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STATUTORY INSTRUMENTS

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**1991 No. 832**

**FOOD**

**The Dairy Produce Quotas (Amendment) Regulations 1991**

<i>Made</i>	- - - -	<i>26th March 1991</i>
<i>Laid before Parliament</i>		<i>26th March 1991</i>
<i>Coming into force</i>	- -	<i>28th March 1991</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> 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, hereby make the following Regulations:—

**Title and commencement**

1. These Regulations may be cited as the Dairy Produce Quotas (Amendment) Regulations 1991 and shall come into force on 28th March 1991.

**Interpretation**

2. In these Regulations “the principal Regulations” means the Dairy Produce Quotas Regulations 1989<sup>(3)</sup>.

**Amendment of the principal Regulations**

3. The principal Regulations shall be amended in accordance with the following provisions of these Regulations.

**Definitions**

4. In regulation 2(1) of the principal Regulations, at the end of the definition of “appropriate date” there shall be added the following:

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(1) S.I. 1972/1811.

(2) 1972 c. 68.

(3) S.I. 1989/380, amended by S.I. 1990/132, 664 and 784.

“or, for the purposes of Schedule 9A, in the case of a producer who first had quota registered as his between 1st April 1989 and 28th February 1990, the date on which quota was first registered as his.”.

### **Reduction in quota**

5. After regulation 4 of the principal Regulations there shall be inserted the following regulation:

#### **“Reduction in quota**

**4A.**—(1) The Minister shall on 1st April 1991 reduce by 0.13% the wholesale quota and direct sales quota of each producer and shall transfer the quota thus subtracted to the appropriate running regional wholesale reserve or the national direct sales reserve, as the case maybe.

(2) For the purposes of this regulation “wholesale quota” includes suspended quota but excludes special quota.”.

### **Development provision**

6. In paragraph 1 of Schedule 8A to the principal Regulations, for sub-paragraphs (a) and (b) there shall be substituted the following sub-paragraphs:

- “(a) received a wholesale development award and held wholesale quota on 1st April 1989 in respect of which they made deliveries of milk or milk products between 1st April 1989 and 28th February 1990, or
- (b) received a wholesale development award and—
  - (i) on 1st April 1989 held only direct sales quota, having exchanged all their wholesale quota for direct sales quota under regulation 14, or
  - (ii) on 1st April 1989 held both wholesale quota and direct sales quota, and made direct sales of milk or milk products between 1st April 1989 and 28th February 1990.”.

### **Scotland and Northern Ireland Small Producer Supplementary Development Provision**

7. Paragraph 7 of Schedule 8B to the principal Regulations shall be omitted.

### **Northern Ireland Exceptional Hardship Provision**

8. Paragraph 8 of Schedule 9 to the principal Regulations shall be omitted.

### **Family-type holding provision**

9. In Schedule 9A to the principal Regulations:

- (a) in paragraph 1, after the word “deliveries” there shall be inserted the words “or direct sales”,
- (b) for paragraph 2 there shall be substituted the following paragraph:

**“2.** For the purposes of this Schedule a family-type holding is one in respect of which less than 200,000 litres of quota was identified on the registers prepared and maintained under regulation 25(1) and (2)—

- (a) on 1st April 1989, or
- (b) in the case of a producer to whom special quota was awarded as wholesale quota, on the date on which such quota was awarded to him, or

- (c) in the case of a producer who first had quota registered as his between 1st April 1989 and 28th February 1990, other than a producer to whom special quota was awarded, on the date on which quota was first registered as his.”, and
- (c) paragraph 7 shall be omitted.

**Remote Areas Provision**

- 10.** Paragraph 5 of Schedule 9B to the principal Regulations shall be omitted.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 25th March 1991.

L.S.

*John Selwyn Gummer*  
Minister of Agriculture, Fisheries and Food

*Strathclyde*  
Parliamentary Under Secretary of State, Scottish  
Office

26th March 1991

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

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

These Regulations further amend the Dairy Produce Quotas Regulations 1989 (“the principal Regulations”). The Regulations require the Minister to reduce the direct sales quota and wholesale quota of all producers by 0.13% and to transfer to the running regional wholesale reserve or national direct sales reserve the quota released as a result of the reduction (regulation 5). They also amend Schedules 8A and 9A of the principal Regulations to enable additional quota to be granted to producers who had a wholesale development award and held quota on 1st April 1989 but who made only direct sales (regulation 6) and to producers who occupy family-type holdings, who first had quota registered in their name in the period between 1st April 1989 and 28th February 1990 or who made only direct sales against their quota (regulations 4 and 9(a) and (b)). Provisions for reallocating unallocated quota awarded pursuant to Council Regulation 3880/89 are omitted (regulations 7, 8, 9(c) and 10).