
STATUTORY INSTRUMENTS

1997 No. 1148

AGRICULTURE

**The Integrated Administration and Control
System (Amendment) Regulations 1997**

<i>Made</i>	- - - -	<i>3rd April 1997</i>
<i>Laid before Parliament</i>		<i>4th April 1997</i>
<i>Coming into force</i>	- -	<i>29th April 1997</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers 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, acting jointly in exercise of the powers conferred on them by that section, and of all other powers enabling them in that behalf, hereby make the following Regulations—

Title, commencement and extent

1.—(1) These Regulations may be cited as the Integrated Administration and Control System (Amendment) Regulations 1997, and shall come into force on 29th April 1997.

(2) These Regulations shall apply to the United Kingdom.

Amendment of previous Regulations

2. The Integrated Administration and Control System Regulations 1993⁽³⁾ shall be amended in accordance with regulations 3 to 6 of these Regulations.

3. For regulation 2 (interpretation) there shall be substituted the following regulation—

“Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“agricultural parcel” has the same meaning as in Article 1(4) of Council Regulation 3508/92;

(1) S.I. 1972/1811.

(2) 1972 c. 68.

(3) S.I. 1993/1317, amended by S.I. 1994/1134.

“area aid application” means the form of application that is made available to farmers by the competent authority, for the purposes of Article 6 of Council Regulation 3508/92 and of Article 4 of Commission Regulation 3887/92, for the IACS year in question;

“authorised person” means any person (whether or not an officer of that authority) who is authorised by the competent authority, either generally or specially, to act in matters arising under these Regulations;

“Commission Regulation 3887/92” means Commission Regulation (EEC) No. 3887/92 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes(4);

“Commission Regulation 2700/93” means Commission Regulation (EEC) No. 2700/93 on detailed rules for the application of the premium in favour of sheepmeat and goatmeat producers(5);

“Commission Regulation 762/94” means Commission Regulation (EC) No. 762/94 laying down detailed rules for the application of Council Regulation 1765/92 with regard to the set-aside scheme(6);

“the competent authority” means—

- (a) in relation to England, the Minister of Agriculture, Fisheries and Food;
- (b) in relation to Scotland or to Wales, the Secretary of State;
- (c) in relation to Northern Ireland, the Department of Agriculture for Northern Ireland;

“Council Regulation 805/68” means Council Regulation (EEC) No. 805/68 on the common organisation of the market in beef and veal(7);

“Council Regulation 3013/89” means Council Regulation (EEC) No. 3013/89 on the common organisation of the market in sheepmeat and goatmeat(8);

“Council Regulation 1323/90” means Council Regulation (EEC) No. 1323/90 instituting specific aid for sheep and goat farming in certain less-favoured areas of the Community(9);

“Council Regulation 2328/91” means Council Regulation (EEC) No. 2328/91 on improving the efficiency of agricultural structures(10);

“Council Regulation 1765/92” means Council Regulation (EEC) No. 1765/92 establishing a support system for producers of certain arable crops(11);

“Council Regulation 3508/92” means Council Regulation (EEC) No. 3508/92 establishing an integrated administration and control system for certain Community aid schemes(12);

“Council Regulation 1577/96” means Council Regulation (EC) No. 1577/96 introducing a specific measure in respect of certain grain legumes(13);

“farmer” has the same meaning as in Article 1(4) of Council Regulation 3508/92;

(4) OJ No. L391, 31.12.92, p.36, as last amended by Commission Regulation (EC) No. 2015/95 (OJ No. L197, 22.8.95, p.2).

(5) OJ No. L245, 1.10.93, p.99, as last amended by Commission Regulation (EC) No. 1526/96 (OJ No. L190, 31.7.96, p.21).

(6) OJ No. L90, 7.4.94, p.8, as last amended by Commission Regulation (EC) No. 2930/95 (OJ No. L307, 20.12.95, p.8).

(7) OJ No. L148, 28.6.68, p.24 (OJ/SE vol. I, p.187), as last amended by Council Regulation (EC) No. 2222/96 (OJ No. L296, 21.11.96, p.50).

(8) OJ No. L289, 7.10.89, p.1, as last amended by Council Regulation (EC) No. 1589/96 (OJ No. L206, 16.8.96, p.25).

(9) OJ No. L132, 23.5.90, p.17, as last amended by Commission Regulation (EC) No. 40/96 (OJ No. L10, 13.1.96, p.6).

(10) OJ No. L218, 6.8.91, p.1, as last amended by Commission Regulation (EC) No. 2387/95 (OJ No. L244, 12.10.95, p.50).

(11) OJ No. L181, 1.7.92, p.12, as last amended by Council Regulation (EC) No. 1575/96 (OJ No. L206, 16.8.96, p.1).

(12) OJ No. L355, 5.12.92, p.1, as last amended by Council Regulation (EC) No. 2466/96 (OJ No. L335, 24.12.96, p.1).

(13) OJ No. L206, 16.8.96, p.4.

