*Draft Scheme laid before Parliament under section 2(4) of the Farm Land and Rural Development Act 1988, for approval by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

# 2005 No.

# AGRICULTURE, ENGLAND

## The Farm Woodland Premium Schemes (Amendment) (England) Scheme 2005

*Made - - - -*

*Coming into force in accordance with paragraph 1*

The Secretary of State makes the following Scheme in exercise of the powers conferred by section 2 of the Farm Land and Rural Development Act 1988(**1**) and now vested in her(**2**).

In accordance with section 2 of that Act the Scheme is made with the approval of the Treasury.

In accordance with section 2(4) of that Act a draft of this instrument was laid before, and approved by a resolution of, each House of Parliament.

### Title, commencement and application

**1.**—(1) This Scheme may be cited as the Farm Woodland Premium Schemes (Amendment) (England) Scheme 2005 and shall come into force on the day after the day on which it is made.

(2) This Scheme applies in England only.

### Farm Woodland Premium Scheme 1997 and Farm Woodland Premium Scheme 1992

**2.**—(1) The Farm Woodland Premium Scheme 1997(**3**) and the Farm Woodland Premium Scheme 1992(**4**) shall be amended in accordance with this Scheme.

(2) In paragraph 2(1) of both Schemes, in the Farm Woodland Premium Scheme 1997 after the definition of "Council Regulation 3508/92", and in the Farm Woodland Premium Scheme 1992 after the definition of "converted land", there shall be inserted—

(**1**) 1988 c. 16. The expression "the appropriate authority" upon whom the powers of section 2 are conferred is defined in section 2(6) and 1(5) of that Act and is to be read with the definition of "the appropriate Minister" in those sections.

(**2**) The functions of the Minister of Agriculture, Fisheries and Food (which related only to England) were transferred to the Secretary of State by virtue of article 2(2) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I.2002/794).

(**3**) S.I. 1997/829, to which there are amendments not relevant to this Scheme.

(**4**) S.I. 1992/905 amended by S.I. 1997/829. There are other amendments to this SI but they are not relevant to this Scheme.

""Council Regulation 1782/2003" means Council Regulation (EC) No. 1782/2003(**5**) of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No. 2019/93, (EC) No. 1452/2001, (EC) No. 1453/2001, (EC) No. 1454/2001, (EC) No. 1868/94, (EC) No. 1251/1999, (EC) No. 1254/1999, (EC) No. 1673/2000, (EEC) No. 2358/71 and (EC) No. 2529/2001, as last amended by Commission Regulation (EC) No. 118/2005(**6**) modifying Annex VIII to Council Regulation (EC) No. 1782/2003 and establishing budgetary ceilings for partial or optional implementation of the Single Payment Scheme and annual financial envelopes for the Single Area Payment Scheme provided for in that Regulation;".

(3) In the definition of "Council Regulation 3508/92", in paragraph 2(1) of the Farm Woodland Premium Scheme 1997, after "Council Regulation No. 2466/96" there shall be added ", and as it applied on 5th October 2003(**7**)".

(4) In the Farm Woodland Premium Scheme 1997, after paragraph 7A there shall be inserted the following paragraph—

"**Final date for receipt of applications**

**7B.** The appropriate Minister in respect of England shall not approve an application to enter this Scheme under paragraph 3(1) unless the application is received by or on behalf of the appropriate Minister before the coming into force of the Farm Woodland Premium Schemes (Amendment) (England) Scheme 2005."

(5) For the text in sub-paragraph (3) of paragraph 9 of the Farm Woodland Premium Scheme 1997, and for the text in sub-paragraph (2A) of paragraph 9 of the Farm Woodland Premium Scheme 1992, there shall be substituted—

"Where an applicant, in his Single Payment Scheme application submitted in a particular year, counts an area of converted land as set aside for the purposes of the set-aside requirement, any payment due under this Scheme in October of that year, or on such other date or dates in that year where the appropriate Minister has so decided under paragraph 10(3)(b), in relation to that converted land, shall be reduced by the amount of the set-aside payment due in relation to that area of land under that Single Payment Scheme application.".

(6) For the text in sub-paragraph (4) of paragraph 9 of the Farm Woodland Premium Scheme 1997 and for the text in sub-paragraph (2B) of paragraph 9 of the Farm Woodland Premium Scheme 1992, there shall be substituted—

"For the purposes of this paragraph—

(a) "Single Payment Scheme application" means the application for payment under the single payment scheme as provided for in Title III of Council Regulation 1782/2003,

(b) "set-aside payment" means, in relation to an area of land which is converted land, the payment provided for in Article 54(1) of Council Regulation 1782/2003; and

(c) "set-aside requirement" means the requirement to set aside land from production in Article 54(3) of Council Regulation 1782/2003.".

(**5**) O.J. No L270, 21.10.2003, p.1, amended by Council Regulation (EC) No 21/2004 (OJ No L5, 9.1.2004, p.8), Council Regulation (EC) No 583/2004 (OJ No L91, 30.3.2004, p.1), Council Regulation (EC) No 864/2004 (OJ No L161, 30.4.2004, p.48), Council Regulation (EC) No 2217/2004 (OJ No L375, 23.12.2004, p.1) and Commission Regulation (EC) No 118/2005 (OJ No L24, 27.01.2005, p.15). These amendments are not relevant to this Scheme.

(**6**) O.J. L24, 27.01.2005, p.15.

(**7**) Council Regulation 3508/1992 was repealed by Council Regulation 1782/03 (OJ No. L270, 21.10.03, p.1) as of 6th October 2003. Council Regulation 1782/03 at Article 153(5) contains a provision stating that references to Council Regulation 3508/92 and other repealed legislation should be read as a reference to Council Regulation 1782/03. That provision does not apply to this Scheme.