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STATUTORY INSTRUMENTS

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**1994 No. 2287**

**AGRICULTURE**

**The Arable Area Payments (Amendment) Regulations 1994**

*Made* - - - - *31st August 1994*  
*Laid before Parliament* *5th September 1994*  
*Coming into force* - - *26th September 1994*

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European 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 Arable Area Payments (Amendment) Regulations 1994, shall apply throughout Great Britain and shall come into force on 26th September 1994.

**Amendments to the Arable Area Payments Regulations 1994**

2.—(1) The Arable Area Payments Regulations 1994<sup>(3)</sup> shall be amended in accordance with the following paragraphs of this regulation.

(2) Sub-paragraph (a) of regulation 8(3) shall be replaced by the following—

“(a) shall not be required to comply with any provision of Schedule 2 (except as applied by Schedule 3), but”.

(3) Paragraph (4) of regulation 9 shall be replaced by the following:

“(4) For the purposes of Article 2(1)(d) of Commission Regulation 2294/92 (which restricts eligibility for compensatory payments in respect of oil seed crops to areas sown in accordance with locally recognised standards)—

(a) a farmer who sows—

(i) a crop of winter high erucic acid rapeseed within 50 metres of a crop of previously sown winter OO rapeseed;

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(1) S.I.1972/1811.  
(2) 1972 c. 68.  
(3) S.I. 1994/947.

- (ii) a crop of spring high erucic acid rapeseed within 50 metres of a crop of previously sown spring OO rapeseed;
  - (iii) a crop of winter OO rapeseed within 50 metres of a crop of previously sown winter high erucic acid rapeseed; or
  - (iv) a crop of spring OO rapeseed within 50 metres of a crop of previously sown high erucic acid rapeseed,
- shall not be regarded as having sown that crop in accordance with locally recognised standards; and
- (b) a farmer who in any case referred to in paragraphs (i) to (iv) of sub-paragraph (a) above, has also sown the previously sown crop, shall not be regarded as having sown that previously sown crop in accordance with locally recognised standards.”.
- (4) At the end of regulation 9(5)(c) the word “and” shall be deleted.
- (5) The following sub-paragraphs shall be inserted at the end of regulation 9(5)—
- “(e) “high erucic acid rapeseed” means rapeseed of any variety conforming to the requirements of Annex IV to Commission Regulation 2294/92, except rapeseed;
  - (f) “winter OO rapeseed” and “winter high erucic acid rapeseed” means OO or high erucic acid (as the case may be) rapeseed sown before 31st December in the year before the intended year of harvest of the crop; and
  - (g) “spring OO rapeseed” and “spring high erucic acid rapeseed” means OO or high erucic acid (as the case may be) rapeseed sown in the same calendar year as it is intended to harvest the crop.”.
- (6) Sub-paragraph (b) of regulation 16(2) shall be replaced by the following—
- “(b) fails without reasonable excuse to comply with a requirement of an authorised person pursuant to regulation 14(4)(a) or (c) or with a request made under regulation 15,”.

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on

L.S.

25th August 1994.

*William Waldegrave*  
Minister of Agriculture, Fisheries and Food

31st August 1994

*Fraser of Carmyllie*  
Minister of State, Scottish Office

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## EXPLANATORY NOTE

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

These Regulations, which apply throughout Great Britain, amend the Arable Area Payments Regulations 1994 by amending the locally recognised standards established for the purpose of Commission Regulation (EEC) No. 2294/92 (OJ No L221, 6.8.92, p.22) in relation to the Community's rapeseed quality improvement policy. Farmers who sow their land with rapeseed must comply with these standards in order to qualify for compensatory payments. The effect of the amendment is that the minimum distance required between crops of high erucic rapeseed and OO rapeseed is abolished where one crop is winter sown and the other is spring sown and is reduced from 100 metres to 50 metres in other cases.

This measure reduces existing burdens on farmers. A Compliance Cost Assessment has therefore not been prepared.