STATUTORY RULES OF NORTHERN IRELAND

1998 No. 308

EUROPEAN COMMUNITIES AGRICULTURE

Arable Area Payments (Amendment) Regulations (Northern Ireland) 1998

Made - - - - 1st September 1998

Coming into operation 5th October 1998

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) 1998, and shall come into operation on 5th October 1998.

(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 (7).

(2) In regulation 2 (interpretation)—

(a) in paragraph (1), for the definition of "organic waste" there shall be substituted the following definition—

> ""organic waste" means—
>
> (a) in relation to the application of organic waste to environmental transferred set-aside land, waste material produced by any work carried out for the maintenance of a tree, hedge, stream or ditch; and

(**1**) S.I. 1972/1811
(**2**) 1972 c. 68
(**3**) 1954 c. 33 (N.I.)
(**4**) S.R. 1997 No. 477

(b) in relation to the application of organic waste to any other set-aside land, waste material produced by or from animals or plants as a by-product of agricultural production, including animal bedding;";

(b) in paragraph (2), for the words "these Regulations", where they appear for the second time, there shall be substituted the words "the Arable Area Payments (Amendment) Regulations (Northern Ireland) 1998".

(3) In regulation 9 (requirements in relation to set-aside land), in paragraph (5)(*a*), the words "to him" shall be deleted.

(4) In regulation 11 (requirements in relation to rapeseed)—

(a) in paragraph (6), before the words "For the purposes" there shall be inserted the words "Subject to paragraphs (7A) and (7B),";

(b) in paragraph (7), before the words "As provided for" there shall be inserted the words "Subject to paragraphs (7A) and (7B),"; and

(c) after paragraph (7), there shall be inserted the following paragraphs:

"(7A) Paragraphs (6)(*a*) and (7)(*a*) shall not apply where, before the flowering of the later sown crop, the farmer destroys that part of it which has been sown within 50 metres of the previously sown crop.

(7B) Paragraphs (6)(*b*) and (7)(*b*) shall not apply where either the previously sown crop or the later sown crop has flowered and, before the flowering of the other of those two crops, the farmer destroys—

(a) such part of the later sown crop as has been sown within 50 metres of the previously sown crop; or

(b) such part of the previously sown crop as is growing within 50 metres of the later sown crop.".

(5) In regulation 12 (delivery declarations for non-food raw materials), in paragraphs (1) and (2), for the words "15th November" in each case there shall be substituted the words "9th February", and after the words "scheme year" in each case there shall be inserted the words "following the scheme year".

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

(a) in Part B (general management conditions applying to all set-aside land) in paragraph 18(2), before the words "A farmer may" there shall be inserted the words "Throughout the set-aside period", and for the words "if that organic waste", to the end of the sub-paragraph, there shall be substituted the following—

"provided that the organic waste—

(a) was produced on land which he farms as a single unit with the set-aside land;

(b) is applied only where there is an existing green cover on the set-aside land; and

(c) is applied in amounts which will not destroy that green cover.";

(b) in Part D (exception relating to environmental transferred set-aside land), for paragraph 25(1) there shall be substituted the following—

"**25.**—(1) Throughout the set-aside period, a farmer may apply organic waste to an agricultural parcel of environmental transferred set-aside land where—

(a) that waste was created as a result of the maintenance of a tree, hedge, stream or ditch on or immediately adjoining that agricultural parcel;

(b) there is an existing green cover on that parcel; and