
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations come into operation on 29th July 2005. They make provision in Northern Ireland for the administration of Council Regulation (EC) No. 1782/2003 (O.J. No. L270, 21.10.2003, p. 1) (“the Council Regulation”), Commission Regulation (EC) No. 795/2004 (O.J. No. L141, 30.4.2004, p. 1) and Commission Regulation (EC) No. 1973/2004 (O.J. No. L345, 20.11.2004, p. 1) (“Commission Regulation 1973/2004”) in relation to the obligation to set aside land under the new Single Farm Payment Scheme for farmers (“the Scheme”). The Scheme itself came into force on 1st January 2005.

Regulation 3 lays down the minimum size and width of land that may be set aside in specific situations as permitted by Article 54(4) of the Council Regulation. In doing so, it derogates from the provision of Article 54(4) that otherwise lays down the minimum size and width of land that may be set aside.

Regulation 4, as read with Schedules 1 and 2, lays down the good agricultural and environmental conditions that apply to land set aside under the Scheme. These apply in addition to the good agricultural and environmental conditions that apply by virtue of the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) Regulations (Northern Ireland) 2005 (S.R. 2005 No. 6).

Regulation 5 allows farmers to apply for land that cannot be set aside under the Scheme to be counted as land that may be set aside under the Scheme. Article 33 of Commission Regulation 795/2004 lays down the cases in which this may be permitted. In some cases, this may involve an exchange of land.

Regulation 6 lays down provisions relating to raw materials grown on land which is set aside for the provision of materials for the manufacture within the European Community of products not primarily intended for human or animal consumption (“raw materials produced for non-food purposes”) as follows –

- (a) it designates the Department of Agriculture and Rural Development (“the Department”) as the competent authority for the purposes of Chapter 16 of Commission Regulation 1973/2004 (use of land set aside for the production of raw materials for non-food purposes) (paragraph (1));
- (b) it lays down provisions relating to the weighing of certain raw materials produced for non-food purposes where they are to be used for any of the purposes specified in Article 146(1) of Commission Regulation 1973/2004 (paragraph (2));
- (c) it lays down the method of denaturing to be applied to cereals and oilseeds where they are to be used for any of the purposes specified in Article 146(1)(a) of Commission Regulation 1973/2004 (paragraph (3)); and
- (d) it lays down the date of 15th May of the year of application as the last day by which contracts made between farmer and collectors or processors in respect of raw materials produced for non-food purposes must be deposited with the Department (paragraph (4)) and the date of 31st January of the following year as the last day by which certain information relating to those materials must be deposited with the Department (paragraph (5)).

Regulation 7 lays down the records that must be kept by collectors and first processors in respect of any raw materials produced for non-food purposes purchased by them and the period for which such records should be kept.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

The Code of Good Agricultural Practice for the Prevention of Pollution of Water and the Code of Good Agricultural Practice for the Prevention of Pollution of Air and Soil were published by the Department in April 2003. Electronic copies of these Codes can be viewed or downloaded from the Department's website: WWW.DARDNI.GOV.UK. Hard copies of the Codes are also available from the Department's Countryside Management Branch.

A full regulatory impact assessment on the effect that these Regulations will have on the cost to business is available from the Department of Agriculture and Rural Development, Farm Policy Branch, Dundonald House, Upper Newtownards Road, Belfast, BT4 3SB or at www.dardni.gov.uk.