



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2000 Rhif 3123 (Cy. 201)

2000 No. 3123 (W. 201)

BWYD, CYMRU

FOOD, WALES

**Rheoliadau Cwotâu Cynhyrchion
Llaeth (Diwygio) (Cymru)
(Rhif 2) 2000**

**The Dairy Produce Quotas
(Amendment) (Wales) (No. 2)
Regulations 2000**

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn, sy'n dod i rym ar 29 Tachwedd 2000, yn diwygio ymhellach Reoliadau Cwotâu Cynhyrchion Llaeth 1997 (O.S. 1997/733) ("y prif Reoliadau") i'r graddau y maent yn gymwys i Gymru.

These Regulations, which come into force on 29th November 2000, further amend, in so far as they apply to Wales, the Dairy Produce Quotas Regulations 1997 (S.I. 1997/733) ("the principal Regulations").

Mae'r prif newidiadau a wneir gan y Rheoliadau hyn -

The principal changes made by these Regulations -

(a) yn ymestyn y diffiniad o "cynllun iawndal Cymunedol" i gynnwys yr un a sefydlwyd gan Reoliad y Cyngor (EC) Rhif 2330/98 sy'n darparu bod iawndal yn cael ei gynnig i gynhyrchwyr penodol llaeth a chynhyrchion llaeth sydd wedi'u cyfyngu dros dro rhag cyflawni eu masnach (OJ Rhif L291, 30.10.98, t.4) (rheoliad 3(a));

(a) extend the definition of "Community compensation scheme" to include that instituted by Council Regulation (EC) No.2330/98 providing for an offer of compensation to certain producers of milk and milk products temporarily restricted in carrying out their trade (OJ No. L291, 30.10.98, p.4)(regulation 3(a));

(b) yn dileu Islay o'r trefniadau cwota llaeth penodol sy'n gymwys i Ynysoedd yr Alban (rheoliad 3(b)) ac yn egluro i ba raddau ac ym mha ffordd y mae'r trefniadau hynny'n gymwys (rheoliad 4);

(b) remove Islay from the particular milk-quota arrangements applying in relation to the Scottish Islands (regulation 3(b)) and clarify the extent and application of those arrangements (regulation 4);

(c) yn ymestyn y cyfnod (o 28 i 56 o ddiwrnodau, yn ddarostyngedig i ddyddiad terfynol o 14 Mai yn y flwyddyn gwota nesaf sy'n dilyn) y bydd rhaid i brynwyr hysbysu'r Bwrdd Ymyrraeth o unrhyw gynhyrchydd sydd newydd gofrestru gyda hwy o'i fewn (rheoliad 5(a)(ii));

(c) extend the period (from 28 to 56 days, subject to a final date of 14th May in the next following quota year) within which purchasers shall notify the Intervention Board of any producer's newly registering with them (regulation 5(a)(ii));

(ch) drwy reoliad 6(4A) newydd o'r prif Reoliadau, yn egluro pwy sy'n cael caniatâd, ai prynwr gwreiddiol ynteu prynwr newydd llaeth cynhyrchydd, i wneud cais i'w gwota gael ei addasu o ganlyniad i newidiadau dilynol yn lefel nodweddiadol y braster a

(d) by way of new regulation 6(4A) of the principal Regulations, make clear who, as between an original purchaser and a new purchaser of a producer's milk, is permitted to apply for adjustments to his quota consequent upon subsequent changes to the representative fat content of that producer's milk

geir yn llaeth y cynhyrchydd hwnnw (rheoliad 5(c));

(d) yn dileu'r gofyniad (gynt yn rheoliad 11(5) o'r prif Reoliadau), a oedd yn gymwys yn achos trosglwyddo cwota heb drosglwyddo tir hefyd, ar ôl i'r trosglwyddiad gael ei gymeradwyo gan y Bwrdd Ymyrraeth, i'r trosglwyddai ddarparu datganiad i'r Bwrdd ynghylch y cwota a ddefnyddid a'r cwota nas defnyddid a oedd ar gael iddo ef ac i'r trosglwyddwr ar ddyddiad y trosglwyddiad (rheoliad 6(c));

