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STATUTORY INSTRUMENTS

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**1996 No. 1593**

**AGRICULTURE**

**The Arable Area Payments (Grazing of Bovine Animals on Set-Aside Land) (Temporary Provisions) Regulations 1996**

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| <i>Made</i>                   | - - - - | <i>19th June 1996</i> |
| <i>Laid before Parliament</i> |         | <i>19th June 1996</i> |
| <i>Coming into force</i>      | - -     | <i>21st June 1996</i> |

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 the 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, commencement and expiry**

1. These Regulations may be cited as the Arable Area Payments (Grazing of Bovine Animals on Set-Aside Land) (Temporary Provisions) Regulations 1996, shall extend to Great Britain, shall come into force on 21st June 1996 and shall expire at the end of 31st August 1996.

**Interpretation**

2. In these Regulations—

- (a) unless the context otherwise requires, terms shall have the same meanings as those assigned to them by section 2(1) of the main Regulations;
- (b) “the Commission Regulation” shall mean Commission Regulation (EC) No. 1091/96 temporarily permitting the United Kingdom to authorise the use of set-aside land for grazing bovine animals of more than 30 months<sup>(3)</sup>;
- (c) “the main Regulations” shall mean the Arable Area Payments Regulations 1995<sup>(4)</sup>;
- (d) “relevant land” shall mean land which was, immediately prior to the date of coming into force of these Regulations, set-aside land (other than penalty set-aside land).

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(1) S.I. 1972/1811.

(2) 1972 c. 68.

(3) OJ L 144, 18.6.96, p. 9.

(4) S.I. 1995/1738, amended by S.I. 1995/2780 and S.I. 1996/1482.

### **Permission to graze bovine animals on relevant land**

3.—(1) Insofar as the Commission Regulation authorises the United Kingdom to permit the grazing of bovine animals of more than 30 months on set-aside land, the grazing of such animals on relevant land is hereby permitted in accordance with paragraph (2) below.

(2) The permission referred to in paragraph (1) above applies in respect of any relevant land where—

- (a) the farmer who has applied for a set-aside compensatory payment in respect of that relevant land—
  - (i) intends to graze, or
  - (ii) intends to permit another person to graze,animals of the type referred to in paragraph (1) above on that land;
- (b) in any case to which sub-paragraph (a)(i) above applies, that farmer submits to the Minister written notification in such form as the Minister may reasonably require to the effect that he intends to graze such animals on that land;
- (c) in any case to which sub-paragraph (a)(ii) above applies, that farmer and that other person jointly submit to the Minister written notification in such form as the Minister may reasonably require to the effect that that farmer intends to permit that other person to graze such animals on that land and that that other person intends to graze such animals on that land; and
- (d) that farmer receives written confirmation from the Minister that the Minister has received the notification referred to in sub-paragraph (b) above or, as the case may be, sub-paragraph (c) above;

and shall apply from the date of receipt by that farmer of the confirmation referred to in sub-paragraph (d) above until 31st August 1996.

(3) The Minister shall give the confirmation referred to in sub-paragraph (d) of paragraph (2) above to that farmer as soon as reasonably practicable after receipt of the notification referred to in sub-paragraph (b) or, as the case may be, sub-paragraph (c) of that paragraph, and may give it by delivery or by sending it by post.

### **Effect of permission**

4.—(1) For the purposes of the main Regulations it is hereby provided that—

- (a) land which was set-aside land prior to the date of coming into force of these Regulations shall continue to be regarded as set-aside land notwithstanding the grazing of that land with bovine animals as permitted by regulation 3 above; and
- (b) the grazing of land as permitted by regulation 3 above shall not be regarded as constituting a breach of any of the requirements of Schedule 2 to the main Regulations (management requirements in relation to set-aside land).

### **Powers of authorised persons**

5. The powers of an authorised person under regulation 15(3) of the main Regulations (which empowers authorised persons to inspect land and growing crops) are hereby extended so as to cover inspection of bovine animals on relevant land for the purpose of ascertaining whether they are being grazed in accordance with the permission granted by regulation 3 above.

19th June 1996

*Tony Baldry*  
Minister of State, Ministry of Agriculture,  
Fisheries and Food

19th June 1996

*Lindsay*  
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, which apply throughout Great Britain, make provision for the implementation of Commission Regulation (EC) No. 1091/96 which authorises the United Kingdom, until 31st August 1996, to permit the grazing of bovine animals of more than thirty months on land set aside under Article 7 of Council Regulation (EEC) No. 1765/92 establishing a support system for producers of certain arable crops.

Regulation 3 provides for the granting of such permission where written notification of the intention to graze such animals is submitted to the Minister, in such form as the Minister may reasonably require, by the farmer of the set-aside land and the person wishing to graze such animals thereon, if different, and the Minister has confirmed receipt of such notification to the farmer.

Regulation 4 provides for the consequences of such permission being granted, i.e. that such land will continue to be regarded as set-aside land for the purposes of the Arable Area Payments Regulations (S.I.1995/1738 as amended by S.I.1995/2780 and S.I. 1996/1482), and that grazing in accordance with the permission will not in itself count as a breach of the management requirements for set-aside land specified in those Regulations.

Regulation 5 extends the powers granted to authorised persons by regulation 15 of those Regulations so as to enable them to inspect any bovine animals found on relevant land in order to ascertain compliance with the permission granted by regulation 3.

These Regulations come into force on 21st June 1996 and expire at the end of 31st August 1996.