STATUTORY RULES OF NORTHERN IRELAND

2009 No. 316

AGRICULTURE

The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Amendment) Regulations (Northern Ireland) 2009

Made - - - -	*8th September 2009*
Coming into operation	*2nd October 2009*

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.

The Department of Agriculture and Rural Development makes the following Regulations in exercise of the powers conferred by section 2(2) of that Act.

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) 2009 and shall come into operation on 2nd October 2009.

(2) The Interpretation Act (Northern Ireland) 1954(**3**) applies to these Regulations as it applies to an Act of the 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 7.

(2) In regulation 2(2) (interpretation)—

(**1**) S.I. 2000/2812 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

(a) omit the definitions of "Commission Regulation 796/2004" and "Council Regulation 1782/2003";

(b) after the definition of "authorised person" insert—

> ""the Commission Regulation" 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 Council Regulation (EC) No 1782/2003, as last amended by Commission Regulation (EC) No 1266/2008;
>
> "the Council Regulation" means 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;".

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

(4) In regulation 4(1) (standards of good agricultural and environmental condition) for "Article 5(1)" substitute "Article 6(1)".

(5) In regulation 6 (competent control authority)—

(a) in paragraph (1)(a) for "Annex III of" substitute "Annex II to";

(b) in paragraph (1)(b) for "Annex III" substitute "Annex II".

(6) In paragraph (3)(c) of regulation 7 (powers of authorised persons) omit ", including land set aside pursuant to Articles 54 and 55(b) of the Council Regulation".

(7) In the Schedule (standards of good agricultural and environmental condition) for paragraph (1) (soil management) substitute—

"**Soil management**

1.—(1) A farmer shall prevent the poaching of soil, except where—

(a) the poaching of the soil is a necessary consequence of measures taken to ensure animal welfare;

(b) the soil is within 5 metres of a gateway or other access point and access is required over the waterlogged soil to soil that is not waterlogged;

(c) the soil is on an established track to soil that is not waterlogged;

(d) the poaching of the soil is a necessary consequence of harvesting a crop of fresh vegetables in circumstances where such produce would deteriorate if not harvested as a matter of urgency; or

(e) the poaching of the soil is a necessary consequence of works that are required to improve the drainage of the waterlogged soil.

(2) The Department shall vary or suspend any of the requirements in sub-paragraph (1) in relation to an area and for a period of not more than two months, where in its opinion—

(a) an area is affected by extreme weather conditions; and

(b) those weather conditions justify the variation or suspension of the requirement in this paragraph, taking into consideration the economic impact of the weather conditions and the environmental effects of any variation or suspension of the requirements.

(3) Where the Department has varied or suspended the requirements, it shall publish directions to the farmers in the area concerned stating, with reasons, the details and duration of the variation or suspension, and the farmers shall comply with the requirement as varied in the directions or, in the case of a suspension of the requirement, need not comply with the requirement.