

SCHEDULE 2

Regulation 34(2)

KEEPING AND RETENTION OF RECORDS

Records to be kept by purchasers

1. In respect of each quota year, a purchaser shall keep, and retain for the relevant period, records comprising –

- (a) details of each producer making deliveries to him, including –
 - (i) that producer's name and address;
 - (ii) the wholesale quota available to that producer at the beginning and end of each quota year;
 - (iii) the representative butterfat content (butterfat base) of the milk delivered by that producer; and
 - (iv) the total quota available for all the producers who make deliveries to the purchaser and the weighted butterfat of that quota;
- (b) details, in terms of each delivery and each month, of the quantities of milk which each producer has delivered to him;
- (c) details of the cumulative total of the quantities delivered to him each month by all producers;
- (d) details of the average butterfat content of each producer's deliveries per month;
- (e) details of the weighted average butterfat content of the cumulative total referred to in subparagraph (c);
- (f) a list of purchasers and other undertakings which supply treated or processed milk or milk products to him;
- (g) details, in terms of each such purchaser or undertaking and each month, of the quantities supplied to him by that purchaser or undertaking;
- (h) details of the use to which milk and milk products collected from him has been put;
- (i) records of individual deliveries and supplies and accompanying collection documents identifying each delivery or supply by producer, purchaser or other undertaking; and
- (j) all books, registers, accounts, correspondence, commercial data, vouchers and supporting documents relating to his business activities.

Records to be kept by producers

2.—(1) In respect of each quota year, a direct seller shall keep, and retain for the relevant period, records comprising –

- (a) details of the quota held by him, including any permanent and temporary transfers of quota if appropriate;
- (b) his herd records (comprising number and breed of cows and calved heifers in dairy herd with details of number of cows in milk and number of cows dry);
- (c) daily records of milk produced;
- (d) invoices of any feed purchased;
- (e) details recorded as a result of his participation in a milk recording scheme;
- (f) details of quantities of milk processed, methods of processing and quantities and type of milk products produced;

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- (g) details of quantities of whole milk used in the production of milk products (with conversion rates applied);
 - (h) details of quantities and types of milk and milk products which are produced and used on his holding for stock feeding and human consumption;
 - (i) details of quantities and types of milk and milk products which are disposed of (other than under head (h)) or wasted on the holding;
 - (j) without prejudice to head (i), details of any milk or milk products which –
 - (i) were transported from his holding to be destroyed elsewhere for sanitary purposes pursuant to a decision of the Department or the Department of Health, Social Services and Public Safety;
 - (ii) were so destroyed; and
 - (iii) as a consequence, are to be excluded from the levy calculation, including information about the reason why such destruction was necessary and details of where, when and how such destruction occurred;
 - (k) details of quantities and types of milk and milk products sold directly to the consumer or transferred free of charge from his holding (including milk and milk products sold on his holding);
 - (l) details of quantities and types of milk and milk products purchased, exchanged or otherwise received by him, and records relating to their disposal; and
 - (m) details of stocks of milk and milk products held by him on a monthly basis.
- (2) Where a direct seller also delivers milk or milk products to a purchaser, he shall, in respect of each quota year, also keep, and retain for the relevant period, records comprising –
- (a) details of quantities and types of milk and milk products delivered by him and the name and address of any purchaser involved;
 - (b) the payment slips issued in respect of any such purchaser; and
 - (c) where there is a discrepancy between a purchaser’s payment slip and the relevant tanker receipt, that tanker receipt.
- (3) For the purposes of sub-paragraph (1)(e) and paragraph 3(h) “milk recording scheme” means a scheme under which the amount of milk produced by a cow during a lactation is measured in terms of volume and compositional quality by a person independent of the producer; and for this purpose “lactation” means the period commencing with calving and ending when the cow requires to be milked only once a day.
3. A wholesale quota holder who makes deliveries to a purchaser shall, in respect of each quota year, keep, and retain for the relevant period, records, comprising –
- (a) details of the quota held by him, showing permanent and temporary transfers of quota if appropriate;
 - (b) his herd records (comprising the number and breed of cows and calved heifers in dairy herd with details of number of cows in milk and number of cows dry);
 - (c) daily records of milk produced;
 - (d) invoices of any feed purchased;
 - (e) details of quantities of milk delivered by him, and the name and address of the purchaser involved;
 - (f) the payment slips issued in respect of any such purchaser;
 - (g) where there is a discrepancy between a purchaser’s payment slip and the relevant tanker receipt, that tanker receipt;

