STATUTORY RULES OF NORTHERN IRELAND

1999 No. 120

EUROPEAN COMMUNITIES AGRICULTURE

Arable Area Payments (Amendment) Regulations (Northern Ireland) 1999

Made - - - -	*16th March 1999*
Coming into operation	*19th April 1999*

The Department of Agriculture, 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, in exercise of the powers conferred on it by that section, and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Arable Area Payments (Amendment) Regulations (Northern Ireland) 1999, and shall come into operation on 19th April 1999.

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

Amendments of the Arable Area Payments Regulations (Northern Ireland) 1997

2.—(1) The Arable Area Payments Regulations (Northern Ireland) 1997(**4**) shall be amended in accordance with paragraphs (2) to (6).

(2) In regulation 2(1) (interpretation)—

(a) after the definition of "permitted agricultural production", there shall be inserted the following definition—

> ""plant protection product" shall have the same meaning as in Council Directive 91/414/EEC concerning the placing of plant protection products on the market(**5**);";

(**1**) S.I. 1972/1811
(**2**) 1972 c. 68
(**3**) 1954 c. 33 (N.I.)
(**4**) S.R. 1997 No. 477, as amended by S.R. 1998 No. 308
(**5**) O.J. No. L230, 19.8.91, p. 1, last amended by Council Directive (EC) No. 98/47, O.J. No. L191, 7.7.98, p. 50

(b) in the definition of "set-aside period", the words "(except in the case of guaranteed set-aside land)" and the words "and, in the case of guaranteed set-aside land, means a scheme year" shall be deleted;

(c) the definition of "share farming agreement" shall be deleted.

(3) In regulation 2(2) (interpretation) for the words "the Arable Area Payments (Amendment) Regulations (Northern Ireland) 1998", there shall be substituted the words "the Arable Area Payments (Amendment) Regulations (Northern Ireland) 1999".

(4) In regulation 6 (exchanges of eligible and ineligible land)—

(a) in paragraph (1), for the words "is obliged to exchange ineligible land for eligible land within his holding for agronomic, phytosanitary or environmental reasons, as provided for in Article 2(5) of Commission Regulation 658/96", there shall be substituted the words "has sufficient grounds, for the purposes of Article 2(5) of Commission Regulation 658/96, for exchanging ineligible land for eligible land within his holding,(**6**)";

(b) in paragraph (5), for the words "on reasonable grounds that the applicant is obliged to exchange the ineligible land for the eligible land for agronomic, phytosanitary or environmental reasons", there shall be substituted the words "that the applicant has sufficient grounds for the purposes of Article 2(5) of Commission Regulation 658/96 for exchanging ineligible land for eligible land and that the exchange would not give rise to an increase in the total area of eligible arable land on the holding,"; and

(c) in paragraph (6), for sub-paragraph (f), there shall be substituted the following sub-paragraph—

"(f) has, for a continuous period of twenty years ending on 22nd April 1995, been grassland, scrub or other non-arable habitat, and has not at any time during that period been cultivated, re-seeded, improved by the use of fertilisers, herbicides or lime or otherwise managed for arable production, unless—

(i) the ineligible land that is the subject of the application is situated within an existing orchard planted after 22nd April 1965; or

(ii) the Department is satisfied on reasonable grounds that the purpose of the exchange is to allow the eligible land that is the subject of the application to be entered into an agri-environmental scheme and the exchange would result in an overall environmental benefit;".

(5) Regulation 7 and Schedule 1 (derogations from requirement to have farmed for two years land set aside) shall be deleted.

(6) In Schedule 2 (management requirements in relation to set-aside land)—

(a) in Part A (management options for set-aside land), for paragraph 1(5) there shall be substituted the following sub-paragraph—

"(5) For the purposes of this Schedule, the particular scheme year referred to in sub-paragraph (1) means "the current scheme year"; "the current set-aside period" means the set-aside period during that scheme year; "the current green cover season" means the green cover season during that scheme year; and expressions such as "the previous scheme year" and "the following scheme year" shall be construed accordingly."; and

(b) in Part B (general management conditions applying to all set-aside land)—

(i) for paragraph 19 (application of fungicides and insecticides to the set-aside land) and the heading thereto there shall be substituted the following paragraph and heading—

(**6**) Commission Regulation (EC) No. 658/96 (O.J. No. L91, 12.4.96, p. 46) was last amended by Commission Regulation (EC) No. 1589/98, O.J. No. L208, 24.7.98, p. 9