(dd) drwy reoliad 11(7) diwygiedig yn y prif Reoliadau, yn ymestyn gallu'r Bwrdd Ymyrraeth i ryddhau trosglwyddai o'i ymrywmiaid, fel bod y pŵer yn gymwys nid yn unig lle mae amgylchiadau eithriadol yn arwain at ostyngiad sylweddol yn y llaeth sy'n cael ei gynhyrchu, ond hefyd lle maent yn arwain at fethiant sylweddol â sicrhau cynnydd a gynlluniwyd yn y llaeth sy'n cael ei gynhyrchu (rheoliad 6(d));

(e) yn egluro'r sail y gellir ail-ddyrano cwota dros ben dros dro arni (rheoliad 7(a)) ac yn dileu o gategori'r cynhyrchwyr sy'n gymwys i gael ailddyraniadau dros dro o'r fath y cynhyrchwyr y mae cydnabyddiaeth ffurfiol bod yna gamgymeriad wrth gyfrifo eu hardoll yn effeithio arnynt (rheoliad 7(b));

(f) yn galluogi'r Bwrdd Ymyrraeth, yng nghydestun penderfyniad i drosi cwota cynhyrchydd yn barhaol ac os bydd amgylchiadau eithriadol wedi arwain at ostyngiad arwyddocaol yn y llaeth sy'n cael ei gynhyrchu neu fethiant arwyddocaol â sicrhau cynnydd a gynlluniwyd yn y llaeth sy'n cael ei gynhyrchu, i ryddhau'r cynhyrchydd hwnnw o'r cyfyngiad a fyddai fel arall yn ei atal rhag trosglwyddo allan gwota o'r math y mae wedi trosi iddo yn yr un flwyddyn gwota â'r un y digwyddodd y trosi hwnnw ynddi (rheoliad 8);

(ff) yn caniatáu i'r Bwrdd Ymyrraeth ei gwneud yn ofynnol i'r cyfryw bersonau a ddiffinir fel "relevant persons" yn rheoliad 30(6) o'r prif Reoliadau gynnal a chadw cofnodion (rheoliad 11);

(g) yn ymestyn y tramgwydd a ddisgrifir yn rheoliad 31(1)(b) o'r prif Reoliadau i gynnwys achosi elfennau o'r tramgwydd hwnnw (rheoliad 12).

Mae Arfarniad Rheoleiddio wedi'i baratoi ar gyfer y Rheoliadau hyn, ac mae copi ohono ar gael oddi wrth Gynulliad Cenedlaethol Cymru, Yr Adran Amaethyddiaeth, Parc Cathays, Caerdydd CF10 3NQ.

(regulation 5(c));

(e) remove the requirement (previously at regulation 11(5) of the principal Regulations) which applied in the case of a transfer of quota made without there also being a transfer of land that, after the transfer has been approved by the Intervention Board, the transferee furnish the Board with a statement of used and unused quota available both to him and to the transferor on the date of transfer (regulation 6(c));

(f) by way of an amended regulation 11(7) of the principal Regulations, extend the Intervention Board's ability to release a transferee from his undertaking, so that the power applies not only where exceptional circumstances result in a significant fall in milk production, but also where they result in a significant failure to achieve a planned increase in milk production (regulation 6(d));

(g) clarify the basis on which temporary reallocations of surplus quota may be made (regulation 7(a)) and remove from the category of producers eligible to receive such temporary reallocations those who are affected by a formal acknowledgement of an error in their levy calculation (regulation 7(b));

(h) enable the Intervention Board, in the context of a producer's permanent conversion of quota and in the event that exceptional circumstances have resulted in a significant fall in milk production or a significant failure to achieve a planned increase in milk production, to release that producer from the restriction that would otherwise prevent him from transferring out quota of the type to which he has converted in the same quota year as the one in which that conversion took place (regulation 8);

(i) permit the Intervention Board to require "relevant persons" (as defined in regulation 30(6) of the principal Regulations) to keep and retain records (regulation 11);

(j) extend the offence described in regulation 31(1)(b) of the principal Regulations to include the causing of the elements of that offence (regulation 12).

