STATUTORY RULES OF NORTHERN IRELAND

2010 No. 161

AGRICULTURE

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

Made - - - -	*21st April 2010*
Coming into operation	*15th May 2010*

The Department of Agriculture and Rural Development, being 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 and commencement

1. These Regulations may be cited as the Common Agricultural Policy Single Payment and Support Schemes Regulations (Northern Ireland) 2010 and shall come into operation on 15 May 2010.

Interpretation

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

(2) In these Regulations—

"Commission Regulation 1120/2009" means Commission Regulation (EC) No. 1120/2009(**4**) laying down detailed rules for the implementation of the single payment scheme provided for in Title III of Council Regulation (EC) No. 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers;

"Commission Regulation 1122/2009" means Commission Regulation (EC) No. 1122/2009(**5**) laying down detailed rules for the implementation of Council Regulation 73/2009 as regards

(**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**) O.J. No. L316, 02.12.2009, p.1
(**5**) O.J. No. L316, 02.12.2009, p.65

cross-compliance, modulation and the integrated administration and control system, under the direct support schemes for farmers provided for in the Council Regulation;

"the Council Regulation" means 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, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003;

"farmer" has the meaning given by Article 2(a) of the Council Regulation;

"holding" has the meaning given by Article 2(b) of the Council Regulation;

"competent authority" has the meaning given to it in regulation 3 of The Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control System) Regulations 2009(**7**)

(3) Other expressions used in these Regulations that are also used in the Council Regulation, Commission Regulation 1120/2009 or Commission Regulation 1122/2009 have the meaning they bear in those instruments.;

Regional application

3. Northern Ireland shall be a region for the purposes of Article 46 of the Council Regulation.

Minimum size of holding to establish entitlements

4. For the purposes of Article 28(1) of the Council Regulation, the minimum size of a holding for which the establishment of payment entitlements may be requested shall be 0.3 hectares.

Minimum claim

5. The minimum claim size pursuant to Article 28(1) of the Council Regulation is €100.

Date on which eligible land must be at the farmer's disposal

6. In relation to any year in which the farmer makes a declaration in respect of parcels pursuant to Article 35(1) of the Council Regulation, the date on which those parcels must be at the farmer's disposal is 15 May.

Transfers

7. For the purposes of Article 12(3) of Commission Regulation 1120/2009, a transferor of a payment entitlement must notify the transfer to the competent authority that allocated that entitlement at least six weeks before—

(a) the transfer is to take place; and

(b) the last day for lodging an application under the single payment scheme.

Additional Modulation

8. The rates in the third column of the Schedule are the voluntary modulation referred to in Article 1 of Council Regulation (EU) No 378/2007 (laying down rules for voluntary modulation of direct payments provided for in Regulation (EC) No 1782/2003(**8**)) (the rates in the second column are the

(**6**) O.J. No. L30, 31.01.2009, p.16 as last amended by Commission Regulation (EC) No 992/2009 (OJ No L 278, 23.10.2009, p.7)
(**7**) S.I. 2009 No. 3263
(**8**) O.J. No. L95, 05.04.2007, p.1 as last amended by Council Regulation (EC) No. 73/2009 (O.J. L 30, 31.01.2009, p. 16).