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WELSH STATUTORY INSTRUMENTS

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**2010 No. 38 (W.11)**

**AGRICULTURE, WALES**

**The Common Agricultural Policy Single Payment  
and Support Schemes (Cross Compliance)  
(Wales) (Amendment) Regulations 2010**

<i>Made</i>	- - - -	<i>11 January 2010</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>12 January 2010</i>
<i>Coming into force</i>	- -	<i>13 January 2010</i>

The Welsh Ministers are designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Community, and they make the following Regulations in exercise of the powers conferred by that section.

**Title, application and commencement**

**1.**—(1) The title of these Regulations is the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) (Amendment) Regulations 2010.

(2) These Regulations apply in relation to Wales, and come into force on 13 January 2010.

**Amendments**

**2.** The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) Regulations 2004<sup>(3)</sup> are amended as follows.

**3.** In Regulation 2(1) (Interpretation)—

(a) for the definition of “the Commission Regulation” substitute—

““the Commission Regulation” means Commission Regulation [\(EC\) No 1122/2009](#) laying down detailed rules for the implementation of Council Regulation [\(EC\) No 73/2009](#) as regards cross-compliance, modulation and the integrated administration and control system, under the direct support schemes for farmers provided for that Regulation, as well as for the implementation of Council Regulation [\(EC\) No](#)

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(1) S.I. [2005/2766](#). By virtue of sections 59 and 162 of, and paragraphs 28 and 30 of Schedule 11 to, the Government of Wales Act 2006, functions conferred upon the National Assembly for Wales are exercisable by the Welsh Ministers.

(2) 1972 c. 68.

(3) S.I. [2004/3280 \(W. 284\)](#), amended by S.I. [2005/3367 \(W. 264\)](#) and S.I. [2006/2831 \(W. 252\)](#) and S.I. [2007/970 \(W. 87\)](#).

1234/2007 as regards cross-compliance under the support scheme provided for the wine sector”(4);

- (b) for the definition of “the Council Regulation” substitute—
- ““the Council Regulation” means Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003.”(5)”
4. In Regulation 3 (Designation) for “Article 3(2)” substitute “Article 4(2)”.
  5. In Regulation 4 (Standards of good agricultural and environmental condition)—
    - (a) In paragraph (1) for “Article 5(1) of” substitute “Article 6 of, and Annex III to”.
    - (b) In paragraph (3) for “Except in relation to any land set aside pursuant to Article 54 or 55(b) of the Council Regulation, a” substitute “A”.
    - (c) Delete paragraph (4).
  6. In Regulation 6 (Competent Control Authorities)—
    - (a) In paragraph (1) for “Article 42(2)” substitute “Article 48(2)”.
    - (b) In paragraph (2) for “Article 42(1)” and “Annex III” substitute “Article 48(1)” and “Annex II”.
    - (c) In paragraph (3) for “Article 9” substitute “Article 8”.
  7. In Regulation 7 (Powers of authorised persons), in paragraph (1)(a) for “Article 48” substitute “Article 54”.
  8. In the Schedule—
    - (a) In paragraph 1 (Soil assessment record booklet), in sub paragraph (3) substitute—
 

“(3) If a farmer has completed a resource management plan in accordance with the requirements of an agri-environment commitment then the farmer does not have to comply with the provisions of this Regulation”;
    - (b) In paragraph 7 (Management of land which is not in agricultural production)—
      - (i) In sub paragraph (1) delete “, and except on land which is set aside pursuant to a set aside obligation under Article 54 of the Council Regulation,” and for “eligible hectare” substitute “agricultural land”.
      - (ii) Delete sub paragraph (3).
    - (c) After paragraph 24 (Scheduled monuments) insert—

#### **“Abstraction of water for irrigation**

**25.** A farmer who abstracts water for irrigation purposes must comply with section 24 (Restrictions on abstraction) of the Water Resources Act 1991(6).

#### **Protection of landscape features**

- 26.**—(1) A farmer must not without the prior consent referred to in sub paragraph (2)—
- (a) remove or damage a pond or ditch;
  - (b) cultivate land within 1 metre of a traditional boundary to agricultural land.

(4) OJ No. L 316, 2.12.2009, p. 65.

(5) OJ No. L 30, 31.1.2009, p. 16.

(6) 1991 c. 57. Section 24(1) was amended by section 120 of, and paragraph 128 of Schedule 22 to, the Environment Act 1995.

- (2) Prior consent may be given—
  - (a) by the Welsh Ministers;
  - (b) by or under any enactment, another authority, as is to be notified to the farmer by the Welsh Ministers when the farmer applies to them for consent.
- (3) For purposes of this paragraph—
  - (a) “ditch” includes a dry ditch;
  - (b) “traditional boundary” includes a stone wall, stone faced bank, hedge, earth bank, slate fence, stone gate post, stile, tree, shrub, ditch and a watercourse.”

11 January 2010

*Elin Jones*  
Minister for Rural Affairs, one of the Welsh  
Ministers

## 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) Regulations 2004, S.I.2004/3280. The purpose of the amendments is to:

- make provision in Wales for the administration and enforcement of cross compliance under Council Regulation (EC) No 73/2009: OJ No L 30, 31.1.09, p. 16 (“the Council Regulation”) and Commission Regulation (EC) No 1122/2009: OJ No L 316, 2.12.09, p. 65 (“the Commission Regulation”) in relation to payment schemes under the common agricultural policy.
- introduce additional standards of good agricultural and environmental condition relating to the abstraction of water for irrigation and the protection of landscape features. The Council Regulation requires the introduction of these additional standards.