
WELSH STATUTORY INSTRUMENTS

2005 No. 3367 (W.264)

AGRICULTURE, WALES

**The Common Agricultural Policy Single Payment
and Support Schemes (Cross Compliance)
(Wales) (Amendment) Regulations 2005**

Made - - - - *6 December 2005*

Coming into force - - *1 January 2006*

The National Assembly for Wales, being 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 upon it by that section hereby makes the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) (Amendment) Regulations 2005.

(2) These Regulations come into force on 1 January 2006 and apply in relation to Wales.

Amendment of the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) (Amendment) Regulations 2004

2. The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) Regulations 2004⁽³⁾ are amended as follows—

(1) In regulation 2(2), substitute the following—

“(2) Any reference in these Regulations to a Community instrument is a reference to that instrument as amended on the date the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) (Amendment) Regulations 2005 are made.”.

(2) In regulation 3, substitute the following—

“**3.** The National Assembly is designated as the competent national authority for the purposes of Article 3(2) of the Council Regulation.”.

⁽¹⁾ S.I.2005/1971.

⁽²⁾ 1972 c. 68.

⁽³⁾ S.I. 2004/3280 (W.284).

- (3) In regulation 4(1), substitute the following—
 “The standards of good agricultural and environmental condition set out in the Schedule apply as minimum requirements for the purposes of Article 5(1) of the Council Regulation.”.
- (4) In regulation 7—
 (a) in paragraph (2)(a), for “a right” substitute “the power”;
 (b) in paragraph (2)(b), for “may only do so” substitute “has the power to”;
 (c) in paragraph (3), for “may” substitute “has the power to”;
 (d) in regulation 7(4), where “may” occurs in the first instance substitute “has the power to”.
- (5) For paragraph 1 of the Schedule, substitute—

“Soil assessment record booklet

- 1.—(1) A farmer must, subject to sub-paragraph (3), complete a soil assessment record booklet.
- (2) The soil assessment record booklet must—
 (a) be completed annually on or before the 31 January;
 (b) accurately reflect the position on the holding as of 1 January of the calendar year;
 (c) be signed and dated upon completion;
 (d) be updated as and when necessary; and
 (e) be made available to staff of the National Assembly upon request.”.
- (3) If a farmer has completed a resource management plan in accordance with the requirements of the Tir Cynnal (Wales) 2006 Regulations⁽⁴⁾ then the farmer does not have to comply with the other provisions of this regulation.”.
- (6) In paragraph 6(2) of the Schedule— before “(d)” delete “or”, after “provided” substitute “,” for “.” and add
 “or
 (e) avoid poaching that leads to soil run off into watercourses.”.
- (7) In paragraph 12(2) of the Schedule—
 for “or (4)” substitute “,(4) or (5)”.
- (8) For paragraph 12(3) of the Schedule substitute—
 “(3) A farmer may carry out hedge-laying and coppicing—
 (a) during the period beginning on 1 March and ending on 31 March if the farmer does not disturb any birds nesting in the hedgerow; or
 (b) during the period beginning on 1 March and ending on 30 April if the National Assembly has given the farmer written permission to do so because the National Assembly considers it necessary for purposes of a competition or training event.”.
- (9) In paragraph 12(4)—
 after “laid” substitute “,” for “.” and add
 “(5) A farmer may cut or trim a hedgerow on arable land during August if the farmer is planting winter arable crops on that land as part of the farmer’s normal farming practice.”.

(4) S.I. 2006/41 (W.7).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽⁵⁾

6 December 2005

D. Elis-Thomas
The Presiding Officer of the National Assembly

⁽⁵⁾ 1998 c. 38.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Wales) (Amendment) Regulations 2004 (“the Principal Regulations”).

Regulation 2(1) updates references to the Community instruments in the Principal Regulations to references to the Community Instruments as amended at the date these Regulations are made.

Regulations 2(2), (3) and (4) correct minor drafting errors.

Regulation 2(4) clarifies the powers of authorised persons in regulation 7 of the Principal Regulations.

Regulation 2(5) introduces a new standard of good agriculture and environmental condition (“GAEC”) and replaces the previous requirement upon a farmer to complete a soil management checklist form in 2005. The new requirement requires a farmer to complete a soil assessment record booklet. This booklet must be updated by the farmer and made available to staff of the National Assembly upon request. A farmer is exempted from this obligation if the farmer has completed a resource management plan under the Tir Cynnal (Wales) Regulations 2005.

Regulation 2(6) amends the GAEC standard of “overgrazing and unsuitable supplementary feeding methods” to prevent severe poaching which results in soil run off into watercourses.

Regulations 2(7) to 2(9) amend the GAEC standards in respect of “Hedgerows”. If a farmer hosts a competition or training event on his or her farm between 1 March and 30 April and subject to the written approval of the National Assembly, the farmer may carry out hedge-laying and coppicing. A farmer who is planting arable winter crops on arable land is now permitted to cut or trim relevant hedgerows on that land during August.