

2008 No. 1139

AGRICULTURE, ENGLAND

The Common Agricultural Policy Single Payment and Support Schemes (Amendment) Regulations 2008

<i>Made</i>	- - - -	<i>18th April 2008</i>
<i>Laid before Parliament</i>		<i>22nd April 2008</i>
<i>Coming into force</i>	- -	<i>14th May 2008</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.

In exercise of the powers conferred by that section, the Secretary of State makes the following Regulations.

Title and commencement

1. These Regulations may be cited as the Common Agricultural Policy Single Payment and Support Schemes (Amendment) Regulations 2008 and come into force on 14th May 2008.

Amendments

2. The Common Agricultural Policy Single Payment and Support Schemes Regulations 2005^(c) are amended as follows.

3. For regulation 6 substitute the following—

“Date on which eligible land must be at the farmer’s disposal

6. In relation to any year in which the farmer makes a declaration in respect of parcels pursuant to Article 44(3) of the Council Regulation, the date on which those parcels must be at the farmer’s disposal is 15th May.”.

4. For regulation 9 substitute the following—

“Horticulture

9.—(1) This regulation applies in relation to permanent fruit and vegetable crops and nurseries.

(a) SI 1972/1811.

(b) 1972 c. 68; the function of the Minister of Agriculture of making regulations under section 2(2) was transferred to the Secretary of State by the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

(c) SI 2005/219; relevant amending instruments are SI 2005/1087, 2006/239 and 2007/3182.

(2) Pursuant to the derogation in the second sub-paragraph of Article 51 of the Council Regulation, parcels declared in accordance with the first sub-paragraph of that Article may not be used for production of permanent fruit and vegetable crops or nurseries until 1st January 2009; and “eligible hectare” is to be construed accordingly for the purposes of applying the Community instruments referred to in these Regulations.”.

Jeff Rooker

Minister of State

18th April 2008

Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Common Agricultural Policy Single Payment and Support Schemes Regulations 2005 (SI 2005/219) (“the principal Regulations”). The principal Regulations make provision in England for the administration of Council Regulation (EC) No. 1782/2003 (OJ No L 270, 21.10.2003, p1) (“the Council Regulation”), and a number of other EC instruments relating to the system of direct support schemes (including the Single Payment Scheme) which was introduced under the Common Agricultural Policy in 2005.

Regulation 3 replaces regulation 6 of the principal Regulations to remove provisions relating to the requirement for farmers claiming under the Single Payment Scheme to have parcels of land for which they are claiming at their disposal for a ten-month period. Article 44(3) of the Council Regulation was amended by Article 1(3) of Council Regulation (EC) No. 146/2008 (OJ No L 46, 21.2.2008, p1) with the effect that Member States now need only fix a single day in the year on which farmers must have at their disposal the parcels in respect of which they claim under the Scheme. The new provision fixes this day as 15th May of the scheme year in which the claim is made.

Regulation 4 of these Regulations replaces regulation 9 of the principal Regulations. It removes provisions relating to the authorisation of (non-permanent) fruit and vegetable production under the Scheme. It also provides for the continued exclusion of the production of permanent fruit and vegetable crops and nurseries from eligibility under the Single Payment Scheme, pursuant to the derogation in Article 51 of the Council Regulation inserted by Article 52(8) of Council Regulation (EC) 1182/2007 (OJ No L 273, 17.10.2007, p1).

An impact assessment in relation to the horticulture amendments is available from the Defra Information Resource Centre, Lower Ground Floor, Ergon House, c/o Nobel House, 17 Smith Square, London SW1P 3JR.

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