
WELSH STATUTORY INSTRUMENTS

2006 No. 2831 (W.252)

AGRICULTURE, WALES

**The Common Agricultural Policy Single Payment
and Support Schemes (Cross Compliance)
(Wales) (Amendment) Regulations 2006**

Made - - - - *24 October 2006*
Coming into force - - *1 November 2006*

The National Assembly for Wales, being 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 upon it by that section makes the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) (Amendment) Regulations 2006.

(2) These Regulations come into force on 1 November 2006.

(3) These regulations apply in relation to Wales.

Amendment of the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) Regulations 2004

2. The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) Regulations 2004⁽³⁾ are amended as follows—

(1) In regulation 2(1) (Interpretation)—

(a) for the definition of “agri-environment commitment” substitute—

““agri-environment commitment” means a commitment entered into before 1 January 2007 under Council Regulation 2078/92(now repealed) or Articles 22, 23, 24 and 31 of Council Regulation 1257/1999 as last amended by Council Regulation (EC) No 583/2004;

(1) S.I.2005/2766.

(2) 1972 c. 68.

(3) S.I. 2004/3280 (W.284).

- (b) at the end of the definition of “the Commission Regulation” add the words “, as last amended by Commission Regulation (EC) No 1187/2006(4)”;
 - (c) at the end of the definition of “the Council Regulation” add the words “, as last amended by Commission Regulation (EC) No 1156/2006(5)”.
- (2) Omit regulation 2(2).
- (3) In regulation 4 (Standards of good agricultural and environmental condition), after 4(2) insert—

“(3) Except in relation to any land set aside pursuant to Article 54 or 55(b) of the Council Regulation, a farmer is exempt from a standard in the Schedule if the farmer satisfies the National Assembly that the farmer should be exempted from it—

- (a) because, by virtue of any power or authorisation conferred by or under any enactment, a pipeline, cable or pylon is being or will be laid through, or constructed on or across, the land, he or she is unable to ensure the standard is met;
- (b) because, as a result of maintenance of a pipeline, cable or pylon being carried out or to be carried out under statutory authority on the land, he or she is unable to ensure that the standard is met;
- (c) in the interest of human or animal health or safety; or
- (d) because such an exemption is necessary, either to enable a serious cause of harm to plant health or serious infestation of any pest or specified weed to be treated, or to permit measures to be taken to prevent the development of any such cause of harm or infestation.

(4) In relation to land set aside pursuant to Article 54 or 55(b) of the Council Regulation, a farmer is exempt from a standard in the Schedule if the farmer satisfies the National Assembly that the farmer should be exempt from it on any of the grounds specified in subparagraph (a) to (g) of regulation 4(5) of the Common Agricultural Policy Single Payment Scheme (Set-aside) (Wales) Regulations 2005(6)

- (4) In regulation 5 (Permanent Pasture), after 5(2) insert—

“(3) But the National Assembly must not—

- (a) prohibit a farmer from converting land under permanent pasture in the circumstance mentioned in Article 4(3) of the Commission Regulation, or
- (b) require a farmer to reconvert land where the farmer turned that land into permanent pasture in the circumstances mentioned in Article 4(3) of the Commission Regulation and later converted it out of permanent pasture.”

- (5) For regulation 6 (Competent Control Authority and Relevant Authorities) substitute—

“Competent Control Authorities

6.—(1) Subject to paragraph (2), for the purposes of the designation in Article 42(2) of the Commission Regulation, the National Assembly is responsible for carrying out the controls in relation to cross-compliance requirements and standards.

(2) For the purposes of Article 42(1) of the Commission Regulation, the Secretary of State is the specialised control body who bears the responsibility of carrying out the controls in respect of statutory management requirements under numbers 10, 13, 14 and 15 of Annex III to the Council Regulation.

(4) OJ L 214, 4.8.2006

(5) OJ L 208, 29.7.2006, p. 3—14

(6) S.I. 2005/45 (W. 4).

(3) The National Assembly and the Secretary of State may, in respect of the standards for which they are responsible, require a relevant authority to carry out controls or checks for the purposes of Article 9 and Chapter I and Chapter III of Title III of the Commission Regulation.

(4) A relevant authority which has been required by the National Assembly or the Secretary of State to carry out the controls referred to in paragraph (3) must—

- (a) send a provisional control report, in relation to the controls carried out, to the National Assembly or the Secretary of State (as the case may be);
- (b) where, in the course of its other activities, it considers that there has been a non-compliance, notify the person or body responsible under paragraph (1) or (2) of this regulation for carrying out controls in relation to that non-compliance.

(5) The functions conferred on the Countryside Council by paragraphs (3) and (4) are to be treated for the purposes of section 132(2), section 133 and paragraphs 19 and 20 of Schedule 6 to the Environment Protection Act 1990(7) as though they were conferred on the Countryside Council under section 132 of that Act.

(6) In this regulation, “a relevant authority”, means—

- (a) The Environment Agency; or
- (b) The Countryside Council.”.

(6) In paragraph 12(1) (Hedgerows) of the Schedule, for “or (4)” substitute “,(4) or (5)”.

(7) In paragraph 14 (Environmental impact assessment) of the Schedule, after 14(3) insert—

“(4) A farmer must not, without reasonable excuse, fail to comply with any requirement of a reinstatement notice served on the farmer under regulation 24(1) of those Regulations.”.

(8) After paragraph 20 (Sites of special scientific interest) of the Schedule, insert a new paragraph—

“**20A.** A farmer who is a section 28G authority within the meaning of section 28G(3) of the Wildlife and Countryside Act 1981 must comply with the requirements of section 28H of that Act.”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(8)

24 October 2006

D. Elis-Thomas
The Presiding Officer of the National Assembly

(7) 1990 c. 43.

(8) 1998 c. 38.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) (Amendment) Regulations 2004 (“the Principal Regulations”).

Regulation 2(5) amends regulation 6 of the Principal Regulations, as regards the designation of Competent Control Authorities which are responsible for carrying out controls in relation to cross-compliance requirements and standards.

Regulation 2 also makes amendments to the principal Regulations to:

- update references to the Community instruments in those Regulations to references to the Community instruments as amended at the date these Regulations are made;
- correct certain drafting errors in the Regulations; and
- make minor and technical amendments to the Regulations.

A Regulatory Appraisal has been prepared in respect of these Regulations and is available from the Department for Environment, Planning and Countryside, National Assembly for Wales, Cathays Park, Cardiff CF10 3NQ.