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STATUTORY INSTRUMENTS

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**1997 No. 990**

**AGRICULTURE**

**The Nitrate Sensitive Areas (Amendment) Regulations 1997**

<i>Made</i>	- - - -	<i>20th March 1997</i>
<i>Laid before Parliament</i>		<i>21st March 1997</i>
<i>Coming into force</i>	- -	<i>11th April 1997</i>

The Minister of Agriculture, Fisheries and Food, being a Minister designated<sup>(1)</sup> for the purpose of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Community, in exercise of the powers conferred by that section and of all other powers enabling him in that behalf hereby makes the following Regulations:

**Citation, commencement and extent**

1. These Regulations may be cited as the Nitrate Sensitive Areas (Amendment) Regulations 1997, shall come into force on 11th April 1997 and shall extend to England.

**Amendment of previous Regulations**

2.—(1) The Nitrate Sensitive Areas Regulations 1994<sup>(3)</sup> shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) (interpretation) at the end of the definition of “the Commission Regulation” there shall be added the words “as amended by Commission Regulation (EC) No.435/97<sup>(4)</sup>”.

(3) In Schedule 6, paragraph 6B (set-aside option), for “£390” there shall be substituted “£388”.

20th March 1997

*Tim Boswell,*  
Parliamentary Secretary Ministry of Agriculture,  
Fisheries and Food

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(1) S.I. 1972/1811.  
(2) 1972 c. 68.  
(3) S.I. 1994/1729, amended by S.I. 1995/1708, 1995/2095 and 1996/3105.  
(4) OJ No. L67, 7.3.97, p.2.

*Status: This is the original version (as it was originally made).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)*

1. These Regulations amend the Nitrate Sensitive Areas Regulations 1994 by updating a reference to Community legislation to cover an amendment to that legislation, and by adjusting the annual rate payable on land set aside which is covered by farmers' undertakings on land management in nitrate sensitive areas ("the NSA set-aside option"). The 1994 Regulations were made pursuant to Council Regulation (EEC) No. 2078/92 (OJ No. L215, 30.7.92, p.85) and implemented in part a zonal programme approved thereunder.

2. The 1994 Regulations were amended in 1996 (S.I. 1996/3105) to take account of Commission Regulation (EC) No. 746/96 (OJ No. L102, 25.4.96, p.19) which sets out detailed rules for implementing Council Regulation 2078/92. These Regulations amend the reference to Commission Regulation 746/96 in the 1994 Regulations to take account of an amendment to Regulation 746/96 made by Commission Regulation (EC) No. 435/97 (OJ No. L67, 7.3.97, p.2).

3. The NSA set-aside option was introduced by S.I. 1995/2095 pursuant to Council Regulation (EC) No. 1460/95 (OJ No. L144, 28.6.95, p.1) amending Council Regulation (EEC) 1765/92 (OJ No. L181, 1.7.92, p.12) establishing a support system for producers of certain arable crops. Council Regulation 1460/95 makes provision for areas set aside pursuant to Council Regulation 2078/92 to count towards the set-aside requirement imposed by Council Regulation 1765/92 in certain circumstances.

4. Council Regulation 1460/95 provides that where land which is the subject of an undertaking pursuant to Council Regulation 2078/92 is to be counted against the set-aside requirement imposed by Council Regulation 1765/92, the element of the payment pursuant to Council Regulation 2078/92 which compensates for income losses and any incentive element in entering that undertaking must be limited to the rate payable in respect of land set aside in accordance with Council Regulation 1765/92. These Regulations implement the change to the NSA set-aside option payment rate consequent upon a reduction in the set-aside payment rate calculated in accordance with Regulation 1765/92.