1986 No. 299

AGRICULTURE

The Milk (Community Outgoers Scheme) Regulations (Northern Ireland) 1986

Made . . . . . *17th September 1986*

Coming into operation . . . *19th September 1986*

The Department of Agriculture, being a Department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to the Common Agricultural Policy of the European Community, in exercise of the powers conferred on it by that Section and of every other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These regulations may be cited as the Milk (Community Outgoers Scheme) Regulations (Northern Ireland) 1986 and shall come into operation on 19th September 1986.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**c**) shall apply to these regulations as it applies to a measure of the Northern Ireland Assembly.

(2) In these regulations:—

"authorised officer" means an officer of the Department authorised in writing by the Department;

"Commission Regulation" means the Commission Regulation (EEC) No. 2321/86(**d**) laying down detailed rules for the application of the Council Regulation;

"Community legislation" means the Council Regulation and the Commission Regulation;

"Council Regulation" means the Council Regulation (EEC) No. 1336/86(**e**) fixing compensation for the definitive discontinuation of milk production;

"Department" means the Department of Agriculture for Northern Ireland;

"eligible quota" means quota allocated otherwise than in accordance with Article 3(1) or 4(1)(*c*) of Council Regulation (EEC) No. 857/84(**f**);

"farming press" means any newspaper, journal or similar publication considered by the Department to be likely to be read by interested parties;

"Gazette" means the Belfast Gazette;

"holding" has the same meaning as in the 1986 Regulations;

"landlord" includes a superior landlord and a licensor;

(**a**) S.I. 1972/1811
(**b**) 1972 c. 68, section 2 is subject to Schedule 2 to that Act and is to be read with Article 4(6) and (8) of the Fines and Penalties (Northern Ireland) Order 1984 (S.I. 1984/703 (N.I. 3)) and S.R. 1984 No. 253
(**c**) 1954 c. 33 (N.I.)
(**d**) O.J. No. L202, 25.7.1986, p. 13
(**e**) O.J. No. L119, 8.5.1986, p. 21
(**f**) O.J. No. L90, 1.4.1984, p. 13

"milk" means cows' milk;

"Ministers" means the Minister of Agriculture, Fisheries and Food, the Secretaries of State for Scotland and Wales and the Department;

"quota" has the same meaning as in the 1986 Regulations;

"registered" in the context of milk quota refers to quota registered in the direct sales register or in the wholesale register maintained under the 1986 Regulations;

"tenant" means a person who occupies a holding or part of a holding by virtue of a tenancy or a licence to occupy and "tenancy" shall be construed accordingly;

"the 1986 Regulations" means the Dairy Produce Quotas Regulations 1986(**a**).

Appointment of competent authority

3. For the purposes of the Commission Regulation the competent authority shall be the Department of Agriculture.

Amount of compensation

4.—(1) For the purposes of Article 1 of the Commission Regulation (which obliges member states to fix the maximum amount of compensation payable to producers who undertake to discontinue milk production definitively) the amount shall be 2·618p per year per litre of milk for the first year of application.

(2) A person may claim compensation under these regulations in respect of either—

(*a*) loss of profits in the seven years immediately following the date on which he ceases to produce milk for sale or for processing into cream, butter or cheese for sale by reference to the amount of eligible quota he surrenders; or

(*b*) the value of the amount of eligible quota he surrenders.

(3) Payments made by the Department under these regulations shall be calculated—

(*a*) in a case falling within paragraph (2)(*a*), at the rate of 2·618 pence per litre on a quantity equal to the amount of eligible quota surrendered for each of the seven years immediately following the date on which the applicant ceases to produce milk for sale or for processing into cream, butter or cheese for sale in relation to the amount of quota surrendered; and

(*b*) in a case falling within paragraph (2)(*b*), at the rate of 18·326 pence per litre, payable in seven equal instalments.

Rules for acceptance of applications

5. For the purposes of Articles 1 and 3(2) of the Commission Regulation (member states to make rules for the acceptance of applications), where the sum of valid applications for compensation throughout the United Kingdom together relate to a quantity of eligible quota which exceeds 305,429,820 litres, applications representing the excess quantity shall be refused according to the following rules:—

firstly,

(*a*) where in the opinion of the Ministers circumstances exist in which the acceptance of certain applications could hamper the restructuring of milk production, then applications which, in the opinion of the Ministers, could cause those difficulties shall be refused in preference to those applications which, in their opinion, would not; and secondly,

(**a**) S.I. 1986/470