
STATUTORY INSTRUMENTS

1995 No. 192

AGRICULTURE

The Environmentally Sensitive Areas (South West Peak) Designation (Amendment) Order 1995

<i>Made</i>	- - - -	<i>26th January 1995</i>
<i>Laid before Parliament</i>		<i>7th February 1995</i>
<i>Coming into force</i>	- -	<i>28th February 1995</i>

Whereas, pursuant to section 18(1) of the Agriculture Act 1986⁽¹⁾, the Minister of Agriculture, Fisheries and Food has by order designated an area in the South West Peak as an environmentally sensitive area;

Now, therefore, the said Minister, in exercise of the powers conferred on him by section 18(1) and (4)⁽²⁾ of the said Act, and of all other powers enabling him in that behalf, with the consent of the Treasury, hereby makes the following Order:

Title and commencement

1. This Order may be cited as the Environmentally Sensitive Areas (South West Peak) Designation (Amendment) Order 1995 and shall come into force on 28th February 1995.

Interpretation

2. In this Order “the principal Order” means the Environmentally Sensitive Areas (South West Peak) Designation Order 1993⁽³⁾.

Amendment of the principal Order

3. The principal Order shall be amended in accordance with the following provisions of this Order.

4. In article 2, paragraph 1 of the principal Order, the definition of “managed woodland” shall be deleted.

(1) 1986 c. 49. The expression “the Minister” is defined in section 18(11).
(2) Section 18(4) was amended by S.I.1994/249.
(3) S.I. 1993/87, as amended by S.I. 1994/926.

Rates of payment under agreement

5. In article 6 of the principal Order—

(1) in paragraph (1)—

- (a) in sub-paragraph (a), for the amount “£10”, there shall be substituted the amount “£15”;
- (b) in sub-paragraph (b), for the amount “£28”, there shall be substituted the amount “£40”;
- (c) in sub-paragraph (d), for the amount “£25”, there shall be substituted the amount “£40”;

(2) in paragraph (2)—

- (a) the words “or in Schedule 3” shall be deleted;
- (b) in the table, in the right hand column, for the figure “210”, there shall be substituted the figure “200”;
- (c) in the table—

- (i) in the left hand column, the words “Schedule 3” shall be deleted;
- (ii) in the right hand column, on the corresponding line, the figure “25” shall be deleted;

(3) in paragraph (3), for the amount “£3”, there shall be substituted the amount “£3.50”;

(4) after paragraph (3), there shall be inserted the following paragraph:

“(3A) Where an agreement includes a requirement to add top-wiring to specified walls, the Minister shall also make payments at a rate of £1 per metre of wall to which top-wire has been added.”;

(5) for paragraph (4), there shall be substituted the following paragraph:

“(4) Where an agreement includes a conservation plan, the Minister shall also make payments in respect of the operations included in the plan, subject to a maximum of £20,000 for each agreement.”.

Amendment to Schedules

6.—(1) Schedule 3 to the principal Order shall be deleted.

(2) In Schedule 5 to the principal Order, in paragraph 2, the word “traditional”, where it first appears, shall be deleted.

Saving

7.—(1) Article 5(1), (2)(b) and (3) of this Order shall not apply in respect of any annual payment to a farmer which relates wholly or in part to any period before 1st April 1995.

(2) Articles 4, 5(2)(a), 5(2)(c) and 6(1) of this Order shall not apply in relation to any agreement made on or before the coming into force of this Order.

26th January 1995

Howe
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

We consent

23rd January 1995

Timothy Kirkhope
Tim Wood
Two of the Lord Commissioners of Her
Majesty's Treasury

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Environmentally Sensitive Areas (South West Peak) Designation Order 1993 (“the principal Order”) which designated an area in the South West Peak as an environmentally sensitive area.

Subject to a saving provision, the Order amends the rates of payments to be made by the Minister of Agriculture, Fisheries and Food pursuant to a management agreement made under section 18(3) of the Agriculture Act 1986 (articles 5(1), 5(2)(b), 5(3), 5(5) and 7(1)). The Order also provides for the Minister to make additional payments where a management agreement includes a requirement to add top-wiring to walls and specifies the rate of such payments (article 5(4)).

Articles 5(2)(a) and (c) delete references, in article 6(2) of the principal Order, to Schedule 3 of that Order and to the rate of the additional payment to be made where an agreement includes provisions relating to managed woodland in accordance with that Schedule. Accordingly, the definition of “managed woodland” in article 2(1) of the principal Order, and Schedule 3 to the principal Order (ADDITIONAL PROVISIONS— II) are deleted (articles 4 and 6(1)). These amendments do not apply in relation to agreements made on or before the date on which this Order comes into force (article 7(2)).

The Order amends the list of operations, in Schedule 5 to the principal Order, that may be included in a “conservation plan” (as defined in Article 2(1) of the principal Order) (article 6(2)).