STATUTORY RULES OF NORTHERN IRELAND

2007 No. 33

FOOD

Dairy Produce Quotas (Amendment) Regulations (Northern Ireland) 2007

Made - - - - 22nd January 2007

Coming into operation- 31st March 2007

The Department of Agriculture and Rural Development ("the Department"), being a Department designated(**1**) for the purposes, makes the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(**2**).

Citation and commencement

1. These Regulations may be cited as the Dairy Produce Quotas (Amendment) Regulations (Northern Ireland) 2007 and shall come into operation on 31st March 2007.

Interpretation

2. The Interpretation Act (Northern Ireland)(1954)(**3**) 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.—(1) The Dairy Produce Quotas Regulations (Northern Ireland) 2005(**4**) shall be amended in accordance with paragraphs (2) to (10).

(2) In regulation 2(1)(interpretation)—

(a) at the end of the definition of "the Commission Regulation" there shall be added ", as last amended by Commission Regulation (EC) No. 1468/2006 (O.J. No. L274, 5.10.2006, p.6)";

(b) the definition of "Commission Regulation 1756/93" shall be omitted;

(**1**) S.I. 2000/2812 to which there are amendments not relevant to the subject matter of these Regulations
(**2**) 1972 c. 68
(**3**) 1954 c. 33 (N.I.)
(**4**) S.R. 2005 No. 70, as amended by S.R. 2006 No. 60

(c) in the definition of "the Community legislation", for ", the Commission Regulation and Commission Regulation 1756/93" there shall be substituted "and the Commission Regulation";

(d) at the end of the definition of "the Council Regulation" there shall be added ", as last amended by Council Regulation (EC) No. 1406/2006 (O.J. No. L265, 26.9.2006, p.8)".

(3) In regulation 7(a) (Inspection of entries in the Department's registers), for heads (i) to (iii) there shall be substituted—

"(i) is the quota holder identified in that entry, or

(ii) gives the Department a statement in writing that he has an interest in the holding of the quota holder identified in that entry; or".

(4) In regulation 9(3) (Transfer of quota with transfer of land: general), for the words after "Department" to the end of the paragraph there shall be substituted "no later than 31st March in the quota year in which the transfer takes place.".

(5) In regulation 31(5) (Payment and recovery of levy), for "1st September" there shall be substituted "30th September".

(6) In regulation 36 (Administrative penalties)—

(a) in paragraph (1), for "(2) to (3)" there shall be substituted "(2A) and (3)";

(b) paragraph (2) shall be omitted;

(c) in paragraph (5), for "paragraphs (2) to (4)" there shall be substituted "paragraphs (2A), (3), (4) and (6A)";

(d) for paragraph (6), there shall be substituted—

"(6) Subject to Article 8(5) of the Commission Regulation, if a purchaser fails to submit a summary required to be submitted under Article 8(2) of the Commission Regulation, by the end of the period specified in Article 8(4), he is liable to pay to the Department a penalty equivalent to the theoretical amount of levy that would be due on 0.01% of the quantity by volume of milk covered by that declaration for each day of the period of the delay in the submission reaching the Department.";

(e) after paragraph 6 there shall be inserted—

"(6A) Subject to paragraphs (5) and (7), where a purchaser fails to provide or submit to the Department—

(a) an application, statement or declaration concerning the adjustment of purchaser quota in accordance with regulation 23(2) to (4);

(b) information in accordance with regulation 33(2) to (4); or

(c) a confirmation or amendments relating to a revised version of a summary in accordance with regulation 35(2),

he is liable to pay to the Department a penalty equivalent to the theoretical amount of levy that would be due on 0.01% of the quantity by volume of milk covered by that application, statement, declaration or revised version, or that information, for each day of the period of delay in the submission reaching the Department.".

(7) In paragraph 7, for "(6)" there shall be substituted "(6A)".

(8) In regulation 38 (Confiscation of quota), paragraph (2) shall be omitted.

(9) In regulation 39(2)(a)(ii), for "by virtue of regulation 38(2)" there shall be substituted "under Article 11(4) of the Commission Regulation".

(10) In paragraph 2(1) of Schedule 2, at the beginning of both sub-paragraphs (h) and (i) there shall be inserted "if he holds 4,855 or more litres of direct sales quota,".