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STATUTORY INSTRUMENTS

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**2008 No. 438**

**The Dairy Produce Quotas (General Provisions) (Amendment) Regulations 2008**

**Amendments**

**2.—(1)** For regulation 2 of the Dairy Produce Quotas (General Provisions) Regulations 2002<sup>(1)</sup>, substitute—

**“2.—(1)** In these Regulations—

“apparatus” means any drum, barrel, tank, pump, hose or any other item adapted or used for the purpose of producing or transporting milk or milk products;

“authorised officer” means a person (whether or not an officer of the relevant competent authority) who is authorised by the relevant competent authority, either generally or specifically for the purpose of these Regulations, to act under these Regulations;

“the Commission Regulation” means [Commission Regulation \(EC\) No 595/2004](#) laying down detailed rules for applying Council Regulation (EC) No 1788/2003 establishing a levy in the milk and milk products sector;

“the Community legislation” means the Commission Regulation and—

- (a) Article 55(1)(a),
- (b) Article 55(2), in so far as it relates to milk and other milk products, and
- (c) the provisions of, or referred to in, Section III of Chapter III of Part II, of the Council Regulation;

“the competent authority” means—

- (a) in England, the Secretary of State for Environment, Food and Rural Affairs,
- (b) in Wales, the Welsh Ministers,
- (c) in Scotland, the Scottish Ministers, and
- (d) in Northern Ireland, the Department of Agriculture and Rural Development;

“the Council Regulation” means Council Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation);

“dairy produce” means produce, expressed in kilograms or litres (one kilogram being 0.971 litres), in respect of which levy is payable;

“delivery” has the same meaning as in Article 65(f) of the Council Regulation, and “deliver” shall be construed accordingly;

“direct sale” has the same meaning as in Article 65(g) of the Council Regulation;

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<sup>(1)</sup> [S.I. 2002/458](#); relevant amending instruments are [S.I. 2005/466](#) and [S.I. 2007/477](#).

“direct sales quota” means the quantity of dairy produce which may be sold or transferred free of charge by direct sale by a producer in a quota year without that producer being liable to pay levy;

“holding” has the same meaning as in Article 65(d) of the Council Regulation;

“levy” means the surplus levy payable under the Community legislation;

“milk” has the same meaning as in Article 65(a) of the Council Regulation;

“premises” includes any vehicle;

“producer” has the same meaning as in Article 65(c) of the Council Regulation;

“purchaser” means a purchaser within the meaning of Article 65(e) of the Council Regulation;

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

“quota year” means any of the periods of 12 months referred to in Article 66(1) of the Council Regulation;

“relevant date”, in relation to a producer, purchaser or any other person, and for the purposes of any given quota year, means the beginning of that quota year;

“relevant offence” means an offence relating to—

- (a) any failure to comply with a requirement imposed by, or in implementation of, the Community legislation,
- (b) the making of any statement or use of any document which is false in a material particular, or
- (c) any disposal of incorrectly registered quota;

“relevant person” means a producer, a purchaser, any employee or agent of a producer or of a purchaser, any milk haulier, any person undertaking butterfat testing for purchasers in a laboratory, a processor of milk or milk products, or any other person involved in the buying, selling or supply of milk or milk products obtained directly from a producer or purchaser, but does not include a consumer of milk or milk products;

“relevant proceedings” means any criminal proceedings relating to a relevant offence;

“territory” means England, Wales, Scotland or Northern Ireland, as the case may be; and

“wholesale quota” means the quantity of milk which may be delivered to a purchaser by a producer in a quota year without that producer being liable to pay levy.

(2) References in these Regulations to—

- (a) Article 55(1)(a);
- (b) Article 55(2), in so far as it relates to milk and other milk products; and
- (c) the provisions of, or referred to in, Section III of Chapter III of Part II,

of the Council Regulation, and to the Commission Regulation, are references to those Articles and provisions and to the Commission Regulation as amended from time to time.”.

(2) In regulation 4, after “national reserve” insert “, set up pursuant to Article 71 of the Council Regulation,”.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Dairy Produce Quotas (General Provisions) (Amendment) Regulations 2008. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

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

- Regulations revoked by [S.S.I. 2018/391 sch. Pt. 2](#)
- Regulations revoked by [S.I. 2018/908 reg. 3\(j\)](#)