
STATUTORY INSTRUMENTS

1997 No. 1457

AGRICULTURE

The Agriculture Act 1986 (Amendment) Regulations 1997

<i>Made</i>	- - - -	<i>4th June 1997</i>
<i>Laid before Parliament</i>		<i>10th June 1997</i>
<i>Coming into force</i>	- -	<i>1st July 1997</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 Community, in exercise of the powers conferred on him by that section, and of all other powers enabling him in that behalf, hereby make the following Regulations:

Title, commencement and extent

1. These Regulations may be cited as the Agriculture Act 1986 (Amendment) Regulations 1997, shall come into force on 1st July 1997 and shall extend to Great Britain.

Amendment of section 18 of the Agriculture Act 1986

2. In section 18 of the Agriculture Act 1986⁽³⁾ (designation and management of environmentally sensitive areas), after subsection (4) there shall be inserted—

“(4A) Where the Minister considers it necessary for the purposes of Article 10 or 20 of Commission Regulation (EC) No. 746/96 (aid for agricultural production methods compatible with protection of the environment: combination of aids, and penalties), an agreement under subsection (3) may contain—

- (a) provision requiring the payment of penalties to the Minister in the case of breach of the agreement, and
- (b) provision for payments by the Minister to be withheld in specified circumstances.”.

(1) S.I. 1972/1811.

(2) 1972 c. 68.

(3) 1986 c. 49; section 18(4) was amended by S.I. 1994/2249.

Status: This is the original version (as it was originally made).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

4th June 1997

Elliot Morley
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

4th June 1997

Sewel
Parliamentary Under Secretary of State, Scottish
Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 18 of the Agriculture Act 1986 (“the 1986 Act”) gives the Minister of Agriculture, Fisheries and Food in relation to an area in England, and the Secretary of State in relation to an area in Wales or Scotland (“the Minister”) power to designate areas as environmentally sensitive areas where it appears to them particularly desirable to conserve, protect or enhance environmental features in that area by the maintenance or adoption of particular agricultural methods. Section 18(3) of the 1986 Act enables the Minister to enter into a management agreement with any person having an interest in agricultural land in a designated area by which that person agrees in consideration of payments to be made by the Minister to manage land in accordance with the agreement.

These Regulations amend section 18 of the 1986 Act and form part of the programme to implement Council Regulation (EEC) No. 2078/92 (OJ No. L215, 30.7.92, p. 85) on agricultural production methods compatible with the requirements of protection of the environment and the maintenance of the countryside (“the Agri-environment Regulation”), as last amended by Commission Regulation (EC) No. 2772/95 (OJ No. L288, 1.12.95, p. 35).

These Regulations make provision to implement Commission Regulation (EC) No. 746/96 (OJ No. L102, 25.4.96, p. 19) (“the Commission Regulation”) laying down detailed rules for the application of the Agri-environment Regulation, as now amended by Commission Regulation (EC) No. 435/97 (OJ No. L67, 7.3.97, p. 2). The Regulations implement Article 10 (which prevents duplication of aid under Community schemes in respect of an undertaking) and Article 20 (which provides for recovery of wrongful payments with interest, a penalty system and exclusion for false declarations) of the Commission Regulation by enabling the Minister to insert penalty and withholding provisions in agreements made under section 18(3) of the 1986 Act.

No Compliance Cost Assessment has been prepared in relation to these Regulations.