
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 391

FOOD

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

Made - - - - - *7th November 2000*
Laid before the Scottish
Parliament - - - - - *8th November 2000*
Coming into force - - - - - *29th November 2000*

The Scottish Ministers, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972^{F1} and of all other powers enabling them in that behalf, hereby make the following Regulations:

F1 1972 c.68; section 2(2) was amended by the [Scotland Act 1998 \(c.46\), Schedule 8, paragraph 15\(3\)](#). The function conferred upon the Minister of the Crown under section 2(2) of the European Communities Act 1972, insofar as within devolved competence, was transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998.

Citation, commencement and extent

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

(2) These Regulations extend to Scotland only.

Amendment of the Dairy Produce Quotas Regulations 1997

2. The Dairy Produce Quotas Regulations 1997^{F2} shall be amended in accordance with regulations 3 to 13 of these Regulations.

F2 [S.I. 1997/733](#); relevant amending instruments are [S.I. 1997/1093](#), and [S.S.I. 2000/52](#).

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

(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^{F3} 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^{F4} laying down detailed rules for the application of Council Regulation (EC) No. 2330/98”;

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

F3 O.J. No. L 291, 30.10.98, p.4.
F4 O.J. No. L 335, 10.12.98, p.33.

4. 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) Where a direct seller or producer has a part of his dairy enterprise outside the Scottish Islands area, he shall be treated for the purposes of this regulation as a direct seller or producer within any Scottish Islands area if he has 50% or more of his dairy enterprise within the Scottish Islands area.

(3) Paragraph (1) shall not apply to the reallocation of quota undertaken in accordance with Schedule 5.

(4) For the purposes of this regulation “direct seller” and “producer” shall have the meaning as assigned to them by regulation 24(6).”.

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 omitted;

- (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) after paragraph (4) there shall be inserted the following paragraphs:–

“(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 such 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 omitted;
- (b) in paragraph (2)(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 omitted;
- (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.”;

- (e) in paragraph 8–
 - (i) the word “; and” following sub-paragraph (g); and
 - (ii) sub-paragraph (h),shall be omitted.

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