Changes to legislation: *The Common Agricultural Policy Single Payment and Support Schemes (Wales) Regulations 2005 is up to date with all changes known to be in force on or before 07 May 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

WELSH STATUTORY INSTRUMENTS

2005 No. 360 (W.29)

AGRICULTURE, WALES

The Common Agricultural Policy Single Payment and Support Schemes (Wales) Regulations 2005

Made - - - -	*22 February 2005*
Coming into force - -	*1 March 2005*

The National Assembly for Wales being designated [F1] for the purposes of section 2(2) of the European Communities Act 1972 [F2] 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.

F1 S.I.1999/2788.
F2 1972 c. 68.

Title, commencement and application

1.—(1) These Regulations may be cited as the Common Agricultural Policy Single Payment and Support Schemes (Wales) Regulations 2005. They come into force on 1 March 2005 and subject to paragraph (2), apply to Wales.

(2) Regulations 14(1), (2), (6) and in so far as it relates to paragraph (6) of regulation 14, regulation 14(8), shall apply to the extent to which the National Assembly is the relevant competent authority in relation to holdings for the purposes of the IACS regulations [F3].

F3 The power of the National Assembly for Wales to make, as a body designated in relation to the common agricultural policy of the European Community, regulations which extend to holdings which include land situated within the United Kingdom but outside Wales is confirmed by paragraph 2(b) of Schedule 2 to S.I. 1999/2788.

Interpretation

2.—(1) In these Regulations —

"Commission Regulation 795/2004" means Commission Regulation (EC) No. 795/2004 laying down detailed rules for the implementation of the single payment scheme provided for in Council Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers [F4];

"Commission Regulation 796/2004" means Commission Regulation (EC) No. 796/2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in the Council Regulation [F5];

"Commission Regulation 1973/2004" means Commission Regulation (EC) No. 1973/2004 laying down detailed rules for the application of Council Regulation (EC) No. 1782/2003 as regards the support schemes provided for in Titles IV and IVa of that Regulation and the use of land set aside for the production of raw materials [F6];

"Council Regulation" means Council Regulation (EC) No. 1782/2003 establishing common rules for direct support under the common agricultural policy and establishing certain support schemes for farmers [F7];

"direct payment" has the meaning given to it in Article 2(d) of the Council Regulation;

"farmer" has the meaning given to it in Article 2(a) of the Council Regulation;

"holding" has the meaning given to it in Article 2(b) of the Council Regulation;

"IACS Regulations" means the Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control System) Regulations 2005 [F8];

"relevant competent authority" has the meaning given to it in regulation 5 of the IACS Regulations;

"the National Assembly" means the National Assembly for Wales;

"single application" has the meaning given to it in Article 2(11) of Commission Regulation 796/2004;

"single payment scheme" means the support scheme established under Title III of the Council Regulation;

(2) Other expressions used in these Regulations shall be construed in accordance with the Council Regulation, Commission Regulation 795/2004, Commission Regulation 796/2004 and Commission Regulation 1973/2004.

(3) Any reference in these Regulations to a Community instrument is a reference to that instrument as amended on the date these Regulations are made.

F4 O.J. No. L 141, 30.4.2004, p1, as last amended by Commission Regulation (EC) No 1974/2004 (O.J. No. L 345, 20.11.2004, p.85).
F5 O.J. No. L 141, 30.4.2004, p18.
F6 O.J. No. L 345, 20.1.2004, p.1.
F7 O.J. No. L 270, 21.10.2003, p. 1, as last amended by Council Regulation (EC) No 864/2004 (O.J. No. L 161, 30.4.2004, p.48 as corrected by a corrigendum at O.J. No. L 206, 9.6.2004, p.20).
F8 S.I. 2005/218.

Regional Implementation

3. Wales is a single region for the purposes of Article 58 of the Council Regulation.

Administration and Applications

4. The National Assembly is the competent authority for the purposes of administering the single payment scheme in Wales. The National Assembly is also the competent authority for the purposes of the initial application requirements for the single payment scheme which are specified in Article 34 of the Council Regulation.

Minimum size of holding

5. For the purposes of Article 12(6) of Commission Regulation 795/2004, the minimum size of a holding for which the establishment of entitlements may be requested is 0.3 hectares.

10 month period

6. For the purposes of Article 24(2) of Commission Regulation 795/2004, a farmer must choose a date for the beginning of the 10 month period referred to in Article 44(3) of the Council Regulation within a period beginning on 1 October of the calendar year of the year preceding the year of submitting an application under the single payment scheme and ending on 30 April of the year of application.

