STATUTORY RULES OF NORTHERN IRELAND

2006 No. 200

AGRICULTURE

The Common Agricultural Policy Single Payment and Support Schemes (Set-aside) (Amendment) Regulations (Northern Ireland) 2006

Made - - - -	*26th April 2006*
Coming into operation	*15th May 2006*

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) and every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Common Agricultural Policy Single Payment and Support Schemes (Set-aside) (Amendment) Regulations (Northern Ireland) 2006 and shall come into operation on 15th May 2006.

Interpretation

2.—(1) In these Regulations, "the Principal Regulations" means the Common Agricultural Policy Single Payment and Support Schemes (Set-aside) Regulations (Northern Ireland) 2005(**3**).

(2) The Interpretation Act (Northern Ireland) 1954(**4**) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment of regulation 2 of the Principal Regulations

3. In regulation 2(1) of the Principal Regulations—

(a) the entry defining "the Cross Compliance Regulations 2005" shall be omitted; and

(**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**) S.R. 2005 No. 310
(**4**) 1954 c. 33 (N.I.)

(b) for the entry defining "green cover" shall be substituted: ""green cover" means a ground covering of vegetation established or, as the case may be, falling to be established in accordance with any of the management options referred to in Paragraph 1(1) of Schedule 1".

Amendment of regulation 4 of the Principal Regulations

4. In regulation 4(3) of the Principal Regulations, for the words "Cross Compliance Regulations 2005" there shall be substituted the words "Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) Regulations (Northern Ireland) 2005"(**5**).

Amendment of regulation 6 of the Principal Regulations

5. In regulation 6(5) of the Principal Regulations, for the words "31st January" there shall be substituted the words "9th February".

Amendment of Schedule 1 to the Principal Regulations

6.—(1) Schedule 1 to the Principal Regulations shall be amended in accordance with the provisions of this paragraph.

(2) In paragraph 1(5)—

after the definition of "the following year" insert—

""herbicide" means any substance, preparation or organism prepared or used for destroying any undesired plant.".

(3) In paragraph 7—

at the end of the paragraph insert—

"(4) In each field or part of a field to which any of the options mentioned in paragraph 1(1) is applied, a farmer shall by virtue of this provision be treated as exempt from a requirement to establish a green cover by the start of the current green cover season in any of the circumstances specified in sub-paragraphs (5) to (7).

(5) The first circumstance is where—

(a) the farmer took all reasonable steps to establish a green cover by the start of the green cover season;

(b) the green cover failed and the farmer could not reasonably have prevented that failure; and

(c) the farmer establishes a green cover by means of natural regeneration after the start of the green cover season.

(6) The second circumstance is where the farmer—

(a) sowed a crop on that land before 1st October in the previous year for harvesting on or after that date;

(b) harvested that crop on or after that date and before the start of the green cover season; and

(c) establishes a green cover by means of natural regeneration after the start of the green cover season.

(7) The third circumstance is where—

(**5**) S.R. 2005 No. 6

(a) the farmer sowed a crop on that land before 1st October in the previous year for harvesting on or after that date;

(b) the crop failed such that it was incapable of yielding a harvest before the start of the green cover season and the farmer could not reasonably have prevented that failure; and

(c) the farmer establishes a green cover by means of natural regeneration after the start of the green cover season.

(8) A farmer shall, in respect of the field or part of a field where he allowed natural regeneration as referred to in sub-paragraphs (5) to (7), comply with the conditions set out in this Part which relate to the natural regeneration option.

(9) Where a farmer is treated as exempt by virtue of sub-paragraph (4) he may nevertheless establish a green cover after the start of the green cover season by sowing—

(a) seed of a relevant kind; or

(b) a relevant mixture of seed.

(10) Such a farmer shall, in respect of the field or part of a field where such green cover is established, comply with such of the conditions set out in this Part which relate—

(a) where the seed sown is seed of a relevant kind, to the sown green cover option; and

(b) where the seed sown is a relevant mixture of seed, to the wild bird cover option.".

(4) In paragraph 9—

for the number "15" substitute the number "17"; and

(5) Substitute paragraph 12 with the following—

"**12.**—(1) Subject to sub-paragraph (2), a farmer may at any time on or after 1st July cultivate the land set aside from production for the purposes of controlling weeds.

(2) A farmer may at any time on or after 1st May cultivate organic land set aside from production for the purpose of controlling weeds.

(3) In this paragraph—

"Compendium of UK Organic Standards" means—

(a) the Compendium of UK Organic Standards, July 2005 Edition published by the Department for Environment, Food and Rural Affairs(**6**); and

"Council Regulation (EEC) No. 2092/1991" means Council Regulation (EEC) No. 2092/1991(**7**) on organic production of agricultural products and foodstuffs as last amended by Council Regulation (EC) No. 592/2006(**8**);

"Organic land" means land which—

(a) is managed in accordance with the organic production method under Council Regulation (EEC) No. 2092/1991 as it relates to land which is fully organic, or land which is in conversion under that Council Regulation, as read (in both cases) with any additional provisions set out in the Compendium of UK Organic Standards; and

(b) is subject to the inspection system under Article 9 of Council Regulation (EEC) No. 2092/1991."

(6) In paragraph 13, omit sub-paragraph (4).

(**6**) available on the Defra website; the edition specified in the substituted paragraph 12(3) is that which was available on the Defra website immediately before the coming into operation of these Regulations
(**7**) O.J. No. L198, 22.7.1991, p.1
(**8**) O.J. No. L104, 13.4.2006, p. 13