1994 No. 181

AGRICULTURE

Arable Area Payments Regulations (Northern Ireland) 1994

Made	*10th May 1994*
Coming into operation . .	*13th May 1994*

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:—

Citation and commencement

1. These Regulations may be cited as the Arable Area Payments Regulations (Northern Ireland) 1994 and shall come into operation on 13th May 1994.

Interpretation

2.—(1) In these Regulations—

"agricultural parcel" means a cultivated plot 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 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;

"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 2293/92" means Commission Regulation (EEC) No. 2293/92(**c**) laying down detailed rules for the application of Council Regulation 1765/92 with regard to the set-aside scheme referred to in Article 7, as amended by Commission Regulation (EEC)

(**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

(**c**) OJ No. L221, 6.8.92, p. 19

No. 1379/93(**a**) and further amended by Commission Regulation (EEC) No. 2594/93(**b**);

"Commission Regulation 2294/92" means Commission Regulation (EEC) No. 2294/92(**c**) on detailed rules for the application of the support system for producers of the oilseeds referred to in Council Regulation 1765/92, as amended by Commission Regulation (EEC) No. 2890/92(**d**), Commission Regulation (EEC) No. 819/93(**e**), Commission Regulation (EEC) No. 1664/93(**f**), Commission Regulation (EEC) No. 2776/93(**g**) and Commission Regulation (EC) 243/94(**h**);

"Commission Regulation 2295/92" means Commission Regulation No. 2295/92(**i**) 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 amended by Commission Regulation (EEC) No. 2891/92(**j**), Commission Regulation (EEC) No. 1664/93 and Commission Regulation (EC) No. 3347/93(**k**);

"Commission Regulation 2780/92" means Commission Regulation (EEC) No. 2780/92(**l**) on the conditions for the grant of compensatory payments under the support system for producers of certain arable crops;

"Commission Regulation 334/93" means Commission Regulation (EEC) No. 334/93(**m**) 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;

"Commission Regulation 2595/93" means Commission Regulation (EEC) No. 2595/93(**n**) 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;

"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(**o**) on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs;

(**a**) OJ No. L136, 5.6.93, p. 17
(**b**) OJ No. L238, 23.9.93, p. 19
(**c**) OJ No. L221, 6.8.92, p. 22
(**d**) OJ No. L288, 3.10.92, p. 10
(**e**) OJ No. L85, 6.4.93, p. 13
(**f**) OJ No. L158, 30.6.93, p. 19
(**g**) OJ No. L252, 9.10.93, p. 7
(**h**) OJ No. L30, 3.2.94, p. 41
(**i**) OJ No. L221, 6.8.92, p. 28
(**j**) OJ No. L288, 3.10.92, p. 12
(**k**) OJ No. L300, 7. 12.93, p. 5
(**l**) OJ No. L281, 25.9.92, p. 5
(**m**) OJ No. L38, 16.2.93, p. 12
(**n**) OJ No. L238, 23.9.93, p. 21
(**o**) OJ No. L198, 22.7.91, p. 1

"Council Regulation 1765/92" means Council Regulation (EEC) No. 1765/92(**a**) establishing a support system for producers of certain arable crops, as amended by Council Regulations (EEC) Nos. 364/93(**b**) and 1552/93(**c**) and Council Regulations (EC) Nos. 231/94(**d**) and 232/94(**e**), as read with Commission Regulation (EEC) No. 3738/92(**f**);

"Council Regulation 3508/92" means Council Regulation (EEC) No. 3508/92(**g**) establishing an integrated administration and control system for certain Community aid schemes;

"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(**h**) or in respect of which an application for direct payments has been accepted under Council Regulation (EEC) No. 3766/91(**i**); or

(*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;

"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;

"green cover" means a green cover established or, as the case may be, failing to be established in accordance with Part III of Schedule 2;

"green cover season" means the period commencing on 15th January and ending on 30th April;

"holding" has the same meaning as in Article 1(4) of Council Regulation 3508/92;

"land set aside for non-food purposes" means land set aside for the provision of raw materials for the manufacture within the European Community of products not primarily intended for human or animal consumption, in accordance with either Commission Regulation 334/93 or Commission Regulation 2595/93;

