by a producer or delivered by him to a dairy business unless the sales of deliveries are within a reference quantity as therein described. The term "quota" is used in these regulations to correspond to reference quantity.

The main amendments are as follows:—

1. As a result of an amendment to Article 9.1 of Council Regulation (EEC) No. 857/84 levy is now collected annually rather than quarterly. All references to quarters, cumulative quarterly wholesale quota, and cumulative quarterly purchaser quota have therefore been deleted. This amendment implements Article 6 of Council Regulation (EEC) No. 1305/85.

2. The method of apportionment of quota on a change of occupation of part of a holding described in paragraphs 19(4)(b) of Schedules 1 and 2 to the 1984 Regulations has been abolished so that in the circumstances in which that method of apportionment would have applied under those Schedules, apportionment of quota will now be carried out by arbitration (paragraph 1(b) of Schedule 4).

3. Provision has been made for a prospective apportionment of quota to be made in respect of a part of a holding, and if there is a change of occupation of that part of the holding within 6 months of a prospective apportionment of quota the apportionment of quota will be carried out in accordance with that prospective apportionment (regulation 8(4) and Schedule 4, Part II).

4. Purchasers have been given a limited power to manage wholesale quota applicable to them within a quota year (regulation 11(2)—(4)).

5. Regulation 9D and Schedule 8 to the 1984 Regulations (inserted into those regulations by the Dairy Produce Quotas (Amendment) Regulations 1985 (S.I. 1985/509)) provided that the Minister would calculate unused quantities of quota for the year ending 31 March 1985, and provided how they should be

(a) O.J. No. L90, 1.4.84, p.10.

(b) O.J. No. L150, 6.6.84, p.6.

(c) O.J. No. L148, 28.6.68, p.13 (OJ/SE 1968 (I) p.176).

(d) O.J. No. L90, 1.4.84, p.13.

(e) O.J. No. L132, 18.3.84, p.11.

(f) O.J. No. L182, 10.7.84, p.10.

reallocated among purchasers and producers who would, without such reallocation, be liable to pay a levy, or more levy, under the Community legislation. The provision has been extended for another year by virtue of an amendment to Article 4a of Council Regulation (EEC) No. 857/84 effected by Article 3 of Council Regulation (EEC) No. 1305/85 (regulation 14 and Schedule 6).

6. Provision has been made for an allocation of quota to producers whose holding, or part of whose holding, was used by another person during the period with reference to which estimates of primary quota were calculated under the 1984 Regulations in pursuance of a statutory authority or power. Quota will be finally allocated to a producer under this provision if, and when, he reoccupies the land intending to restart milk production on that land (regulation 15 and Schedule 7).

7. Article 4(1)(c) of Council Regulation (EEC) No. 857/84 enables the Minister to grant additional quota to producers undertaking farming as their main occupation. In pursuance of this power the following amendments have been made—

- (a) The Minister is empowered to make and add to a supplementary development provision from wholesale quota in any running regional wholesale reserve. Quota from any such provision will be allocated among such producers who have a wholesale development award in proportion to the amount, if any, by which, on a date to be determined by the Minister, each such producer's wholesale quota falls short of a percentage to be determined by the Minister of the amount which his wholesale quota would have been had his wholesale development award been allocated to him in full (regulation 18 and Schedule 10).
- (b) The Minister is enabled to make and add to a general wholesale provision from wholesale quota in any regional running wholesale reserve and quota in any such provision would be allocated among such producers who have wholesale quota and have not been allocated any wholesale quota under Schedule 11 or 12 in proportion to each such producer's total wholesale quota (regulation 19 and Schedule 11).
- (c) The Minister is empowered to make and add to a small producer supplementary development provision from quota in the national direct sales reserve or in any running regional wholesale reserve. Quota in any such provision will be allocated among such producers who have a wholesale development award and the aggregate of whose direct sales quota and wholesale quota, on a date to be determined by the Minister, is less than 200,000 litres, in proportion to each such producer's wholesale development award (regulation 21 and Schedule 13).
- (d) The Minister is empowered to make and add to a self-supplying institutions provision from wholesale quota in any running regional wholesale reserve. Quota in such a provision will be allocated among such producers who before 1 November 1985 supplied milk otherwise than by direct sale to a direct seller or by wholesale delivery to a purchaser and who, pursuant to the Milk (Special Designation) (Amendment) Regulations 1985 (S.I. 1985/530) now have to deliver such milk to a purchaser (regulation 22 and Schedule 14).
- (e) The Department of Agriculture for Northern Ireland is empowered to make and add to a Northern Ireland wholesale provision from

wholesale quota in any running regional wholesale reserve. Quota in such a provision will be allocated among certain such producers in Northern Ireland, (regulation 25 and Schedule 17).

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