

1989 No. 1042

AGRICULTURE

The Set-Aside (Amendment) Regulations 1989

Made - - - - - 21st June 1989

Coming into force - - - - - 22nd June 1989

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers 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, acting jointly in exercise of the powers conferred on them by the said section 2(2) and all other powers enabling them in that behalf, hereby make the following Regulations, of which a draft has been laid before, and approved by resolution of, each House of Parliament:

Citation and commencement

1. These Regulations may be cited as the Set-Aside (Amendment) Regulations 1989 and shall come into force on the day after the day on which these Regulations are made.

Amendment of the Set-Aside Regulations 1988

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

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 “eligible person” 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”;
- (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;”.

(a) S.I. 1972/1811.
(b) 1972 c.68.
(c) S.I. 1988/1352.

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 1985(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 above, the appropriate Minister may authorise a beneficiary to apply an inorganic fertiliser to

(a) S.I. 1985/975, amended by S.I. 1987/1092.

any land to which the requirements in this Schedule apply where he 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 an inorganic fertiliser is applied pursuant to such authorisation in such a way as to provide a feeding-ground for such geese.”.

In Witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 21st June 1989.



John MacGregor
Minister of Agriculture, Fisheries and Food

21st June 1989

Sanderson of Bowden
Minister of State, Scottish Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Set-Aside Regulations 1988, implementing Title 01 of Council Regulation (EEC) No. 797/85 (OJ No. L93, 30.3.85, p. 1) on improving the efficiency of agricultural structures, as amended by Council Regulations (EEC) No. 1760/87 (OJ No. L167, 26.6.87, p. 1) and 1094/88 (OJ No. L106, 27.4.88, p. 28) as regards the set-aside of arable land, and Commission Regulation (EEC) No. 1272/88 (OJ 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 set aside and eligible for payments of aid 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 appropriate Minister 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).