STATUTORY RULES OF NORTHERN IRELAND

1996 No. 258

AGRICULTURE
EUROPEAN COMMUNITIES

Arable Area Payments (Grazing of Bovine Animals on Set-Aside Land) (Temporary Provisions) Regulations (Northern Ireland) 1996

Made - - - -	*26th June 1996*
Coming into operation	*26th June 1996*

The Department of Agriculture for Northern Ireland, 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 and commencement

1. These Regulations may be cited as the Arable Area Payments (Grazing of Bovine Animals on Set-Aside Land) (Temporary Provisions) Regulations (Northern Ireland) 1996, and shall come into operation on 26th June 1996 and shall expire on 31st August 1996.

Interpretation

2.—(1) In these Regulations—

(a) unless the context otherwise requires, terms have the same meanings as those assigned to them by regulation 2(1) of the main Regulations;

(b) "the Commission Regulation" means Commission Regulation (EC) No. 1091/96(**3**) temporarily permitting the United Kingdom to authorise the use of set-aside land for grazing bovine animals of more than 30 months;

(c) "the main Regulations" means the Arable Area Payments Regulations (Northern Ireland) 1995(**4**);

(**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.R. 1984 No. 253
(**3**) O.J. L144, 18.6.96, p. 9
(**4**) S.R. 1995 No. 381

(d) "relevant land" means land which was, immediately prior to the date of coming into operation of these Regulations, set-aside land.

(2) The Interpretation Act (Northern Ireland) 1954(**5**), except section 20(2) and (3), shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Permission to graze bovine animals on relevant land

3.—(1) Insofar as the Commission Regulation authorises the United Kingdom to permit the grazing of bovine animals of more than 30 months on set-aside land, the grazing of such animals on relevant land is hereby permitted in accordance with paragraph (2).

(2) The permission referred to in paragraph (1) applies in respect of any relevant land where—

(a) the farmer who has applied for a set-aside compensatory payment in respect of that relevant land—

(i) intends to graze, or

(ii) intends to permit another person to graze,

animals of the type referred to in paragraph (1) on that land;

(b) in any case to which sub-paragraph (*a*)(i) applies, that farmer submits to the Department written notification in such form as the Department may reasonably require to the effect that he intends to graze such animals on that land;

(c) in any case to which sub-paragraph (*a*)(ii) applies, that farmer and that other person jointly submit to the Department written notification in such form as the Department may reasonably require to the effect that that farmer intends to permit that other person to graze such animals on that land and that that other person intends to graze such animals on that land; and

(d) that farmer receives written confirmation from the Department that the Department has received the notification referred to in sub-paragraph (*b*) or, as the case may be, sub-paragraph (*c*);

and shall apply from the date of receipt by that farmer of the confirmation referred to in sub-paragraph (*d*) until 31st August 1996.

(3) The Department shall give the confirmation referred to in sub-paragraph (*d*) of paragraph (2) to that farmer as soon as reasonably practicable after receipt of the notification referred to in sub-paragraph (*b*) or, as the case may be, sub-paragraph (*c*) of that paragraph, and may give it by delivery or by sending it by post.

Effect of permission

4. For the purposes of the main Regulations it is hereby provided that—

(a) land which was set-aside land prior to the date of coming into operation of these Regulations shall continue to be regarded as set-aside land notwithstanding the grazing of that land with bovine animals as permitted by regulation 3; and

(b) the grazing of land as permitted by regulation 3 shall not be regarded as constituting a breach of any of the requirements of Schedule 2 to the main Regulations (management requirements in relation to set-aside land).

(**5**) 1954 c. 33 (N.I.)