

1989 No. 239

EUROPEAN COMMUNITIES

AGRICULTURE

Set-Aside (Amendment) Regulations (Northern Ireland) 1989

Made 23rd June 1989

Coming into operation 26th June 1989

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 Economic Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. The Regulations may be cited as the Set-Aside (Amendment) Regulations (Northern Ireland) 1989 and shall come into operation on 26th June 1989.

Amendment of the Set-Aside Regulations (Northern Ireland) 1988

2. The Set-Aside Regulations (Northern Ireland) 1988(c) shall be amended in accordance with regulations 3 to 9.

3. In regulation 2(1) thereof (interpretation)—

- (a) in the definition of “arable land” there shall be inserted at the end the words “or for rotational fallow”;
- (b) in the definition of “eligible person” the words “comprising arable land” shall be omitted;
- (c) there shall be inserted after the definition of “the Farm Woodland Scheme” the following definition—
“grazing land” does not include land grazed by horses unless they are kept for food or use in the farming of land;”;
- (d) in the definition of “the set-aside area” the word “arable” shall be omitted;
- (e) in the definition of “the set-aside obligations” there shall be inserted in paragraph (a) after the words “regulation 3” the words “or 12”;

(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) S.R. 1988 No. 279

(f) there shall be substituted for the definition of "to set aside" the following definition—

"to set aside" means, in relation to land, to withdraw it from agricultural production;"

4. In regulation 3 thereof (aid for set aside of arable land)—

(a) in paragraph (1) there shall be substituted for sub-paragraph (a) the following sub-paragraph—

"(a) to set aside on his holding an area of land which—

- (i) is arable land or temporary grassland at the time the undertaking is given;
- (ii) was arable land in the reference period; and
- (iii) is equal in size to at least 20 per cent. of the relevant arable land on that holding in the reference period but does not exceed an area equal in size to such relevant arable land; and"

(b) in paragraph (2)—

- (i) in sub-paragraph (a) there shall be inserted after the words "arable land" (where they first occur) the words "or temporary grassland";
- (ii) in sub-paragraph (b) there shall be inserted after the words "paragraph (1)(b)" the words "(ii) to (iv)";

(c) in paragraph (3)—

- (i) there shall be inserted after the words "arable land" (where they first occur) the words "or temporary grassland";
- (ii) in sub-paragraph (a) the word "arable" shall be omitted;
- (iii) in sub-paragraph (b) there shall be inserted after the words "paragraph (1)(b)" the words "(ii) to (iv)";
- (iv) in sub-paragraph (c) there shall be substituted for the words "the acquired arable land" the words "that acquired land".

5. In regulation 5(2) thereof (applications for aid) the word "arable" shall be omitted.

6. In regulation 11(1) thereof (change of use of set-aside land) there shall be inserted after the words "regulation 3(1)(b)" the words "(ii) to (iv)".

7. In regulation 12(2)(a) thereof (change of occupation) there shall be inserted after the words "arable land" the words "or temporary grassland".

8. In Schedule 1 thereto (arable crops)—

(a) there shall be inserted in List A at the end the following crops—

"Forage roots and tubers, except potatoes

Lucerne/alfalfa, except when grown as part of a grass mixture

Sainfoin, except when grown as part of a grass mixture

Clover, except when grown as part of a grass mixture

Lupins

Vetches, except when grown as part of a grass mixture

Fodder kale

Fodder rape

Fodder maize

Seed of a kind listed under the heading *Gramineae* (Grasses) in Schedule 1 to the Fodder Plant Seeds Regulations (Northern Ireland) 1976(a) where the crop from which the seed is obtained has been the subject of an official examination within the meaning of those Regulations”;

- (b) there shall be omitted from List B the words from “Forage roots and tubers” to the end.

9. In Schedule 2 thereto (requirements relating to the management of set-aside land) there shall be inserted after paragraph 7 the following paragraph—

“7A. Notwithstanding the requirements in paragraphs 6 and 7 the Department may authorise a beneficiary to apply an inorganic fertiliser to any land to which the requirements in this Schedule apply where it is satisfied that the land is located in an area normally used as a feeding-ground by over-wintering migratory geese. The beneficiary shall manage any land to which any such inorganic fertiliser is applied pursuant to such authorisation in such a way as to provide a feeding-ground for such geese.”.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 23rd June 1989.

(L.S.)

L. Sinclair

Assistant Secretary

(This note is not part of the Regulations.)

These Regulations amend the Set-Aside Regulations (Northern Ireland) 1988, implementing Title 01 of Council Regulation (EEC) No. 797/85 (O.J. No. L93, 30.3.85, p. 1) on improving the efficiency of agricultural structures, as amended by Council Regulations (EEC) No. 1760/87 (O.J. No. L167, 26.6.87, p. 1) and 1094/88 (O.J. No. L106, 27.4.88, p. 28) as regards the set-aside of arable land, and Commission Regulation (EEC) No. 1272/88 (O.J. No. L121, 11.5.88, p. 36), which laid down detailed rules for the set-aside of arable land.

The Regulations—

- (a) add to the list of relevant arable crops (regulation 8);
- (b) widen the definition of “arable land” to include rotational fallow (regulation 3(a));
- (c) provide that temporary grassland may be set aside in certain circumstances (regulation 4), and make consequential amendments (regulations 3(b), (d) and (f), 5 and 7);
- (d) provide that the area of land which may be set aside must not exceed an area equal in size to the relevant arable land on the holding in the reference period (regulation 4(a));
- (e) insert a definition of “grazing land” (regulation 3(c));
- (f) enable the Department of Agriculture to authorise the application of inorganic fertilisers on set-aside land in certain circumstances (regulation 9);
- (g) make some minor drafting amendments (regulations 3(e), 4 and 6).

Explanatory leaflets and application forms for the set-aside scheme can be obtained from any County Agricultural Executive Office of the Department of Agriculture.