
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 110

The Dairy Produce Quotas (Scotland) Regulations 2002

Provisions in connection with confiscation and restoration of quota

32.—(1) On or before 14th May following the end of each quota year, each purchaser shall supply to the Scottish Ministers a list of those producers registered with that purchaser (whether for the whole or part of the quota year) who have not made deliveries to that purchaser during that year.

(2) Pursuant to Article 5 of the Council Regulation (which concerns the confiscation and restoration of quota), the Scottish Ministers shall notify—

- (a) any producer who from information available to the Scottish Ministers appears not to have made deliveries or direct sales or a temporary transfer of quota under regulation 14 during the previous quota year, that the quota of that producer has been taken into the national reserve;
- (b) any direct seller to whom Article 6(4) of the Commission Regulation (which concerns the late submission of declarations) applies that, unless that producer submits to the Scottish Ministers a declaration under Article 6(1) thereof within 30 days of the notification, the quota of that producer will be subject to confiscation to the national reserve.

(3) Any quota withdrawn pursuant to Article 5 of the Council Regulation may be restored to the producer in respect of the holding from which it was withdrawn within a period of six years from the beginning of the quota year in which it was withdrawn and the restoration of such quota shall be in accordance with paragraphs (4) to (8).

(4) A producer who receives a notification of confiscation under paragraph (2) shall—

- (a) within 28 days of receipt of that notification notify any person with an interest in the holding of the content of that notification; and
- (b) within six months of receipt of that notification, submit a notification to the Scottish Ministers, in such form as may reasonably be required by them for that purpose, as to whether that producer wishes to retain the right to request restoration of the quota and such a notification shall include—
 - (i) a statement that the producer is the occupier of the entire holding and that no other person has an interest in all or any of it;
 - (ii) a statement of the agreed apportionment of quota taking account of the areas used for milk production, signed by every person with an interest in the holding; or
 - (iii) a statement requesting apportionment of the quota in accordance with an arbitration under paragraphs 1, 2, 3(4) and 5 to 28 of Schedule 2.

(5) Where a producer has notified the Scottish Ministers under paragraph (4)(b) that the producer wishes to retain the right to restoration of quota, the producer may request the Scottish Ministers to restore to that producer the quota relating to that holding or part holding provided that the request is submitted to the Scottish Ministers by 15th July in the quota year following the quota year to which the request relates.

(6) Where a producer has notified the Scottish Ministers that the producer wishes to retain the right to restoration of quota and there is a change of occupation of all or part of the holding to which the quota relates, the new occupier may request the restoration to the new occupier of the quota

relating to that holding or part holding, provided that the request is received by the Scottish Ministers at least six months before the end of the six year period referred to in paragraph (3) or within six months of the change of occupation, whichever is the earlier.

(7) Where quota is restored to part of a holding in respect of which an appointment of quota has been made in accordance with or under paragraph (4)(b)(ii) or (iii), in accordance with a request made under paragraph (5), or following a change of occupation of part of a holding under paragraph (6), the amount of quota to be restored to that part shall be determined in accordance with—

- (a) the apportionment referred to in paragraph (4)(b)(ii) or (iii) and within that apportionment in proportion to the agricultural areas concerned; or
 - (b) where no such apportionment has been carried out, in the same proportion which the agricultural area concerned bears to the total agricultural area of the holding from which quota was withdrawn.
- (8) The relevant quota shall be liable to be taken into the national reserve where a producer—
- (a) fails to submit a notification in accordance with paragraph (4)(b);
 - (b) indicates on the notification submitted under paragraph (4)(b) that the producer does not wish to retain the right to restoration of quota;
 - (c) fails to request the restoration of quota in accordance with paragraph (5) or (6);
 - (d) having had quota restored to the producer in accordance with paragraph (5), fails to make deliveries or direct sales of dairy produce from the holding to which the quota relates within six months after the producer's application for the restoration of quota or the end of the six year period, whichever is the earlier; or
 - (e) having had quota restored to the producer following a change of occupation referred to in paragraph (6), fails to make deliveries or direct sales of dairy produce from the holding within eighteen months of the change of occupation or the end of the six year period, whichever is the earlier.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Dairy Produce Quotas (Scotland) Regulations 2002. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations revoked by [S.S.I. 2005/91 reg. 41\(1\)](#)
- reg 32 am by [S.S.I. 2002/228 reg 2\(1\)\(5\)](#)
- reg 32 subst by [S.S.I. 2004/118 regs 319](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg 33A added by [S.S.I. 2002/228 reg 2\(1\)\(6\)](#)