A Regulatory Appraisal has been prepared in respect of these regulations, a copy of which is available from the National Assembly for Wales, Agriculture Department, Cathays Park, Cardiff CF10 3NQ.

2000 Rhif 3123 (Cy. 201)**2000 No. 3123 (W. 201)****BWYD, CYMRU****FOOD, WALES****Rheoliadau Cwotâu Cynhyrchion
Llaeth (Diwygio) (Cymru)
(Rhif 2) 2000****The Dairy Produce Quotas
(Amendment) (Wales) (No. 2)
Regulations 2000***Wedi'u gwneud* 23 Tachwedd 2000*Made* 23rd November 2000*Yn dod i rym* 29 Tachwedd 2000*Coming into force* 29th November 2000

Mae Cynulliad Cenedlaethol Cymru, gan ei fod wedi'i ddynodi(a) at ddibenion adran 2(2) o Ddeddf y Cymunedau Ewropeaidd 1972(b) mewn perthynas â pholisi amaethyddol cyffredin y Gymuned Ewropeaidd, a thrwy arfer y pwerau a roddwyd iddo gan yr adran 2(2) a enwyd drwy hyn yn gwneud y Rheoliadau canlynol -

The National Assembly for Wales, being 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 Community, in exercise of the powers conferred on it by the said section 2(2), hereby makes the following Regulations -

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Cwotâu Cynhyrchion Llaeth (Diwygio) (Cymru) (Rhif 2) 2000 a deuant i rym ar 29 Tachwedd 2000.

Title and commencement

1. These Regulations may be cited as the Dairy Produce Quotas (Amendment) (Wales) (No. 2) Regulations 2000 and shall come into force on 29th November 2000.

**Diwygio Rheoliadau Cwotâu Cynhyrchion Llaeth
1997**

2. Diwygir Rheoliadau Cwotâu Cynhyrchion Llaeth 1997(c), i'r graddau y maent yn gymwys i Gymru, yn unol â rheoliadau 3 i 13 o'r Rheoliadau hyn.

**Amendment of the Dairy Produce Quotas
Regulations 1997**

2. The Dairy Produce Quotas Regulations 1997(c) shall be amended, in so far as they apply in Wales, in accordance with regulations 3 to 13 of these Regulations.

3. Yn rheoliad 2 (dehongli) ym mharagraff (1) -

3. In regulation 2 (interpretation), in paragraph (1) -

(a) yn y diffiniad o'r "Community compensation scheme", ar ddiwedd y diffiniad mewnosodir y geiriau -

(a) in the definition of "the Community compensation scheme", at the end of that definition there shall be inserted the words -

"or the scheme instituted by Council Regulation (EC) No. 2330 / 98 providing for an offer of compensation to certain producers of milk and milk products temporarily restricted in carrying out their trade and Commission Regulation (EC) No. 2647/98 laying down detailed rules for the application of Council

"or the scheme instituted by Council Regulation (EC) No. 2330 / 98 providing for an offer of compensation to certain producers of milk and milk products temporarily restricted in carrying out their trade and Commission Regulation (EC) No. 2647/98 laying down detailed rules for the application of Council

(a) Yn rhinwedd Gorchymyn y Cymunedau Ewropeaidd (Dynodi) (Rhif 3) 1999 (O.S. 1999/2788).

(a) By virtue of the European Communities (Designation) (No. 3) Order 1999 (S.I. 1999/2788).

(b) 1972 p.68.

(b) 1972 c.68.

(c) O.S. 1997/733; y diwygiadau perthnasol yw O.S. 1997/1093 a 2000/698.

(c) S.I. 1997/733; relevant amendments are S.I. 1997/1093 and 2000/698.

Regulation (EC) No. 2330 / 98, or both those schemes” (a) (b);

- (b) ym mharagraff (c) o’r diffiniad o “Scottish Islands area” dilëir y gair “Islay”.