- (h) details recorded as a result of his participation in a milk recording scheme;
- (i) details of quantities of milk produced and used on his holding for stock feeding and human consumption;
- (j) details of quantities of milk which are disposed of (other than under sub-paragraph (i)) or wasted on the holding;
- (k) without prejudice to sub-paragraph (j), details of any milk which –
 - (i) was transported from his holding to be destroyed elsewhere for sanitary purposes pursuant to a decision of the Department or the Department of Health, Social Services and Public Safety;
 - (ii) was so destroyed; and
 - (iii) as a consequence, is to be excluded from the levy calculation, including information about the reason why such destruction was necessary and details of where, when and how such destruction occurred;
- (l) details of quantities of milk transferred free of charge from his holding;
- (m) details of quantities of milk purchased, swapped or otherwise received, and records relating to its disposal; and
- (n) details of stocks of milk produced on his holding.

Records to be kept by any person undertaking butterfat testing in a laboratory

4. Any person undertaking butterfat testing for a purchaser in a laboratory shall keep, and retain for the relevant period, records comprising details of all samples of milk analysed, showing –

- (a) the time and date the sample was taken on the holding;
- (b) the time and date of his receipt of the sample;
- (c) the time and date of the analysis;
- (d) the identity of the purchaser concerned;
- (e) the identity of the producer concerned (by name or reference number);
- (f) the butterfat content of each sample recorded to two decimal places;
- (g) the method of analysis used; and
- (h) the results of any repeat analyses undertaken.

Records to be kept by hauliers

5. Any haulier collecting milk or milk products on behalf of a purchaser shall keep, and retain for the relevant period, records comprising details of all quantities of milk or milk products so collected, showing –

- (a) the time and date of collection from each producer;
- (b) the time and date of sampling of the milk or milk products of each producer;
- (c) the identity of the producer concerned;
- (d) the volume of milk collected (including a copy of the tanker receipt in the cases referred to in paragraphs 2(2)(c) and 3(g));
- (e) the identity of the purchaser concerned;
- (f) the volume of milk delivered, and the name and address of each reception site;
- (g) the sources of all the milk carried on each tanker; and

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- (h) details of any malfunction in any equipment used by him.

Records to be kept by processors

6. Any processor in receipt of milk or milk products for processing or treating shall keep, and retain for the relevant period, records comprising details of all quantities of milk or milk products received, showing –

- (a) the time and date of their delivery;
- (b) their volume or weight per delivery (including copies of tanker receipts and weighbridge tickets in the cases referred to in paragraphs 2(2)(c) and 3(g));
- (c) the name and address of the haulier concerned;
- (d) the name and address of their vendor or donor;
- (e) the quantities of milk processed, types of processing undertaken, and quantities and types of milk products produced;
- (f) the quantities of milk used in the production of milk products (if not ascertainable from the information provided under sub-paragraph (e));
- (g) the calculated stocks of milk and milk products held by that processor at the end of each month and details of actual stocks physically held as at 31st March each year; and
- (h) the quantities of milk or milk products sold or otherwise disposed of, with the date of supply or disposal, and the names and addresses of the buyers or recipients concerned.

Records to be kept by persons buying, selling or supplying milk or milk products obtained directly from a producer or purchaser

7. Any person who in the course of a business buys, sells or supplies milk or milk products obtained directly from a producer or purchaser shall keep, and retain for the relevant period, records comprising details of all quantities of milk or milk products received, showing –

- (a) the time and date of their receipt;
- (b) their volume or weight per delivery (including copies of tanker receipts or invoices in the cases referred to in paragraphs 2(2)(c) and 3(g));
- (c) the name and address of the haulier concerned;
- (d) the name and address of their vendor or donor;
- (e) the quantities of milk or milk products sold or supplied, with the date of sale or supply, and the names and addresses of the buyers or recipients concerned other than the consumers of such milk or milk products; and
- (f) the quantities of milk or milk products returned to the producer or purchaser unsold or unused, and the date of that return.

8. In this Schedule, in relation to any records –

“the relevant period” means the remainder of the year of record and a period of at least three years thereafter; and

“the remainder of the year of record” means, following the making of the records, the remainder of the year in which they were made.