STATUTORY RULES OF NORTHERN IRELAND

2008 No. 70

FOOD

Dairy Produce Quotas (Amendment) Regulations (Northern Ireland) 2008

Made - - - - 25th February 2008

Coming into operation- 1st April 2008

The Department of Agriculture and Rural Development is 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.

These Regulations make provision for a purpose mentioned in that section and it appears to the Department of Agriculture and Rural Development that it is expedient for—

(a) the references in these Regulations to—

(i) Article 55(1)(a),

(ii) Article 55(2), in so far as it relates to milk and other milk products, and

(iii) the provisions of, or referred to in, Section III of Chapter III of Part II,

of Council Regulation (EC) No 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)(**3**);

(b) the references in these Regulations to 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(**4**),

to be construed as references to those Articles and provisions and to that Commission Regulation as amended from time to time.

The Department of Agriculture and Rural Development makes the following Regulations in exercise of the powers conferred on it by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972(**5**).

(**1**) S.I. 2000/2812.
(**2**) 1972 c.68.
(**3**) O.J. No. L299, 16.11.2007, p.1.
(**4**) O.J. No. L94, 31.3.2004, p. 22 as last amended by Commission Regulation (EC) No. 1913/2006 (O.J. No. L365, 21.12.2006, p. 52). Although Council Regulation (EC) No. 1788/2003 (O.J. No. L270, 21.10.2003, p. 123) is repealed on 1st April 2008 by virtue of Article 201(1)(b) of Council Regulation (EC) No. 1234/2007 ("the 2007 Regulation"), the reference to Council Regulation (EC) No. 1788/2003 is to be read as a reference to the 2007 Regulation by virtue of Article 202 of the 2007 Regulation.
(**5**) Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (c.51).

Citation and commencement

1. These Regulations may be cited as the Dairy Produce Quotas (Amendment) Regulations (Northern Ireland) 2008 and shall come into operation on 1st April 2008.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954(**6**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Dairy Produce Quotas Regulations (Northern Ireland) 2005

3. The Dairy Produce Quotas Regulations (Northern Ireland) 2005(**7**) shall be amended in accordance with the Schedule.

Consequential amendment

4. In regulation 3 of the Dairy Produce Quotas (Amendment) Regulations (Northern Ireland) 2007(**8**), paragraph (2) shall be omitted.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 25th February 2008.

Dr. John Speers
A senior officer of the Department of Agriculture and Rural Development

(**6**) 1954 c.33 (N.I.)
(**7**) S.R. 2005 No. 70, as amended by S.R. 2006 No. 60 and S.R. 2007 No. 33
(**8**) S.R. 2007 No. 33

SCHEDULE

Regulation 3

Amendments to the Dairy Produce Quotas Regulations (Northern Ireland) 2005

1. For regulation 2(1) there shall be substituted—

"2.—(1) In 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—

(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 the Commission Regulation;

"competent authority" has the meaning given by regulation 2(1) of the General Provisions Regulations;

"consent or sole interest notice" means a notice, in relation to a holding, which states that—

(a) the person providing the notice is the occupier of that holding and that no other person has an interest in that holding or part of that holding; or

(b) every person having an interest in that holding or any part of it, the value of which interest might be reduced by the apportionment or prospective apportionment to which the notice relates, agrees to that apportionment or prospective apportionment;

"converted quota" means quota converted by the Department following an application made under regulation 21;

"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);

"cow" includes a heifer that has calved;

"dairy enterprise" means an area stated by the occupier of that area to be run as a self-contained dairy produce business;

"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;

"the Department" means the Department of Agriculture and Rural Development;

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

"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;

"direct sales quota holder" means a person in whose name direct sales quota is registered pursuant to regulation 4;

"direct seller" means a producer who produces milk and treats that milk or processes it into milk products on his holding and subsequently sells or transfers free of charge