
STATUTORY INSTRUMENTS

1994 No. 1721

The Organic Farming (Aid) Regulations 1994

Interpretation

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

“aid” means the payments under the scheme for the granting of aid to farmers who undertake to introduce organic farming methods as specified in Article 2(1)(a) of Council Regulation 2078/92;

“application” means an application for aid made in accordance with regulation 5, and applicant and apply shall be construed accordingly;

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

“beneficiary in relation to a holding” means—

- (a) a person whose application in relation to that holding has been accepted by the Minister; or
- (b) a person who occupies that holding following a change of occupation of that holding and who has given an undertaking to comply with the obligations relating to that holding assumed by its previous occupier in relation to an application;

“conversion period” means the period, determined in accordance with regulation 3(4), during which organic farming is being introduced on a holding which at the date of commencement of such period is not cultivated by organic farming methods;

“Council Regulation 2092/91” means Council Regulation (EEC) No. 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs(1) as amended(2);

“Council Regulation 2078/92” means Council Regulation (EEC) No. 2078/92 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside(3);

“fully organic in relation to a holding” means that—

- (a) notification having been given under Article 8 of Council Regulation 2092/91, details of such holding appear in the list referred to in that Article and made available by the inspection authority, and
- (b) the conversion period in respect of that holding has been completed;

“holding” means land which is occupied as a unit for agricultural purposes and, except in regulations 4, 5 and 8, includes a part of such land;

(1) OJ No. L198, 22.7.91, p.1.

(2) The relevant amending instruments are Commission Regulation (EEC) No. 1535/92 (OJ No. L162, 16.6.92, p.15) and Commission Regulation (EEC) No. 2608/93 (OJ No. L239, 24.9.93, p.10).

(3) OJ No. L215, 30.7.92, p.85.

“inspection authority” means the authority designated by the Organic Products Regulations 1992(4) for the purposes of Article 8 (reception of notifications and making available updated lists with details of persons undertaking organic farming) or Article 9 (inspection system to which organic farming is subject) of Council Regulation 2092/91, as appropriate, and which has responsibility for carrying out such functions in relation to the holding in respect of which an application has been made;

“landlord” means, in relation to the tenant of a holding, any person who either solely or jointly owns or has a superior tenancy of that holding;

“less-favoured land” means land which is situated—

- (a) within the area included in the list of less-favoured farming areas established under Article 2(2) of Council Directive 75/268/EEC on mountain and hill farming and farming in less-favoured areas(5), as amended by Council Directive 80/6/EEC(6), which list is contained in Council Directive 84/169/EEC(7), as amended by Commission Decision 91/25/EEC(8); and
- (b) within the area shaded blue or shaded pink on the designated maps, as defined in regulation 2(a) of the Hill Livestock (Compensatory Allowances) Regulations 1992(9).

“Minister” means in relation to England, the Minister of Agriculture, Fisheries and Food and, in relation to Wales, the Secretary of State;

“organic farming” has the same meaning as in Article 2(1)(a) of Council Regulation 2078/92;

“specified period” means—

- (a) the conversion period of the holding in respect of which an application is made, together with
- (b) the period of three years immediately following such conversion period;

“tenant” means a person who occupies a holding either—

- (a) under an agreement for the letting of land for a tenancy from year to year; or
- (b) under an agreement which has effect by virtue of section 2(1) of the Agricultural Holdings Act 1986(10) as an agreement for the letting of land for a tenancy from year to year; or
- (c) under a contract of tenancy for a fixed term of years of which at least five years remain unexpired at the commencement of the specified period;

“UKROFS standards” means the production standards for organic farming prescribed by and published by the Ministry of Agriculture, Fisheries and Food and known as the United Kingdom Register of Organic Food Standards.

(2) Any reference in these Regulations to a numbered regulation or paragraph shall be construed as a reference to the regulation or paragraph so numbered in these Regulations.

(4) S.I. 1992/2111 to which there are amendments not relevant to these Regulations.

(5) OJ No. L128, 19.5.75, p.1.

(6) OJ No. L180, 14.7.80, p.34.

(7) OJ No. L82, 26.3.84, p.67.

(8) OJ No. L16, 22.1.91, p.25.

(9) S.I. 1992/269.

(10) 1986 c. 5.