STATUTORY RULES OF NORTHERN IRELAND

2010 No. 174

AGRICULTURE

The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Amendment) Regulations (Northern Ireland) 2010

Made - - - -	*6th May 2010*
Coming into operation	*28th May 2010*

The Department of Agriculture and Rural Development is a Department 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 and in relation to the promotion of rural development, in exercise of the powers conferred on it by the said section 2(2), hereby makes the following Regulations.

Title, commencement and interpretation

1.—(1) These Regulations may be cited as the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Amendment) Regulations (Northern Ireland) 2010 and shall come into operation on 28th May 2010.

(2) The Interpretation Act (Northern Ireland) 1954(**3**) applies to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) Regulations (Northern Ireland) 2005

2.—(1) The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) Regulations (Northern Ireland) 2005(**4**) are amended in accordance with paragraphs (2) to (6).

(2) In regulation 2(2) (Interpretation)—

(a) after the definition of "authorised person" insert - "the Commission Regulation (EC) No 1120/2009" means Commission Regulation 1120/2009(**5**) laying down detailed rules for

(**1**) S.I. 2000/2812 to which there are amendments not relevant to the subject matter of these Regulations and S.I. 2000/3238
(**2**) 1972 c.68
(**3**) 1954 c.33 (N.I.)
(**4**) S.R.2005 No.6 as amended by S.R. 2006 No. 459 and S.R. 2009 No. 316
(**5**) O.J. No.L316, 02.12.2009, p.1

the implementation of the single payment scheme provided for in Title III of Council Regulation (EC) No 73/2009(**6**) establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers;";

(b) for the definition of "the Commission Regulation" substitute – "the Commission Regulation" means Commission Regulation (EC) No 1122/2009(**7**) laying down detailed rules for the implementation of Council Regulation (EC) No.73/2009 as regards cross-compliance, modulation and the integrated administration and control system, under the direct support schemes for farmers provided for in that Regulation;

(c) in the definition of "permanent pasture" substitute "Article 2(c) of Commission Regulation 1120/2009.";

(3) In regulation 3 for "Article 4(3)" substitute "Article 4(2)".

(4) In regulation 6 (Competent Control Authority) -

(a) in paragraph (1) for "Article 42(1)" substitute "Article 48(1)".;

(b) in paragraph (2) for "Article 48" substitute "Article 54".

(5) In regulation 7 (Powers of authorised persons)—

(a) in sub paragraph (1) (a) for "Article 48" substitute "Article 54;".

(6) In the Schedule (Standards of Good Agricultural and Environmental Condition)

(a) for paragraph 4 (Undergrazing) substitute—

"**Undergrazing**

4.—(1) A farmer shall not permit land to be undergrazed to the extent that the land is not capable of returning to agricultural production by the end of the next growing season.

(2) A farmer shall not permit the presence of the following species of plant: rhododendron, Himalayan balsam, giant hogweed, Japanese knotweed and any noxious weed within the meaning of Article 3 of the Noxious Weeds (Northern Ireland) Order 1977(**8**).";

(b) for paragraph 5 (Field Boundaries) substitute—

"**Field Boundaries**

5.—(1) Except with the prior written approval of the Department, a farmer shall not permit:

(a) the removal of any dry stone wall, hedge or earthbank;

(b) the infilling of any open sheugh or ditch; or

(c) the laying of a drainage pipe in any open sheugh or ditch.

(2) Without prejudice to sub-paragraph 1(a), where a tree is growing in a hedge removal of such tree is permitted without obtaining the prior written approval of the Department where:

(a) its removal is necessary for reasons of human health or public safety; or

(**6**) O.J. No.L30, 31.01.2009, p.16 as last amended by Commission Regulation (EC) No. 992/2009 (O.J. No.L278, 23.10.2009, p.7)
(**7**) O.J. No.L316, 02.12.2009, p.65
(**8**) S.I. 1977/52 (N.I.1)