(**a**) OJ No. L181, 1.7.92, p. 12
(**b**) OJ No. L42, 19.2.93, p. 3
(**c**) OJ No. L154, 25.6.93, p. 19
(**d**) OJ No. L30, 3.2.94, p. 2
(**e**) OJ No. L30, 3.2.94, p. 7
(**f**) OJ No. L380, 24.12.92, p. 24
(**g**) OJ No. L355, 5.12.92, p. 1
(**h**) OJ No. L218, 6.8.90, p. 1
(**i**) OJ No. L356, 24.12.91, p. 17

"legal requirement", in relation to a farmer, means an obligation which the Department is satisfied is legally binding on the farmer;

"non-rotational set-aside land" means land set aside in accordance with the provisions of Article 3a(1) of Commission Regulation 2293/92;

"organic waste" means any waste material produced by or from animals or plants as a by-product of agricultural production, including animal bedding;

"permitted agricultural production" means—

(*a*) the production of products for non-food purposes in accordance with Commission Regulation 334/93 or Commission Regulation 2595/93; or

(*b*) during the period commencing on 1st September and ending on 14th January only and to the extent not prohibited by Article 3(3) of Commission Regulation 2293/92, the use of set-aside land for keeping animals and feeding animals and the harvesting of crops from that land provided that no payment or benefit in kind is received by the farmer in respect of such use or harvesting;

"processor" means a processor referred to in Article 11 of Commission Regulation 334/93;

"production region" has the same meaning as in Article 3 of Council Regulation 1765/92;

"rotational set-aside land" means land, other than non-rotational set-aside land, set aside in order to satisfy the conditions specified in Article 3(4) of Commission Regulation 2293/92;

"seed crop" means a crop grown so that the seed of the crop may be harvested and sown to establish a further crop;

"set-aside" means withdraw from agricultural production other than permitted agricultural production;

"set-aside compensatory payment" means a compensatory payment made in respect of set-aside land, as provided for in Article 7(5) of Council Regulation 1765/92;

"set-aside land" means non-rotational set-aside land or rotational set-aside land;

"set-aside period" means the period commencing on 15th January and ending on 31st August during which rotational set-aside land must remain set aside in accordance with Article 3(4) of Commission Regulation 2293/92;

"shallow cultivate" means cultivate to a depth of no more than 7 centimetres;

"sharefarming agreement" means an agreement for the use of agricultural land for the purposes of a farming enterprise, made between the owner of that land (including a person entitled for a term of years certain or other limited estate) and a farmer who does not have a right to exclusive possession of that land or any legal interest or charge in or over it, under which—

(*a*) the relationship between the contracting parties is not one of partnership or employer and employee or landlord and tenant;

(*b*) the respective liabilities of the contracting parties for the farming enterprise remain separate and defined in the agreement;

(*c*) the contracting parties have joint responsibility for planning and managing the farming enterprise; and

(*d*) each contracting party's reward for participation in the farming enterprise is an agreed share of the output from that enterprise, including agricultural produce of all kinds produced on or from the land and, in any case where produce is sold on behalf of each party to the sharefarming agreement, revenues from such sale;

"specified control measure" means any check, test, verification, inspection, investigation, control or other operation in relation to arable land which a Member State is required to carry out under Council Regulation 3508/92 or Title IV of Commission Regulation (EEC) No. 3887/92(**a**) laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes;

"specified raw materials" means the raw materials listed in Annex I to Commission Regulation 334/93 and in Annex I to Commission Regulation 2595/93, produced on land set aside for non-food purposes;

"vernacular building" means a building of a design or style traditional in its locality;

"waste" means any type of agricultural, industrial or domestic waste.

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

Production region

3. For the purposes of Article 3 of Council Regulation 1765/92, Northern Ireland shall be a separate production region within the United Kingdom.

Calculation of projected regional reference amount

4. For the purpose of Article 5(1)(c) of Council Regulation 1765/92, the projected regional reference amount for Northern Ireland shall be calculated by comparing the oilseeds yield for Northern Ireland with the average oilseeds yield for the Community of 2.36 tonnes per hectare.

Minimum size of agricultural parcel

5.—(1) Subject to paragraph (2), for the purposes of Article 2(1)(e) of Commission Regulation 2294/92, Article 2(e) of Commission Regulation 2295/92 and Article 4(3) of Commission Regulation 2780/92 the minimum

(**a**) OJ No. L391, 31.12.92, p. 36
(**b**) 1954 c. 33 (N.I.)