

2005 No. 466

FOOD

**The Dairy Produce Quotas (General Provisions) (Amendment)
Regulations 2005**

<i>Made</i> - - - -	<i>3rd March 2005</i>
<i>Laid before Parliament</i>	<i>4th March 2005</i>
<i>Coming into force</i> - -	<i>31st March 2005</i>

The Secretary of State is a Minister 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:

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972:

Citation and commencement

1. These Regulations may be cited as the Dairy Produce Quotas (General Provisions) (Amendment) Regulations 2005 and shall come into force on 31st March 2005.

Amendment of the Dairy Produce Quotas (General Provisions) Regulations 2002

2. Regulation 2 of the Dairy Produce Quotas (General Provisions) Regulations 2002(c) is amended as follows—

- (a) for the definition of “the Commission Regulation”, there is substituted—
“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(d);”;
- (b) the definitions of “Commission Regulation 2562/93” and “Council Regulation 2055/93” are omitted;
- (c) for the definition of “the Community legislation”, there is substituted—
“the Community legislation” means the Council Regulation, the Commission Regulation, and Commission Regulation 1756/93;”;
- (d) for the definition of “the Council Regulation”, there is substituted—

(a) S.I. 1972/1811. The power of the Secretary of State, as a Minister designated in relation to the common agricultural policy of the European Community, to make regulations which extend to Scotland remains exercisable by virtue of section 57(1) of the Scotland Act 1998 (1998 c. 46). The Secretary of State’s power, as a Minister so designated, to make regulations which apply to Wales is confirmed by article 3(4) of the European Communities (Designation) (No.3) Order 1999 (S.I. 1999/2788).

(b) 1972 c. 68.

(c) S.I. 2002/458.

(d) OJ No. L94, 31.3.2004, p.22.

- “the Council Regulation” means Council Regulation (EC) No. 1788/2003 establishing a levy in the milk and milk products sector^(a)”;
- (e) in the definition of “delivery”, for the words “Article 9(g)” there are substituted “Article 5(f)”;
 - (f) for the definition of “direct sale”, there is substituted—
““direct sale” has the same meaning as in Article 5(g) of the Council Regulation”;
 - (g) for the definition of “direct sales quota”, there is substituted—
““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”;
 - (h) for the definition of direct seller, there is substituted—
““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 that milk or those milk products without their having been further treated or processed by a different undertaking which treats or processes milk or milk products”;
 - (i) in the definition of “holding”, for the words “Article 9(d)” there are substituted “Article 5(d)”;
 - (j) in the definition of “national reserve”, for all the words after “in accordance with” there are substituted “Article 14 of the Council Regulation”;
 - (k) in the definition of “producer”, for the words “Article 9(c)” there are substituted “Article 5(c)”;
 - (l) in the definition of “purchaser”, for the words “Article 9(e)” there are substituted “Article 5(e)”;
 - (m) in the definition of “quota year”, for the words “Article 1” there are substituted “Article 1(1)”;
 - (n) at the end of the definition of “relevant person”, there are added the words “, but does not include a consumer of milk or milk products”;
 - (o) the definition of “wholesale delivery” is omitted; and
 - (p) for the definition of “wholesale quota”, there is substituted—
““wholesale quota” means the quantity of milk which may be delivered to a purchaser by a producer in a quota year without that producer being liable to pay levy”.

3rd March 2005

Whitty
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

(a) OJ No. L270, 21.10.03, p.123, as corrected by corrigendum OJ No. L94, 31.3.2004, p. 71.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 31st March 2005, amend the Dairy Produce Quotas (General Provisions) Regulations 2002 (S.I. 2002/458) (“the General Regulations”).

The General Regulations contain provisions concerning dairy produce quotas relevant to England, Wales, Scotland and Northern Ireland. The General Regulations—

- (a) make provision relating to the meaning of relevant competent authority,
- (b) maintain in existence the national reserve of milk quotas,
- (c) specify the powers of authorised officers (defined in regulation 2 of the General Regulations) and make it an offence to obstruct, and fail to comply with the requirements of an authorised officer, and
- (d) re-constitute, and set out the procedures of, the Dairy Produce Quota Tribunals.

Since the General Regulations came into force, Council Regulation (EEC) No. 3950/92 (referred to in the General Regulations as “the Council Regulation”) and Commission Regulation (EC) No. 1392/2001 (referred to in the General Regulations as “the Commission Regulation”) have been repealed and replaced respectively by Council Regulation (EC) No. 1788/2003 and Commission Regulation (EC) No. 595/2004. These Regulations amend regulation 2 (interpretation) of the General Regulations by substituting references to the later Council Regulation and Commission Regulation and their provisions and make other consequential amendments to that regulation.

Regulations containing the majority of provisions relating to dairy produce quotas are made separately on a territorial basis. The relevant Regulations for England are the Dairy Produce Quotas Regulations 2005 (S.I. 2005/465).

No regulatory impact assessment has been prepared in respect of this instrument as it has no impact on the costs of business.

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