4. Yn union ar ôl rheoliad 3 mewnosodir y rheoliad canlynol -

“Scottish Islands area

3A.-(1) Quota registered to direct sellers and producers within any Scottish Islands area can only be used by producers and purchasers against direct sales or wholesale deliveries of milk produced within that Scottish Islands area.

(2) The requirement in paragraph (1) does not apply to the reallocation of quota undertaken in accordance with Schedule 5.

(3) In this regulation -

- (a) “direct seller” and “producer” include a person who occupies land with quota whether or not that person is engaged in the sale or delivery of dairy produce; and
- (b) a direct seller or producer within a Scottish Islands area means a direct seller or producer who has 50% or more of his dairy enterprise within that Scottish Islands area.”.

5. Yn rheoliad 6 (addasu cwota prynwr) -

(a) ym mharagraff (2) -

- (i) dilëir y geiriau “or on any permanent conversion of quota under regulation 16,” a’r geiriau “or such a conversion of quota”;

(ii) yn lle is-baragraff (a) rhoddir yr is-baragraff canlynol -

“(a) within 56 days of the date of such transaction and in any case on or before 14th May in the quota year immediately following the quota year in which that transaction took place, a statement setting out particulars of the transaction; and”

(b) ym mharagraff (4) -

- (i) yn lle’r gair “Where” ar ddechrau’r paragraff hwnnw rhoddir y geiriau “Subject to paragraph (4A), where”;
- (ii) yn is-baragraff (a), yn lle’r geiriau “have his purchaser quota” rhoddir y geiriau “request of the Intervention Board (in such form as the latter may reasonably require) that his purchaser quota be”;

(c) yn union ar ôl paragraff (4) mewnosodir y paragraffau canlynol -

Regulation (EC) No. 2330 / 98, or both those schemes” (a) (b);

- (b) in paragraph (c) of the definition of “Scottish Islands area” the word “Islay” shall be deleted.

4. Immediately after regulation 3 there shall be inserted the following regulation -

“Scottish Islands area

3A.-(1) Quota registered to direct sellers and producers within any Scottish Islands area can only be used by producers and purchasers against direct sales or wholesale deliveries of milk produced within that Scottish Islands area.

(2) The requirement in paragraph (1) does not apply to the reallocation of quota undertaken in accordance with Schedule 5.

(3) In this regulation -

- (a) “direct seller” and “producer” include a person who occupies land with quota whether or not that person is engaged in the sale or delivery of dairy produce; and
- (b) a direct seller or producer within a Scottish Islands area means a direct seller or producer who has 50% or more of his dairy enterprise within that Scottish Islands area.”.

5. In regulation 6 (adjustment of purchaser quota) -

(a) in paragraph (2) -

- (i) the words “or on any permanent conversion of quota under regulation 16,” and the words “or such a conversion of quota” shall be deleted;

(ii) for sub-paragraph (a) there shall be substituted the following sub-paragraph -

“(a) within 56 days of the date of such transaction and in any case on or before 14th May in the quota year immediately following the quota year in which that transaction took place, a statement setting out particulars of the transaction; and”

(b) in paragraph (4) -

- (i) for the word “Where” at the beginning of that paragraph there shall be substituted the words “Subject to paragraph (4A), where”;
- (ii) in sub-paragraph (a), for the words “have his purchaser quota” there shall be substituted the words “request of the Intervention Board (in such form as the latter may reasonably require) that his purchaser quota be”;

(c) immediately after paragraph (4) there shall be inserted the following paragraphs -

(a) OJ Rhif L291, 30.10.98, t.4.

(b) OJ Rhif L335, 10.12.98, t.33.

(a) OJ No. L291, 30.10.98, p.4.

(b) OJ No. L335, 10.12.98, p.33.

