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STATUTORY INSTRUMENTS

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**1993 No. 1317**

**AGRICULTURE**

**The Integrated Administration and  
Control System Regulations 1993**

<i>Made</i>	- - - -	<i>19th May 1993</i>
<i>Laid before Parliament</i>		<i>20th May 1993</i>
<i>Coming into force</i>	- -	<i>10th June 1993</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers 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 Economic Community, acting jointly in exercise of the powers conferred on them by that section, and of all other powers enabling them in that behalf, hereby make the following Regulations:-

**Title, extent and commencement**

1. These Regulations may be cited as the Integrated Administration and Control System Regulations 1993, shall apply throughout the United Kingdom and shall come into force on 10th June 1993.

**Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires-

“agricultural parcel” has the same meaning as in Article 1(4) of Council Regulation 3508/92 and includes the cultivated plot referred to in Article 2(1)(e) of Commission Regulation (EEC) No. 2294/92 on detailed rules for the application of the support system for producers of the oilseeds referred to in Council Regulation (EEC) No. 1765/92((3)), as amended by Commission Regulation (EEC) No. 2890/92((4)) and in Article 2(e) of Commission Regulation (EEC) No. 2295/92 on detailed rules for the application of the support system for producers of the protein crops referred to in Article 6 of Council Regulation (EEC) No. 1765/92((5)) as amended by Commission Regulation (EEC) No. 2891/92((6)) and the

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(1) S.I.1972/1811.

(2) 1972 c. 68.

(3) OJ No. L221, 6.8.92, p. 22.

(4) OJ No. L288, 3.10.92, p. 10. There is another amendment to Commission Regulation (EEC) No. 2294/92 which is not relevant to these Regulations.

(5) OJ No. L221, 6.8.92, p. 28.

piece of an area referred to in Article 4(3) of Commission Regulation (EEC) No. 2780/92 on the conditions for the grant of compensatory payments under the support system for producers of certain arable crops<sup>(7)</sup>;

“authorised person” means any person (whether or not an officer of that authority) who is authorised by the competent authority, either generally or specially, to act in matters arising under these Regulations;

“the competent authority” means–

- (a) in relation to England, the Minister of Agriculture, Fisheries and Food;
- (b) in relation to Scotland or Wales, the Secretary of State;
- (c) in relation to Northern Ireland, the Department of Agriculture for Northern Ireland;

“Commission Regulation 3887/92” means Commission Regulation (EEC) No. 3887/92 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes<sup>(8)</sup>;

“Council Regulation 805/68” means Council Regulation (EEC) No. 805/68 on the common organisation of the market in beef and veal<sup>(9)</sup>, as amended by Council -Regulation (EEC) No. 2066/92<sup>(10)</sup>;

“Council Regulation 3508/92” means Council Regulation (EEC) No. 3508/92 establishing an integrated administration and control system for certain Community aid schemes<sup>(11)</sup>;

“farmer” has the same meaning as in Article 1(4) of Council Regulation 3508/92;

“forage area” has the same meaning as in the second indent of Article 4g(3) of Council Regulation 805/68;

“specified control measure” means any check, test, verification, inspection, investigation, control or other operation in relation to land which a Member State is required to carry out under Council Regulation 3508/92 or Title IV of Commission Regulation 3887/92;

“specified payment” means a compensatory payment under Article 2 of Council Regulation (EEC) No. 1765/92 establishing a support system for producers of arable crops<sup>(12)</sup>, as read with Commission Regulation 3887/92, the special premium under Article 4b of Council Regulation 805/68, the deseasonalisation premium under Article 4c of Council Regulation 805/68, the suckler cow premium under Article 4d of Council Regulation 805/68 and the additional amount under Article 4h of Council Regulation 805/68.

(2) In these Regulations, unless the context otherwise requires, any reference to a numbered regulation is a reference to the regulation so numbered in these Regulations.

### **Availability of forage area**

**3.** For the purposes of Article 2(1)(c) of Commission Regulation 3887/92, the date on which the minimum period of seven months shall commence shall be the date, between 1st January and 31st March in any year, specified, in relation to each forage area, by the farmer declaring that area as forage area.

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(6) OJ No. L288, 3.10.92, p. 12.

(7) OJ No. L281, 25.9.92, p. 5.

(8) OJ No. L391, 31.12.92, p. 36.

(9) OJ No. L148, 28.6.68, p. 24 (OJ/SE vol. I p. 187).

(10) OJ No. L215, 30.7.92, p. 49. There are other amendments to Council Regulation 805/68 which are not relevant to these Regulations.

(11) OJ No. L355, 5.12.92, p. 1.

(12) OJ No. L181, 1.7.92, p. 12.