Dairy premium and additional payments

7. In accordance with Article 62 of the Council Regulation the amounts resulting from dairy premium and additional payments, provided for in Articles 95 and 96 of the Council Regulation, which are due to farmers in Wales, are to be included in full, in the single payment scheme for Wales, starting from 2005.

Horticulture

8.—(1) Subject to paragraph (2), in accordance with Article 51(b) second paragraph of the Council Regulation, secondary crops may be cultivated on the eligible hectares during a period of not more than three months beginning each year on 15 August.

(2) Paragraph (1) does not apply to the year beginning on 1 January 2005.

Transfers

9.—(1) Pursuant to the third sub paragraph of Article 46(1) of the Council Regulation, payment entitlements under the single payment scheme attributable to, and established in, Wales by virtue of Article 58 of the Council Regulation, may only be used or transferred within Wales.

(2) For the purposes of Article 25(3) of Commission Regulation 795/2004, a transferor of a payment entitlement must communicate the transfer to the National Assembly no later than, six weeks before the last day for submission of the single application, but also no earlier than, six weeks before the transfer is to take place.

Additional modulation

10.—(1) For the purposes of calculating the total amount of direct payments to be paid to a farmer for any year, the National Assembly will deduct a sum equal to the specified proportion of the relevant amount and will apply the sum so deducted by way of funds for one or more of the relevant purposes [F9].

(2) In this regulation —

"the relevant amount" means the amount which would have been granted to the farmer in respect of the year concerned but for the application of Article 10(1) of the Council Regulation;

"the relevant purposes" means the purposes of any payment made pursuant to any measure which implements any provisions of Articles 22 to 24 inclusive (agri-environment and animal welfare), and Article 31 (afforestation) of Council Regulation (EC) No. 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund [F10].

"the specified proportion" means—

(a) in respect of 2005, 1.5%, and

(b) in respect of 2006, 0.5%.

F9 Additional modulation is permitted under Article 1 of Commission Regulation (EC) No 1655/2004 (O.J. No. L 298, 23.9.2004, p.3.) in Member States which applied reductions to direct payments under Article 4 of Council Regulation 1259/1999 (O.J. No. L 160, 26.6.1999, p.113). Such reductions were applied in Wales from 2001 to 2004 under the Common Agricultural Policy Support Schemes (Modulation) (Wales) Regulations 2000 (S.I. 2000/3294 (W.216), amended by S.I. 2001/3680 (W.301) and 2004/2662) (W.233).

F10 O.J. No. L 160, 26.6.1999, p. 80 as last amended by Council Regulation (EC) No. 583/2004 (O.J. No. L91, 30.3.2004, p.1.).

Aid for energy crops

11.—(1) Regulations 12 and 13 apply where an applicant uses areas covered by the aid provided for in Article 88 of the Council Regulation for the growing of agricultural raw materials under Article 24 of Commission Regulation 1973/2004 and references to raw materials shall be construed accordingly.

(2) The National Assembly is the competent authority for the purposes of Chapter 8 of Commission Regulation 1973/2004 (Aid for energy crops).

(3) In this regulation "applicant" has the meaning given to it in Article 23 of Commission Regulation 1973/2004.

Provisions relating to raw material

12.—(1) For the purposes of Article 43(2) of Commission Regulation 1973/2004, the minimum cultivated area for any raw material referred to in Article 24 of that Regulation is 0.1 hectares.

(2) Where the National Assembly excludes any agricultural raw material from aid for energy crops in accordance with Article 43(1) of Commission Regulation 1973/2004, the National Assembly must notify the farmers concerned stating, with reasons, the details and duration of the exclusion.

(3) Raw materials to which Article 25(2)(b) of Commission Regulation 1973/2004 applies must be weighed by an operator of public weighing equipment holding a certificate issued under section 18 of the Weights and Measures Act 1985 [F11].

(4) For the purposes of Article 25(4) of Commission Regulation 1973/2004, cereals, oilseeds, and oil produced by processing oilseeds, to which that paragraph applies, must be denatured by dying them with a brightly coloured dye.

(5) For the purposes of Article 34(1) of Commission Regulation 1973/2004, the last day on which a contract to which that paragraph applies may be deposited with the National Assembly is the last day for submission of the relevant single application.

(6) For the purposes of Article 34(3) of Commission Regulation 1973/2004, the last day on which a first processor to whom that paragraph applies may provide the National Assembly with the information specified in that paragraph is the 9 February of the year following the year in which the relevant single application is made.

(7) In this regulation —

(a) "relevant single application" means the single application in which aid for energy crops is being claimed on the areas used for the growing of agricultural raw materials to which the contract referred to in paragraph (5), or the information referred to in paragraph (6), relates (as the case may be); and