“(4A) Where the amount of quota necessary to cover the deliveries made to an original purchaser and referred to in paragraph (4)(b) is affected by an adjustment of the quantity delivered by the producer (being an adjustment in accordance with the second sub-paragraph of Article 2(2) of the Commission Regulation) -

- (a) in the event that an increase in the original purchaser’s quota is necessary to cover the deliveries made to him by the producer, the original purchaser may apply to the Intervention Board (in such form as the latter may reasonably require) to assess and make such increase, and make a corresponding reduction in the purchaser quota of the purchaser (or purchasers) with whom the producer is newly registered, and
- (b) in the event that a reduction is capable of being made to the quota of an original purchaser who has more than is necessary to cover the deliveries made to him by the producer, any purchaser with whom the producer is newly registered and who requires an increase in purchaser quota to cover the deliveries made by the producer to him may apply to the Intervention Board (in such form as the latter may reasonably require) to assess and make the appropriate reduction, and make a corresponding increase in the purchaser quota of the said purchaser with whom the producer is newly registered,

and in each case upon such application the Intervention Board shall make the assessment requested and the appropriate adjustment.

(4B) An application under paragraph (4A)(a) or (b) shall be made no later than 15th June in the quota year immediately following the quota year during which the producer changed from being registered with the original purchaser to being registered with the other purchaser in question.”.

6. Yn rheoliad 11 (trosglwyddo cwota heb drosglwyddo tir) -

- (a) ym mharagraff (1), dilëir y geirau “8th May 1997 or” a “(whichever is the later)” ;
- (b) ym mharagraff (2), yn is-baragraff (a), ar ôl y gair “quota” mewnosodir y geiriau “, stating the amounts of used and unused quota transferred”;
- (c) dilëir paragraffau (5) a (6);
- (ch) yn lle paragraff (7) rhoddir y paragraff canlynol -

“(7) Where an application to transfer quota without transfer of land has been approved

“(4A) Where the amount of quota necessary to cover the deliveries made to an original purchaser and referred to in paragraph (4)(b) is affected by an adjustment of the quantity delivered by the producer (being an adjustment in accordance with the second sub-paragraph of Article 2(2) of the Commission Regulation) -

- (a) in the event that an increase in the original purchaser’s quota is necessary to cover the deliveries made to him by the producer, the original purchaser may apply to the Intervention Board (in such form as the latter may reasonably require) to assess and make such increase, and make a corresponding reduction in the purchaser quota of the purchaser (or purchasers) with whom the producer is newly registered, and
- (b) in the event that a reduction is capable of being made to the quota of an original purchaser who has more than is necessary to cover the deliveries made to him by the producer, any purchaser with whom the producer is newly registered and who requires an increase in purchaser quota to cover the deliveries made by the producer to him may apply to the Intervention Board (in such form as the latter may reasonably require) to assess and make the appropriate reduction, and make a corresponding increase in the purchaser quota of the said purchaser with whom the producer is newly registered,

and in each case upon such application the Intervention Board shall make the assessment requested and the appropriate adjustment.

(4B) An application under paragraph (4A)(a) or (b) shall be made no later than 15th June in the quota year immediately following the quota year during which the producer changed from being registered with the original purchaser to being registered with the other purchaser in question.”.

6. In regulation 11 (transfer of quota without transfer of land) -

- (a) in paragraph (1), the words “8th May 1997 or” and “(whichever is the later)” shall be deleted;
- (b) in paragraph (2), in sub-paragraph (a), after the word “quota” there shall be inserted the words “, stating the amounts of used and unused quota transferred”;
- (c) paragraphs (5) and (6) shall be deleted;
- (d) for paragraph (7) there shall be substituted the following paragraph -

“(7) Where an application to transfer quota without transfer of land has been approved

by the Intervention Board, the Intervention Board may wholly or partly release a transferee from the undertaking referred to in paragraph (2)(d)(i) where it is satisfied that the release is justified in the light of exceptional circumstances resulting in a significant fall in milk production or a significant failure to achieve a planned increase in milk production which, in either case, could not have been avoided or foreseen by the transferee at the time of the submission of the application under paragraph (1), and such release shall be to the extent that is required so as to permit the transfer of the amount of quota that the Intervention Board considers has remained unused in the particular case.”;

