STATUTORY RULES OF NORTHERN IRELAND

1996 No. 607

AGRICULTURE

Moorland (Livestock Extensification) (Amendment No. 2) Regulations (Northern Ireland) 1996

Made - - - -	*23rd December 1996*
Coming into operation	*1st January 1997*

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 all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Moorland (Livestock Extensification) (Amendment No. 2) Regulations (Northern Ireland) 1996 and shall come into operation on 1st January 1997.

(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 to the Moorland (Livestock Extensification) Regulations (Northern Ireland) 1995

2.—(1) The Moorland (Livestock Extensification) Regulations (Northern Ireland) 1995(**4**) shall be amended as provided by paragraphs (2) to (6).

(2) In regulation 2(2) (Interpretation)—

(a) before the definition of "application" there shall be inserted the following definition—

> ""agri-environment scheme" means an arrangement which is—
>
> (a) regulated by a statutory provision providing for the payment of aid to persons who give an undertaking or enter an agreement by reference to that statutory provision; and

(**1**) S.I.1972/1811
(**2**) 1972 c. 68; Section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.I. 1994/2795 (N.I. 15)
(**3**) 1954 c. 33 (N.I.)
(**4**) S.R. 1995 No. 239 as amended by S.R. 1996 No. 505

(b) approved by the Commission of the European Communities under Article 7(3) of Council Regulation 2078/92 as part of a zonal programme drawn up pursuant to Article 3 of Council Regulation 2078/92;";

(b) after the definition of "beneficiary" there shall be inserted the following definition—

""Commission Regulation 746/96" means Commission Regulation (EC) No. 746/96(**5**) laying down detailed rules for the application of Council Regulations 2078/92";

(c) after the definition of "compensatory allowance" there shall be inserted the following definition—

"Council Regulation 2078/92" means Council Regulation (EEC) No. 2078/92(**6**) on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside; and

(d) in the definition of "eligible person" after sub-paragraph (*b*) there shall be added—

"; and

(c) is not prohibited from providing an undertaking pursuant to an agri-environment scheme either by application of a penalty pursuant to Article 20(2) of Commission Regulation 746/96 (which requires member states to determine a system of penalties which are effective, commensurate with their purpose and of adequate deterrent effect to be imposed for breaches of undertakings), or by application of Article 20(3) of Commission Regulation 746/96 (which requires a person who, intentionally or by reason of gross negligence, makes a false declaration, to be excluded from all aid under Council Regulation 2078/92)";

(3) In regulation 7 (Change of occupation)—

(a) after paragraph (2) there shall be inserted the following paragraph—

"(2A) The Department shall not accept an undertaking referred to in paragraph (1)(*b*) unless it is satisfied that the new occupier is not prohibited from providing an undertaking pursuant to an agri-environment scheme by application of Article 10 of Commission Regulation 746/96 (which restricts duplication of aid payments), by application of penalty consequent upon Article 20(2) of Commission Regulation 746/96 (which requires member states to determine a system of penalties which are effective, commensurate with their purpose and of adequate deterrent effect to be imposed for breaches of undertakings) or by application of Article 20(3) of Commission Regulation 746/96 (which requires a person who, intentionally or by reason of gross negligence, makes a false declaration, to be excluded from all aid under Council Regulation 2078/92)";

(b) for paragraph (7) there shall be substituted—

"(7) The foregoing provisions of this Regulation shall be subject to Article 11 of Commission Regulation 746/96 (which governs transfers of holdings) and Article 12 of Commission Regulation 746/96 (force majeure)"; and

(c) in paragraph (8), after the word "Where" there shall be inserted "a change of occupation of a holding or part of a holding is the result of the compulsory purchase of that holding or part, and".

(4) In regulation 8 (Amounts of aid and claims) for paragraph (1) there shall be substituted—

(**5**) O.J. No. L102, 25.4.96, p. 19
(**6**) O.J. No. L215, 30.7.92, p. 85 as last amended by Commission Regulation (EC) No. 2772/95 O.J. No. L288 1.12.95, p. 35, as rectified by Commission Regulation (EC) No. 1962/96, O.J. No. L259, 12.10.96, p. 7