

of Transport, Room 812, East Midlands Region, Cranbrook House, Cranbrook Street, Nottingham NG1 1EY, object to the making of the Order.

A. W. Hipkins, a Senior Executive Officer in the Department of Transport. (Ref. T0143/28/0680).

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MINISTRY OF AGRICULTURE FISHERIES AND FOOD

DAIRY PRODUCE QUOTA TRIBUNALS

Joint statement of General Guidance issued by the Dairy Produce Quota Tribunals for England and Wales, Scotland and Northern Ireland as required by the Ministers pursuant to paragraph 27 of the Fifth Schedule to the Dairy Produce Quotas Regulations 1984 (S.I. No. 1047).

(NOTE. By such paragraph 27 each Tribunal is required to make its determinations in accordance with the criteria set out herein.)

CONTENTS

A Introduction

1. Interpretation.

B Primary Direct Sales Quota

2. Jurisdiction of the Tribunals.
3. Claimants for Primary Direct Sales Quota.
4. Short Period Special Producers.
5. Longer Period Special Producers.
6. Normal Producers.
7. Dairy Produce.
8. Holdings.

C Secondary Direct Sales Quota

9. Jurisdiction of the Tribunals.
10. Special Case Claims.
11. Request for Review of Rejection of Special Case Claim by the Minister.
12. Alternative Base Year.
13. Grounds for a Base Year Revision Claim.
14. Amount of a Base Year Revision Claim (Direct Sales Quota).
15. Serious Natural Disaster.
16. Accidental Destruction.
17. An Epizootic.
18. Compulsory Appropriation.
19. Occupational Incapacity.
20. Theft or Accidental Loss.
21. Article 3(1) of the EEC Regulation 857/84.
22. Date and Nature of an Investment.
23. Calculation of the Claim.
24. Decision on Review of Rejection of Special Case Claim by the Minister.
25. Decision on Further Examination of Special Case Claim.
26. Mistakes or Errors in a Special Case Claim Computation.

D Direct Sales Quota on Grounds of Exceptional Hardship

27. Jurisdiction of the Tribunals.
28. Conditions for an Exceptional Hardship Claim.
29. Persons to whom Article 4(1)(c) of Council Regulation 857/84 applies.

E General

30. Amendments and Additions.
 31. Joint Statement to take effect subject to the European Regulations and the United Kingdom Regulations.
- Annex—Commission list of diseases, outbreaks of which may in certain circumstances constitute epizootics.

A INTRODUCTION

Interpretation

1(1) In this joint statement, unless the subject or context otherwise requires:

- “The Principal Regulation” means The Dairy Produce Quota Regulations 1984 (S.I. No. 1047);
- “The Secondary Regulation” means The Dairy Produce Quotas (Definition of Base Year Revision Claims) Regulations 1984 (S.I. No. 1048);
- “The United Kingdom Regulations” means the Principal Regulation and the Secondary Regulation;

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“The European Regulations” means the EEC Council Regulation 857/84 and the Commission Regulation 1371/84 as amended;

“The relevant Tribunal” means the Dairy Produce Quota Tribunal for England and Wales or for Scotland or for Northern Ireland established to determine any claim which may be made for Direct Sales Quota by the claimant under the United Kingdom Regulations;

“The appropriate rejection review body” means in England and Wales and Northern Ireland, the local panel for the locality in which the holding of the claimant is to be treated as situate under the United Kingdom Regulations and, in Scotland, the Dairy Produce Quota Tribunal for Scotland;

“The appropriate further examination body” means in England and Wales and Northern Ireland, the local panel for the locality in which the holding of the claimant is to be treated as situate under the United Kingdom Regulations and, in Scotland, the Minister or the Dairy Produce Quota Tribunal for Scotland.

“Quota” means Primary Direct Sales Quota or Secondary Direct Sales Quota or Direct Sales Quota on grounds of exceptional hardship, as the case may require.

(2) Subject as aforesaid words and expressions defined in the United Kingdom Regulations shall bear the same meanings respectively in this Joint Statement.

B PRIMARY DIRECT SALES QUOTA

Jurisdiction of the Tribunals

2(1) Where the Minister forwards to the relevant Tribunal the written objection of a claimant to his estimate of the claimant's Primary Direct Sales Quota or his determination that the claimant is not entitled to Primary Direct Sales Quota and an identification of the holding to which such estimation or determination relates together with the other documentation required by the Regulations to be forwarded therewith, the relevant Tribunal shall determine the claimant's Primary Direct Sales Quota for the holding so identified by the Minister.

(2) The expression “holding” is defined by Article 12 of Council Regulation 857/84 as “all the production units operated by the producer and located within the geographical territory of the Community” but by the Principal Regulation [see paragraph 3(4) below].

- (a) in relation to any region (that is to say, any of the regions into which the United Kingdom is divided for the purposes of Article 1(2) of Council Regulation 857/84 as published by the Minister in the Gazette), it means the division of the holding in that region, and
- (b) in relation to any register entry identifying a holding and used under the Principal Regulations it means (for the purpose of making calculations in respect of changes of occupation) the land identified in that register entry.

Claimants for Primary Direct Sales Quota

3 (1) Estimates of Primary Direct Sales Quota fall under three heads according to the claimants, these being:

- (a) claimants to whom the second sub-paragraph of Article 4 (2) of the Commission Regulation EEC No. 1371/84 applies (“Short Period Special Producers”), (see paragraph 3 (2) below).
- (b) claimants to whom such second sub-paragraph does not apply but to whom the first sub-paragraph of such Article 4 (2) applies (“Longer Period Special Producers”) (see paragraph 3 (3) below).
- (c) claimants to whom neither of such sub-paragraphs apply (“Normal Producers”) (see paragraph 6 below).

(2) The second sub-paragraph of such Article 4 (2) relates to producers who began the direct sale of milk and milk products after 1st January 1981 but before 1st April 1984 or who have greatly altered their operations since 1st January 1981, if their operations during their respective base periods cover less than 12 months (see paragraph 4 below).

(3) The first sub-paragraph of such article 4 (2) relates to producers who began the direct sale of milk and milk products after 1st January 1981 but before 1st April 1984 or who have greatly altered their operations since 1st January 1981, if their operations during their respective base periods cover 12 months or more (see paragraph 5 below).