- (d) ym mharagraff 8, is-baragraff (h), dilëir y gair “;and” yn union ar ôl is-baragraff (g).-

7. Yn rheoliad 14 (ailddyrranu cwota dros dro) -

- (a) yn lle paragraff (1) rhoddir y paragraff canlynol -

“(1) For the purposes of the reallocation of quota referred to in Article 2(1) of the Council Regulation, in so far as that reallocation relates to certain priority categories of producer who (under Article 2(4) of that Regulation and Article 5 of the Commission Regulation) may be determined as entitled to a redistribution of levy in the event of any levy being collected in excess of the levy actually due, the Intervention Board may, for any quota year, award to a producer referred to in paragraph (2) a temporary reallocation of an amount of any surplus quota, in accordance with the provisions of this regulation.”;

- (b) ym mharagraff (2), dilëir is-baragraff (a);

- (c) dilëir paragraffau (6) a (7).

8. Yn rheoliad 16 (trosi cwota) -

- (a) ym mharagraff (4), yn lle’r geiriau “paragraph (5)” rhoddir y geiriau “paragraphs (5) and (6)”;

- (b) yn lle paragraff (5) rhoddir y paragraffau canlynol -

“(5) Where, upon application to the Intervention Board by a producer who has permanently converted quota in any quota year, the Intervention Board is satisfied that exceptional circumstances of a type described in regulation 11(8) have resulted in a significant fall in milk production or a significant failure to achieve a planned

by the Intervention Board, the Intervention Board may wholly or partly release a transferee from the undertaking referred to in paragraph (2)(d)(i) where it is satisfied that the release is justified in the light of exceptional circumstances resulting in a significant fall in milk production or a significant failure to achieve a planned increase in milk production which, in either case, could not have been avoided or foreseen by the transferee at the time of the submission of the application under paragraph (1), and such release shall be to the extent that is required so as to permit the transfer of the amount of quota that the Intervention Board considers has remained unused in the particular case.”;

- (e) in paragraph 8, sub-paragraph (h), the word “;and” immediately following sub-paragraph (g), shall be deleted.

7. In regulation 14 (temporary reallocation of quota) -

- (a) for paragraph (1) there shall be substituted the following paragraph -

“(1) For the purposes of the reallocation of quota referred to in Article 2(1) of the Council Regulation, in so far as that reallocation relates to certain priority categories of producer who (under Article 2(4) of that Regulation and Article 5 of the Commission Regulation) may be determined as entitled to a redistribution of levy in the event of any levy being collected in excess of the levy actually due, the Intervention Board may, for any quota year, award to a producer referred to in paragraph (2) a temporary reallocation of an amount of any surplus quota, in accordance with the provisions of this regulation.”;

- (b) in paragraph (2), sub-paragraph (a) shall be deleted;

- (c) paragraphs (6) and (7) shall be deleted.

8. In regulation 16 (conversion of quota) -

- (a) in paragraph (4), for the words “paragraph (5)” there shall be substituted the words “paragraphs (5) and (6)”;

- (b) for paragraph (5) there shall be substituted the following paragraphs -

“(5) Where, upon application to the Intervention Board by a producer who has permanently converted quota in any quota year, the Intervention Board is satisfied that exceptional circumstances of a type described in regulation 11(8) have resulted in a significant fall in milk production or a significant failure to achieve a planned

increase in milk production and it is of the opinion that such could have been neither foreseen nor avoided by the producer at the time of his permanent conversion, it may, in the same quota year in which the permanent conversion occurred, release that producer from the restriction in paragraph (4), and such release shall be to the extent that is required so as to allow the transfer of the amount of quota that the Intervention Board considers has remained unused in the particular case.

- (6) The restriction in paragraph (4) shall not apply to any producer who, in the immediately preceding quota year, has temporarily converted quota.”.

