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WELSH STATUTORY INSTRUMENTS

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**2005 No. 537**

**The Dairy Produce Quotas (Wales) Regulations 2005**

**PART 5**

**THE LEVY**

**Reallocation of producers' quota**

27.—(1) This regulation applies for the purposes of Article 10(3) of the Council Regulation (which concerns the calculation of levy on deliveries).

(2) After the end of each quota year, the National Assembly must determine for each producer the amount, if any, of unused quota available to that producer, taking into account any adjustment required under regulation 25(4) and the amount of any converted quota.

(3) If the National Assembly determines pursuant to paragraph (2) that a producer has unused quota, it must —

- (a) add the total amount of unused quota to the national reserve;
- (b) subject to paragraph (4), make an award of any temporary reallocation of quota in accordance with regulation 19; and
- (c) having made such an award, reallocate any remaining amount of unused quota to any producers whose deliveries are in excess of their quotas in proportion to their respective quotas.

(4) The amount of an award made under paragraph (3)(b) shall be reduced proportionately if there is insufficient quota after the National Assembly has complied with paragraph (3)(a) to make a full award to all producers who are eligible to receive a temporary allocation of quota under regulation 19.

(5) Subject to paragraph (6), if the total amount of unused quota available for reallocation to a producer under paragraph (3)(c) is not required by that producer to cover his or her butterfat adjusted deliveries, the National Assembly must reallocate the amount of unused quota not required amongst all producers whose butterfat adjusted deliveries are in excess of their quota in proportion to their respective quotas.

(6) No producer may receive any unused quota under paragraph (5) in excess of the amount of quota required by him or her to cover the amount by which his or her butterfat adjusted deliveries exceed his or her quota.

(7) In this regulation, “butterfat adjusted deliveries” means deliveries adjusted for butterfat content in accordance with Article 10(1) of the Commission Regulation.