
WELSH STATUTORY INSTRUMENTS

2006 No. 762 (W.72)

FOOD, WALES

**The Dairy Produce Quotas (Wales)
(Amendment) Regulations 2006**

Made - - - - *14 March 2006*
Coming into force - - *31 March 2006*

The National Assembly for Wales has been designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the common agricultural policy of the European Community and makes the following Regulations under the powers conferred by that section.

Title commencement and application

1. The title of these Regulations is the Dairy Produce Quotas (Wales) (Amendment) Regulations 2006 and they come into force on 31 March 2006. These Regulations apply in relation to Wales.

Amendment of the Dairy Produce Quotas (Wales) Regulations 2005

2. The Dairy Produce Quotas (Wales) Regulations 2005⁽³⁾ are amended as follows.
3. In regulation 16(3), before the word “quota” insert “, as unused, ”.
4. In regulation 23(4)(a), for “reach the National Assembly no later than” substitute “be sent to the National Assembly on or before”.
5. In regulation 33(5)—
 - (a) for “provide the National Assembly with” substitute “send to the National Assembly”;
 - (b) for “and ensure that the list reaches it no later than” substitute “on or before”.
6. In regulation 35—
 - (a) in paragraph (1)(a)—
 - (i) for “submit” (wherever occurring) substitute “send”;
 - (ii) omit “so that the declaration reaches it”;
 - (b) in paragraph (1)(b)—

⁽¹⁾ S.I. 2005/2766.

⁽²⁾ 1972 c. 68.

⁽³⁾ S.I. 2005/537 (W.47).

- (i) for “submit” (wherever occurring) substitute “send”;
 - (ii) omit “so that the summary reaches it”;
 - (c) in paragraph (2), for “submitted” substitute “sent”.
7. In regulation 36—
- (a) in paragraph (1), for “and (3)” substitute “to (3)”;
 - (b) after paragraph (2), insert—
 - “(2A) Where a purchaser—
 - (a) sends to the National Assembly a summary of producers' statements required to be submitted under Article 8(2) of the Commission Regulation, which is inaccurate; and
 - (b) by doing so causes an overstatement or an understatement by him or her, of deliveries made to him or her,he or she is liable to pay to the National Assembly a penalty equivalent to the theoretical amount of levy that would be due on 0.5% of the quantity by volume of milk which comprises the overstatement or understatement.”;
 - (c) in paragraph (6)—
 - (i) after “liable to pay to the National Assembly” insert “, if it serves notice,”;
 - (ii) at the end add “starting on the thirtieth day after service of the notice”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(4)

14 March 2006

D. Elis-Thomas
The Presiding Officer of the National Assembly

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 31 March 2006, amend the Dairy Produce Quotas (Wales) Regulations 2005 ([S.I. 2005/537](#)) (“the 2005 Regulations”).

The 2005 Regulations implement Council Regulation ([EC](#)) No. 1788/2003 establishing a levy in the milk and milk products sector (OJ No. L 279, 21.10.2003, p.123) and 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 (OJ No. L 94, 31.3.2004, p.22) (“the Commission Regulation”).

Regulation 3 corrects an error in regulation 16 of the 2005 Regulations preventing the transfer of quota necessary to cover production taking place before the date of transfer. The amendment provides that such quota may be transferred, but cannot be identified as unused quota.

Regulations 4 to 6 amend provisions requiring dairy producers and purchasers to provide information to the National Assembly by a specified date. The requirement is that the information is sent to the National Assembly on or before that date.

Regulation 7 corrects an omission in regulation 36 of the 2005 Regulations to penalise purchasers who send inaccurate summaries of production required to be submitted under Article 8(2) of the Commission Regulation. It also provides that the penalty for purchasers who fail to submit a summary as required by Article 8(4) of the Commission Regulation before 1 July in the year in which it is required applies 30 days after the service of a notice by the National Assembly to this effect.

A Regulatory Appraisal of the effect which this instrument will have on the costs of business has been prepared and copies can be obtained from the National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ.