# 1995 No. 381

## AGRICULTURE

## Arable Area Payments Regulations (Northern Ireland) 1995

*Made* . . . . . *5th October 1995*

*Coming into operation* . . *6th November 1995*

INDEX

*Regulation*

1. Citation and commencement
2. Interpretation
3. Production regions
4. Calculation of projected regional reference amount
5. Minimum size of agricultural plot
6. Derogation from requirement to have farmed for two years land set aside
7. Derogation from requirement to set land aside in the production region where the related arable land is situated
8. Requirements in relation to set-aside land
9. Transfer of the obligation to set aside to another farmer
10. Requirements in relation to rapeseed
11. Keeping and retention of records by a farmer
12. Keeping and retention of records by a collector and by a processor
13. Reduction or cancellation of compensatory payments for breach of Schedules 2 and 3
14. Rate of interest applicable where compensatory payments fall to be returned
15. Powers of authorised persons
16. Assistance to authorised persons
17. Offences and penalties
18. Revocations

Schedule 1: Derogation from requirement to have farmed set-aside land for two years

Schedule 2: Management requirements in relation to set-aside land

A. MANAGEMENT OPTIONS FOR SET-ASIDE LAND

*Paragraph*

1-2. General

3-4. Exemptions from the requirement to establish a green cover on set-aside land
5. The Grassland Option
6. The Natural Regeneration Option
7. The Wild Bird Cover Option
8. The Field Margins Option
9. Cutting the green cover

B. GENERAL MANAGEMENT CONDITIONS APPLYING TO ALL SET-ASIDE LAND

10. Application of conditions to all set-aside land
11. Exemptions from the requirement to maintain a green cover on set-aside land
12-13. Cultivation of the set-aside land and replacement of the green cover
14. Use of legumes in the green cover
15. Classification of seed permitted to be sown on set-aside land
16. Replacement of the green cover and changing management options
17. Use of the green cover
18-22. Application of fertilisers, waste and lime to the set-aside land
23-25. Application of fungicides, insecticides and herbicides to the set-aside land
26. Retention of features on the set-aside land

C. SPECIAL CONDITIONS APPLYING TO GUARANTEED SET-ASIDE LAND

27. Application of conditions to guaranteed set-aside land
28-30. The application of fertilisers
31. Permitted agricultural production

D. EXCEPTION RELATING TO ENVIRONMENTAL TRANSFERRED SET-ASIDE LAND

32. The application of organic waste

Schedule 3: Requirements in relation to land set aside for the provision of specified raw materials

The Department of Agriculture, being a Department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) 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:—

---

(**a**) S.I. 1972/1811
(**b**) 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

*Citation and commencement*

**1.** These Regulations may be cited as the Arable Area Payments Regulations (Northern Ireland) 1995 and shall come into operation on 6th November 1995.

*Interpretation*

**2.**—(1) In these Regulations—

"agricultural parcel" has the same meaning as in Article 1(4) of Council Regulation 3508/92 as read with the first indent of Article 6(1) of that Regulation;

"agricultural plot" means a cultivated plot as referred to in Article 2(1)(e) of Commission Regulation 2294/92 or in Article 2(e) of Commission Regulation 2295/92 or a separate piece of an area as referred to in Article 4(3) of Commission Regulation 2780/92;

"arable compensatory payment" means a compensatory payment other than a compensatory payment made in respect of set-aside land;

"arable crop" has the same meaning as in Article 1(2) of Council Regulation 1765/92;

"authorised person" means any person who is authorised by the Department, either generally or specially, to act in matters arising under these Regulations;

"collector" has the same meaning as in Article 1 of Commission Regulation 334/93;

"combinable crop" means any crop commonly harvested using a combine harvester;

"Commission Regulation 2294/92" means Commission Regulation (EEC) No. 2294/92(**a**) on detailed rules for the application of the support system for producers of the oilseeds referred to in Council Regulation 1765/92, as last amended by Commission Regulation (EC) No. 762/95(**b**);

"Commission Regulation 2295/92" means Commission Regulation (EEC) No. 2295/92(**c**) on detailed rules for the application of the support system for producers of the protein crops referred to in Article 6 of Council Regulation 1765/92, as last amended by Commission Regulation (EC) No. 3347/93(**d**);

"Commission Regulation 2780/92" means Commission Regulation (EEC) No. 2780/92(**e**) on the conditions for the grant of compensatory payments under the support system for producers of certain arable crops, as last amended by Commission Regulation (EC) No. 868/95(**f**);

---

(**a**) O.J. No. L221, 6.8.92, p. 22
(**b**) O.J. No. L76, 5.4.95, p. 1
(**c**) O.J. No. L221, 6.8.92, p. 28
(**d**) O.J. No. L300, 7.12.93, p. 5
(**e**) O.J. No. L281, 25.9.92, p. 5
(**f**) O.J. No. L89, 21.4.95, p. 5

"Commission Regulation 3887/92" means Commission Regulation (EEC) No. 3887/92(**a**) laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes as last amended by Commission Regulation (EC) No. 229/95(**b**);

"Commission Regulation 334/93" means Commission Regulation (EEC) No. 334/93(**c**) laying down detailed implementing rules for the use of land set aside for the provision of materials for the manufacture within the Community of products not primarily intended for human or animal consumption, as amended by Commission Regulation (EC) No. 608/94(**d**);

"Commission Regulation 2595/93" means Commission Regulation (EEC) No. 2595/93(**e**) laying down detailed rules as regards the use of land set aside for the production of multiannual raw materials for the manufacture within the Community of products not intended for human or animal consumption;

"Commission Regulation 762/94" means Commission Regulation (EC) No. 762/94(**f**) laying down detailed rules for the application of Council Regulation 1765/92 with regard to the set-aside scheme as last amended by Commission Regulation (EC) No. 229/95;

"compensatory payment" means a compensatory payment under Article 2(2) of Council Regulation 1765/92;

"Council Regulation 2092/91" means Council Regulation (EEC) No. 2092/91(**g**) on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs as last amended by Commission Regulation (EC) No. 2381/94(**h**);

"Council Regulation 1765/92" means Council Regulation (EEC) No. 1765/92(**i**) establishing a support system for producers of certain arable crops (as last amended by Council Regulation (EC) No. 1460/95(**j**)) as read with Commission Regulation (EEC) No. 3738/92(**k**) and Council Regulation (EC) No. 2990/94(**l**);

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

---

(**a**) O.J. No. L391, 31.12.92, p. 36
(**b**) O.J. No. L27, 4.2.95, p. 3
(**c**) O.J. No. L38, 16.2.93, p. 12
(**d**) O.J. No. L77, 19.3.94, p. 7
(**e**) O.J. No. L238, 23.9.93, p. 21
(**f**) O.J. No. L90, 7.4.94, p. 9
(**g**) O.J. No. L198, 22.7.91, p. 1
(**h**) O.J. No. L255, 1.10.94, p. 84
(**i**) O.J. No. L181, 1.7.92, p. 12
(**j**) O.J. No. L144, 28.6.95, p. 1
(**k**) O.J. No. L380, 24.12.92, p. 24
(**l**) O.J. No. L316, 9.12.94, p. 1
(**m**) O.J. No. L215, 30.7.92, p. 85

"Council Regulation 2080/92" means Council Regulation (EEC) No. 2080/92(**a**) instituting a Community aid scheme for forestry measures in agriculture;

"Council Regulation 3508/92" means Council Regulation (EEC) No. 3508/92(**b**) establishing an integrated administration and control system for certain Community aid schemes as last amended by Council Regulation (EC) No. 3233/94(**c**);

"the Department" means the Department of Agriculture for Northern Ireland;

"eligible land" means land—

(*a*) for which aid has been granted under Title I of Council Regulation (EEC) No. 2328/91(**d**) on improving the efficiency of agricultural structures or in respect of which an application for direct payments has been accepted under Council Regulation (EEC) No. 3766/91(**e**) establishing a support system for producers of soya beans, rape seed, colza seed and sunflower seed;

(*b*) not under permanent pasture (as defined in the Annex to Commission Regulation 2780/92), permanent crops (as defined in the same Annex), forest or non-agricultural uses on 31st December 1991;

(*c*) which the Department has declared to be eligible land in accordance with the third paragraph of Article 9 of Council Regulation 1765/92 and Article 3(3) of Commission Regulation 2780/92; or

(*d*) which falls to be treated as eligible land in accordance with the fourth paragraph of Article 9 of Council Regulation 1765/92 and Article 3(4) of Commission Regulation 2780/92,

except for land which the Department has declared, in accordance with the second, third or fourth paragraph of Article 9 of Council Regulation 1765/92, no longer to be eligible land.

"environmental transferred set-aside land" means all land set aside by a farmer to satisfy the set-aside requirement of another farmer, except for land in respect of which evidence showing that it falls within the location specified in regulation 9(3)(*a*) has been provided by the transferee (as defined in regulation 9(2));

"farmer" means a farmer within the meaning of Article 1(4) of Council Regulation 3508/92 who applies to the Department for a compensatory payment;

"farm-saved rapeseed" means seed conforming to the provisions of Article 3(1)(b) of Commission Regulation 2294/92;

---

(**a**) O.J. No. L215, 30.7.92, p. 96
(**b**) O.J. No. L355, 5.12.92, p. 1
(**c**) O.J. No. L338, 28.12.94, p. 13
(**d**) O.J. No. L218, 6.8.91, p. 1
(**e**) O.J. No. L356, 24.12.91, p. 17