WELSH STATUTORY INSTRUMENTS

2004 No. 105 (W.12)

AGRICULTURE, WALES

The Organic Farming Scheme (Wales) (Amendment) Regulations 2004

Made - - - -	*20th January 2004*
Coming into force - -	*26th January 2004*

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 the said section 2(2), hereby makes the following Regulations:

Title and Commencement

1. These Regulations may be cited as the Organic Farming Scheme (Wales) (Amendment) Regulations 2004 and come into force on 26th January 2004.

Amendment of the Organic Farming Scheme (Wales) Regulations 2001

2. The Organic Farming Scheme (Wales) Regulations 2001(**3**) shall be amended in accordance with regulations 3 to 12 of these Regulations.

3. In regulation 1 after the word "Wales", in the second place where it occurs, there shall be inserted the words "and in relation to holdings in respect of which the National Assembly is the relevant competent authority".

4. In paragraph (1) of regulation 2 (Interpretation) —

(a) in the definition of "application" after the word "aid" there shall be inserted the words "pursuant to regulation 3 or regulation 5A as the case may be";

(b) in the definition of "certificate of registration" after the word "specifying" there shall be inserted the words ",where applicable,";

(**1**) By virtue of the European Communities (Designation) (No.3) Order (S.I.1999/2788) ("the Order"). The National Assembly's power 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 the Order.

(**2**) 1972 c. 68.

(**3**) S.I. 2001/424 (W.18).

(c) in the definition of "date of acceptance" after the words "regulation 3" there shall be inserted the words "or regulation 5A as the case may be";

(d) the following definition shall be inserted after the definition of "plan"—

""relevant competent authority" ("*awdurdod cymwys perthnasol*") means the authority which is the relevant competent authority within the meaning of the Integrated Administration and Control Regulations 1993(**4**);";

(e) for the definition of "specified period" the following definition shall be be substituted —

""specified period" ("*cyfnod penodedig*") means:

(i) in relation to an application under regulation 3, the period beginning with the date of acceptance and ending on the expiry of the period of five years from the date upon which the first payment becomes payable in respect of the last organic parcel which is subject of that application; or

(ii) in relation to an application under regulation 5A, the period beginning with the date of acceptance of an application for payment and ending on the expiry of the period of five years from the date upon which such payments became payable in respect of the organic parcel or parcels which are the subject of that application.".

5. After regulation 5, the following regulations shall be inserted —

"**Organic Stewardship Aid**

5A.—(1) Subject to the provisions of regulations 5B and 5C, the National Assembly may make annual payments of aid, known as Organic Stewardship aid, in respect of an organic parcel, to any person who is a beneficiary in respect of that organic parcel, provided that, in relation to any payment in respect of any given year, the beneficiary has made a claim for payment in respect of that year in accordance with regulation 9 and has supplied such further information and evidence in relation to that claim as the National Assembly may direct to be supplied.

(2) Payments under paragraph 1 shall be made to those applicants who satisfy the conditions of eligibility set out in regulation 5B.

(3) The rate and duration, of payments referred to in paragraph (1), shall be determined in accordance with regulation 5C.

(4) Regulations 6 to 20 of these regulations shall, where applicable, apply to Organic Stewardship aid payable pursuant to paragraph (1).

Conditions of Eligibility

5B.—(1) The conditions of eligibility referred to in regulation 5A(2) are as follows —

(i) that applicants are able to satisfy the National Assembly, or will be able to satisfy it by the time any payment of aid is due to be made, that the land comprised in their application satisfies the requirements of paragraph (2);

(ii) that an application for Organic Stewardship aid shall be made in respect of not less than one hectare of land;

(iii) that at the date of an application for Organic Stewardship aid the applicant is the owner or tenant of the land which is the subject of the application and is in lawful occupation of that land;

(**4**) S.I. 1993/1317, amended by S.I. 1994/1134, 1997 /1148, 1999/1820 and 2000/2573.

(iv) that the applicant is not disqualified from eligibility to participate in an agri-environment scheme under either Council Regulation 1257/1999 or under the Commission Regulation;

(v) that in the case of applicants who have previously been beneficiaries of aid under regulation 3, the conditions of eligibility for aid under that regulation have previously been complied with to the satisfaction of the National Assembly;

(vi) the applicant gives the undertakings mentioned in paragraph (3) in support of the application.

(2) The requirements referred to in paragraph (1)(i) concerning the land comprised in an application for Organic Stewardship aid are:

(i) that all such land is fully organic and has been fully organic continuously since completion of its original conversion; and

(ii) that where the process of the conversion of such land has previously attracted aid under regulation 3, all such aid has ceased.

(3) The undertakings referred to in paragraph (1)(vi) are —

(i) before claiming Organic Stewardship aid in respect of any organic parcel, to furnish the National Assembly with a certificate of registration in respect of that organic parcel;

(ii) in respect of each organic parcel comprised in an application under regulation 5A(1), to retain a valid certificate of registration and to maintain the fully organic status, of those parcels, for the duration of the specified period;

(iii) to farm the land that is the subject of the application, for the duration of the specified period, in accordance with the proposals set out in the application under regulation 5A(1) and with UKROFS standards and the standards set out in Schedule 2;

(iv) to ensure that any organic livestock or livestock undergoing conversion which are kept on the land comprised in an application under regulation 5A(1) are kept, for the duration of the specified period, in accordance with UKROFS standards; and

(v) where at the date of the application under regulation 5A(1) the applicant has introduced organic farming on a part of the holding other than the part which is subject of the application, to ensure that other part conforms, for the duration of the specified period, to UKROFS standards and to continue with organic farming on that other part of the holding in accordance with UKROFS standards and the standards set out in Schedule 2.

Determination of amount of Organic Stewardship aid and periods for which aid is paid

5C.—(1) In respect of each organic parcel which is the subject of an application under regulation 5A (1) payments shall be made in respect of the specified period.

(2) Organic Stewardship aid shall not be payable in respect of an application in respect of any period before the date of acceptance.

(3) An application for Organic Stewardship aid may be withdrawn by a notice in writing given by the applicant at any time before the application is accepted by the National Assembly.