### **Minimum size of agricultural parcel**

4.—(1) Subject to Article 3(1) of Commission Regulation (EEC) No. 2293/92 laying down detailed rules for the application of Council Regulation (EEC) No. 1765/92 with regard to the set-aside scheme referred to in Article 7((13)) and to paragraph (2) below, for the purposes of Article 4(7) of Commission Regulation 3887/92, the minimum size of an agricultural parcel in respect of which an application may be made shall be 0.1 hectare.

(2) In the case of a plot of land used for seed production or research the minimum size of an agricultural parcel in respect of which an application may be made shall be 0.01 hectare.

### **Designation of authority to co-ordinate checks under Council Regulation 3508/92**

5. For the purposes of Article 8(3) of Council Regulation 3508/92, the Minister of Agriculture, Fisheries and Food is hereby designated as the authority responsible for co-ordinating the checks provided for in that Regulation.

### **Powers of authorised persons**

6.—(1) An authorised person may at all reasonable hours and on producing, if so required, some duly authenticated document showing his authority, exercise the powers specified in this regulation for the purposes of—

- (a) carrying out any specified control measure, or
- (b) ascertaining whether an offence under these Regulations has been or is being committed.

(2) An authorised person may enter any premises, other than premises used only as a dwelling, which are, or which such person has reasonable cause to believe to be, occupied by, or in the possession of, a farmer or employee, servant or agent of a farmer.

(3) An authorised person who has entered any premises by virtue of this regulation

- (a) inspect all or any part of the land farmed, laid fallow or withdrawn from agricultural production by a farmer; and
- (b) inspect any crops growing on that land or kept on it.

(4) An authorised person entering any premises by virtue of this regulation may take with him such other persons as he considers necessary.

### **Assistance to authorised persons**

7. A farmer or any employee, servant or agent of a farmer shall give to an authorised person such assistance as the authorised person may reasonably request so as to enable the authorised person to exercise any power conferred upon him by regulation 6.

### **Offences and penalties**

8.—(1) If any person—

- (a) intentionally obstructs an authorised person (or person accompanying him and acting under his instructions) in the exercise of a power conferred by regulation 6; or
- (b) fails without reasonable excuse to comply with a request made under regulation 7,

he shall be guilty of an offence.

(2) A person guilty of an offence under paragraph (1) above shall be liable on summary conviction in Great Britain to a fine not exceeding level 3 on the standard scale, and in Northern Ireland to a fine not exceeding £400.

(3) If any person for the purpose of obtaining the whole or any part of a specified payment—

(a) furnishes information which he knows to be false or misleading in a material particular; or

(b) recklessly furnishes information which is false or misleading in a material particular,

he shall be guilty of an offence.

(4) A person guilty of an offence under paragraph (3) above shall be liable on summary conviction in Great Britain to a fine not exceeding level 5 on the standard scale, and in Northern Ireland to a fine not exceeding £2,000.

(5) Proceedings for an offence under paragraphs (1) and (3) above may, subject to paragraph (6) below, in England, Wales and Northern Ireland be brought, and in Scotland commenced, within the period of six months from the date on which evidence sufficient in the opinion of the prosecutor to justify proceedings came to his knowledge.

(6) No such proceedings shall be brought by virtue of this regulation more than 12 months after the commission of the offence.

(7) A certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact.

(8) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

(9) In relation to proceedings in Scotland, subsection (3) of section 331 of the Criminal Procedure (Scotland) Act 1975((14)) (date of commencement of proceedings) shall apply for the purposes of this regulation as it applies for the purposes of that section.

(10) Where an offence under this regulation which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(11) Where the affairs of a body corporate are managed by its members, the provisions of paragraph (10) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(12) In paragraphs (10) and (11) above references to a “body corporate” include references to a partnership in Scotland and, in relation to such partnership, any reference to a director or other officer of a body corporate is a reference to a partner

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 19th May 1993.

L.S.

*John Selwyn Gummer*  
Minister of Agriculture, Fisheries and Food

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(14) 1975 c. 21.

17th May 1993

*Hector Monro*  
Parliamentary Under Secretary of State, Scottish  
Office

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

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations apply throughout the United Kingdom. They make provision for the implementation of Council Regulation (EEC) No. 3508/92 establishing an integrated administration and control system for certain Community aid schemes, and Commission Regulation (EEC) No. 3887/92 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes (both defined in regulation 2(1)).

The Regulations—

- (a) make provision for the calculation of the date from which forage area is available (regulation 3);
- (b) prescribe the minimum size of an agricultural parcel (regulation 4);
- (c) designate the Minister of Agriculture, Fisheries and Food the authority to co-ordinate checks under Council Regulation 3508/92 (regulation 5);
- (d) confer on authorised persons of the competent authority powers of entry for the purposes of the Regulations and require that such assistance be given to them for the exercise of their powers as they may reasonably request (regulations 6 and 7);
- (e) create offences and penalties (regulation 8).