“field identification check” means any verification, inspection, investigation or other operation made by the competent authority, after an application has been made to it by a farmer for—

- (a) in England, Wales or Northern Ireland, the allocation (for the purposes of area aid applications to be made by him) of a new identification number in respect of any field of his, or
- (b) in Scotland, the updating (for the purposes of area aid applications to be made by him) of any field identification number or field boundary,

for the purposes of assessing the completeness and accuracy of the information given in that application;

“forage area” has the same meaning as in the second indent of Article 4g(3) of Council Regulation 805/68;

“IACS year” means a period of 12 months commencing on 16th May;

“specified control measure” means any check, test, verification, inspection, investigation, control or other operation in relation to land which a Member State is required to carry out under Council Regulation 3508/92 or Title IV of Commission Regulation 3887/92;

“specified payment” means any one or more of—

- (a) a compensatory payment under Article 2 of Council Regulation 1765/92;
- (b) the special premium under Article 4b of Council Regulation 805/68;
- (c) the deseasonalisation premium under Article 4c of Council Regulation 805/68;
- (d) the suckler cow premium under Article 4d of Council Regulation 805/68;
- (e) the additional amount under Article 4h of Council Regulation 805/68;
- (f) the premium in respect of sheep under Article 5 of Council Regulation 3013/89;
- (g) the compensatory allowance under Article 17 of Council Regulation 2328/91;
- (h) the specific aid under Article 1 of Council Regulation 1323/90 as read with Article 1a of Commission Regulation 2700/93;
- (i) the grain legume aid under Articles 1, 2 and 3 of Council Regulation 1577/96.

(2) In these Regulations, a reference to any European Community Regulation shall include any amendments to it up to the time of the making of the Integrated Administration and Control System (Amendment) Regulations 1997.

(3) In these Regulations, unless the context otherwise requires, any reference to a numbered regulation is a reference to the regulation so numbered in these Regulations.”.

4. After regulation 2 (interpretation), there shall be inserted the following regulation—

“Date by which area aid applications must be submitted

2A. For the purposes of Article 6(2) of Council Regulation 3508/92, and subject to Article 8 of Commission Regulation 3887/92, the last day on which an area aid application for any IACS year may be submitted to the competent authority shall be the 15th May immediately preceding the commencement of that IACS year.”.

5. In regulation 6 (powers of authorised persons)—

- (a) in paragraph (1), in sub-paragraph (a), after the word “measure” there shall be inserted the words “or field identification check”;
- (b) in paragraph (3)—

- (i) the word “and” shall be deleted, and
 - (ii) after sub-paragraph (b) there shall be inserted the following sub-paragraph—
 - “(c) in the course of a field identification check, inspect any records which he has reasonable cause to believe are relevant to that check”.
6. In regulation 8 (offences and penalties)—
- (a) in both paragraph (2) and paragraph (4), the words “in Great Britain” and the words from “, and in Northern Ireland” to the end of the paragraph shall be deleted⁽¹⁴⁾;
 - (b) after paragraph (2) there shall be inserted the following paragraphs—
 - “(2A) If any person for the purpose—
 - (a) in England, Wales or Northern Ireland, of having a new identification number allocated (for the purposes of area aid applications to be made by him) in respect of any field of his, or
 - (b) in Scotland, of having any field identification number or field boundary updated (for the purposes of area aid applications to be made by him)—
 - (i) furnishes information which he knows to be false or misleading in a material particular; or
 - (ii) recklessly furnishes information which is false or misleading in a material particular,he shall be guilty of an offence.
 - (2B) A person guilty of an offence under paragraph (2A) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.”;
 - (c) in paragraph (5), after the number “(1)” there shall be inserted the number “, (2A)”.

3rd April 1997

Tony Baldry
Minister of State, Ministry of Agriculture,
Fisheries and Food

31st March 1997

Raymond S Robertson
Parliamentary Under Secretary of State, Scottish
Office

⁽¹⁴⁾ Amended in consequence of S.I. 1994/2795 (N.I. 15), Article 3(2), which came into operation on 1st January 1995 by virtue of S.R. (N.I.) 1994/446.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply throughout the United Kingdom and come into force on 29th April 1997, amend for a second time the Integrated Administration and Control System Regulations 1993 (S.I.1993/1317) (“the principal Regulations”) which provide for the implementation in part of Council Regulation (EEC) No. 3508/92 (OJ No. L355, 5.12.92, p.1), as amended, and Commission Regulation (EEC) No. 3887/92 (OJ No. L391, 31.12.92, p.36), as amended.

These Regulations—

- (a) consolidate regulation 2 of the principal Regulations, while introducing the new definitions of “area aid application”, “field identification check” and “IACS year” (regulation 3);
- (b) introduce a new regulation 2A in the principal Regulations, requiring that area aid applications for any IACS year be submitted by the 15th May immediately preceding the IACS year in question; this fulfils the obligation upon Member States to set such a date, contained in Article 6(2) of Council Regulation (EEC) No. 3508/92, as amended by Council Regulation (EC) No. 2446/96 (OJ No. L335, 24.12.96, p.1) (regulation 4);
- (c) extend the powers of authorised persons contained in regulation 6 of the principal Regulations to include the carrying out of a field identification check (being the verification, etc. made further to application to a competent authority by a farmer for the allocation of new field identification numbers or, in Scotland, for the updating of any such number or of a field boundary) (regulation 5);
- (d) amend regulation 8(2) and (4) of the principal Regulations so as to take account of certain changes made by the Criminal Justice (Northern Ireland) Order 1994 (S.I. 1994/2795) (regulation 6(a));
- (e) create offences of knowingly, or recklessly, furnishing false or misleading information for the purpose of having a new identification number allocated to one’s field or, in Scotland, of having such a number, or a field boundary, updated, and prescribe a penalty; and make a consequential amendment (regulation 6(b) and (c)).

A compliance cost assessment has been prepared and has been deposited in the library of each House of Parliament.