WELSH STATUTORY INSTRUMENTS

2006 No. 3101 (W.285)

AGRICULTURE, WALES

The Common Agricultural Policy Single Payment Scheme (Set-aside) (Wales) (Amendment) Regulations 2006

Made - - - -	*21 November 2006*
Coming into force - -	*1 December 2006*

The National Assembly for Wales being designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the Common Agricultural Policy of the European Community in exercise of the powers conferred upon it by that section hereby makes the following Regulations:

Title, commencement and application

1. The title of these Regulations is the Common Agricultural Policy Single Payment Scheme (Set-aside) (Wales) (Amendment) Regulations 2006. They come into force on 1 December 2006 and apply in relation to Wales.

Interpretation

2. In these Regulations, "the principal Regulations" ("*y prif Reoliadau*") means the Common Agricultural Policy Single Payment Scheme (Set-aside) (Wales) Regulations 2005(**3**)

Amendment of Regulation 2(1) of the principal Regulations

3. Regulation 2(1) is amended in accordance with paragraphs (a) — (d)—

(a) at the end of the definition of "Commission Regulation 795/2004" insert "as last amended by Commission Regulation (EC) 1291/2006"(**4**);

(b) at the end of the definition of "Commission Regulation 1973/2004" insert "as last amended by Commission Regulation (EC) 1250/2006"(**5**);

(**1**) S.I. 2005/2766
(**2**) 1972 c..68.
(**3**) S.I. 2005/45
(**4**) O.J. No. L 236, 31.08.2006, p 20.
(**5**) O.J. No. L 227, 19.08.2006, p 23.

(c) at the end of the definition of "Council Regulation" insert "as last amended by Council Regulation (EC) No 953/2006"(**6**);

(d) at the end of the definition of "the Cross Compliance Regulations 2004" insert "as amended by the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) (Amendment) Regulations 2005"(**7**).

Amendment of regulation 6 of the principal Regulations

4. In Regulation 6(5) of the principal Regulations, for the words "31 January" substitute the words "9 February".

Amendment of Schedule 1 to the principal Regulations

5.—(1) Schedule 1 to the principal Regulations is amended in accordance with paragraphs (2) to (8):

(2) After paragraph 7(3) insert—

"(4) In each field or part of a field to which any of the options mentioned in paragraph 1(1) is applied, a farmer will by virtue of this provision be treated as exempt from a requirement to establish a green cover by the start of the current green cover season in any of the circumstances specified in sub-paragraphs (5) to (7).

(5) The first circumstance is where —

(a) the farmer has taken all reasonable steps to establish a green cover by the start of the green cover season;

(b) the green cover failed and the farmer could not reasonably have prevented that failure; and

(c) the farmer left the failed green cover to allow natural regeneration.

(6) The second circumstance is where the farmer—

(a) sowed a crop on that land before 1 October in the previous year for harvesting on or after that date;

(b) harvested that crop on or after that date and before the start of the green cover season; and

(c) allowed natural regeneration following the harvest.

(7) The third circumstance is where—

(a) the farmer sowed a crop on that land before 1 October in the previous year for harvesting on or after that date;

(b) the crop failed such that it was incapable of yielding a harvest before the start of the green cover season and the farmer could not reasonably have prevented that failure; and

(c) the farmer allowed natural regeneration following the harvest.

(8) A farmer must, in respect of the field or part of a field where he or she allowed natural regeneration as referred to in sub-paragraphs (5) to (7), comply with the conditions set out in this Part of this Schedule which relate to the natural regeneration option.

(9) Where a farmer is treated as exempt by virtue of sub-paragraph (4) he or she may nevertheless establish a green cover after the start of the green cover season by sowing—

(**6**) O.J. No. L175, 29.06.2006, p1
(**7**) S.I. 2005/3367 (W.264)