
STATUTORY INSTRUMENTS

2008 No. 80

AGRICULTURE, ENGLAND

**The Common Agricultural Policy Single Payment
and Support Schemes (Cross-compliance)
(England) (Amendment) Regulations 2008**

<i>Made</i>	- - - -	<i>15th January 2008</i>
<i>Laid before Parliament</i>		<i>18th January 2008</i>
<i>Coming into force</i>	- -	<i>8th February 2008</i>

The Secretary of State is designated for the purposes of section 2(2) of the European Communities Act 1972⁽¹⁾ in relation to the common agricultural policy of the European Community⁽²⁾ and makes these Regulations under the powers conferred by that section.

Title and commencement

1. These Regulations may be cited as the Common Agricultural Policy Single Payment and Support Schemes (Cross-compliance) (England) (Amendment) Regulations 2008 and come into force on 8th February 2008.

Amendment

2.—(1) Paragraph 7 of the Schedule to the Common Agricultural Policy Single Payment and Support Schemes (Cross-compliance) (England) Regulations 2005⁽³⁾ is amended as follows.

(2) In sub-paragraph (1), for “eligible hectare”, substitute “agricultural land”.

(3) For sub-paragraph (1)(b), substitute—

“(b) must—

(i) establish a green cover through seeding or natural regeneration as soon as practicable on or after 1st March following the date the land ceased to be in agricultural production, unless he can prove that he intends to bring the land back into agricultural production before the following 15th May; and

(1) 1972 c. 68.

(2) S.I. 1972/1811.

(3) S.I. 2005/3459, as amended by SIs. 2006/3254, 2007/2003 and 2007/2500.

(ii) maintain that green cover until the land is brought back into agricultural production;”

(4) After sub-paragraph (2)(c), insert—

“(cc) Sub-paragraph (1)(b) does not apply to any area of the land on which soil dredged from a watercourse or field ditch on the land has been spread unless that area is subject to the requirements of paragraph 10(1);”.

(5) For sub-paragraph (3), substitute—

“(3) For the purposes of this regulation, land ceases to be used for agricultural production from the day after the day—

- (a) harvest on the land was completed;
- (b) the land otherwise ceased to be used for agricultural production; or
- (c) the land ceased to be set aside pursuant to Article 54 of the Council Regulation.”.

Jeff Rooker

Minister of State

Department for Environment, Food and Rural
Affairs

15th January 2008

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend paragraph 7 of the Schedule to the Common Agricultural Policy Single Payment and Support Schemes (Cross-compliance) (England) Regulations 2005 (S.I. 2005/3459).

The following are the main changes to paragraph 7, which sets out farmers' obligations relating to the management of land not in agricultural production:

- (a) an extension of the obligations to cut down scrub and rank vegetation and to establish and maintain green cover on land out of production to land coming out of set aside (amended sub-paragraphs 1(b) and (3));
- (b) clarification that the obligation to establish green cover on land includes maintaining that green cover but does not apply to areas on which soil dredged from watercourses and field ditches on that land has been spread (amended sub-paragraphs (1)(b) and new sub-paragraph (2)(cc));

Guidance to farmers on the management of land not in agricultural production is available at www.rpa.gov.uk.

An impact assessment has not been produced for these Regulations because of the need to introduce them as quickly as possible to regulate land coming out of the set aside scheme.