9. Yn rheoliad 25 (archwilio cofnodion yng nghofrestrau'r Bwrdd Ymyrraeth) -

- (a) dilëir y geiriau “in writing”, lle maent yn ymddangos gyntaf;
- (b) yn is-baragraff (a), ar ôl y gair “entry” yn yr ail le y mae'n digwydd, mewnosodir y geiriau “, or by anyone being the agent of such a person”.

10. Yn rheoliad 30 (pwerau swyddogion awdurdodedig) ym mharagraff (6) yn union ar ôl y gair “regulation” mewnosodir y geiriau “and in regulation 30A”.

11. Yn union ar ôl rheoliad 30 mewnosodir y rheoliad canlynol -

“Keeping and retention of records

30A. Without prejudice to regulation 3 of the Common Agricultural Policy (Protection of Community Arrangements) Regulations 1992(a), the Intervention Board may by notice in the London Gazette require any relevant person to keep and retain, in respect of any matter governed by these Regulations, such records and for such a period as may be specified in that notice.”.

12. Yn rheoliad 31 (cosbau), ym mharagraff (1), yn lle is-baragraff (b) rhoddir yr is-baragraff canlynol -

- “(b) in connection with these Regulations or the Community legislation, makes or causes to be made a statement or uses or causes to be used a document which he knows to be false in a material particular or recklessly makes or causes to be made a statement or recklessly uses or causes to be used a document which is false in a material particular; or”.

13. Yn Atodlen 5 (ailddyrranu cwota a chyfrifo rhwymedigaeth ardoll), ym mharagraffau 8 a 18 ill dau, yn lle'r geiriau “within 45 days of” rhoddir y

increase in milk production and it is of the opinion that such could have been neither foreseen nor avoided by the producer at the time of his permanent conversion, it may, in the same quota year in which the permanent conversion occurred, release that producer from the restriction in paragraph (4), and such release shall be to the extent that is required so as to allow the transfer of the amount of quota that the Intervention Board considers has remained unused in the particular case.

- (6) The restriction in paragraph (4) shall not apply to any producer who, in the immediately preceding quota year, has temporarily converted quota.”.

9. In regulation 25 (inspection of entries in the Intervention Board's registers) -

- (a) the words “in writing”, in the first place that they occur, shall be deleted;
- (b) in sub-paragraph (a), after the word “entry” in the second place that it occurs, there shall be inserted the words “, or by anyone being the agent of such a person”.

10. In regulation 30 (powers of authorised officers), in paragraph (6), immediately after the word “regulation” there shall be inserted the words “and in regulation 30A”.

11. Immediately after regulation 30 there shall be inserted the following regulation -

“Keeping and retention of records

30A. Without prejudice to regulation 3 of the Common Agricultural Policy (Protection of Community Arrangements) Regulations 1992(a), the Intervention Board may by notice in the London Gazette require any relevant person to keep and retain, in respect of any matter governed by these Regulations, such records and for such a period as may be specified in that notice.”.

12. In regulation 31 (penalties), in paragraph (1), for sub-paragraph (b) there shall be substituted the following sub-paragraph -

- “(b) in connection with these Regulations or the Community legislation, makes or causes to be made a statement or uses or causes to be used a document which he knows to be false in a material particular or recklessly makes or causes to be made a statement or recklessly uses or causes to be used a document which is false in a material particular; or”.

13. In Schedule 5 (reallocation of quota and calculation of levy liability), in both paragraphs 8 and 18, for the words “within 45 days of” there shall be

(a) O.S. 1992/314.

(a) S.I. 1992/314.

geiriau “on or before 14th May immediately following”.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a).

23 Tachwedd 2000

Dirpwy Lywydd y Cynulliad Cenedlaethol

substituted the words “on or before 14th May immediately following”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a).

23rd November 2000

John Marek

The Deputy Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2000 Rhif 3123 (Cy. 201)

BWYD, CYMRU

**Rheoliadau Cwotâu Cynhyrchion
Llaeth (Diwygio) (Cymru)
(Rhif 2) 2000**

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2000 No. 3123 (W. 201)

FOOD, WALES

**The Dairy Produce Quotas
(Amendment) (Wales) (No. 2)
Regulations 2000**

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