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STATUTORY INSTRUMENTS

1995 No. 2871

AGRICULTURE

The Habitat (Salt-Marsh) (Amendment) Regulations 1995

Made - - - - 23rd October 1995

Laid before Parliament 9th November 1995

Coming into force - - 30th November 1995

The Minister of Agriculture, Fisheries and Food, being a Minister 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 the said section 2(2) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Title, extent and commencement

1. These Regulations may be cited as the Habitat (Salt-Marsh)(Amendment) Regulations 1995, shall extend to England and shall come into force on 30th November 1995.

Interpretation

2. In these Regulations “the principal Regulations” means the Habitat (Salt-Marsh) Regulations 1994⁽³⁾.

Amendment of the principal Regulations

3. The principal Regulations shall be amended in accordance with Regulations 4 to 7 below.

4. In regulation 2(1) (interpretation)—

(a) after the definition of “arable land”, there shall be inserted the following definition—

““area aid application” means the application provided for by Article 6(1) of Council Regulation ([EEC](#)) No. [3508/92](#) of 27th November 1992 establishing an integrated administration and control system for certain Community aid schemes⁽⁴⁾

(1) S.I. [1972/1811](#).

(2) [1972 c. 68](#).

(3) S.I. [1994/1293](#).

(4) OJ No. L355, 5.12.92, p.1.

as last amended by Council Regulation (EC) No. 3235/94 of 20th December 1994 amending, as a result of the accession of Austria, Finland and Sweden, certain regulations in the agricultural sector providing for part-financing of certain measures in favour of the new member States⁽⁵⁾;

- (b) after the definition of “permanent grassland”, there shall be inserted the following definitions—

“set-aside land” means an area of managed land—

- (a) which was arable land at the start of the management period;
- (b) in relation to which an application was made on or after 28th June 1995; and
- (c) in relation to which, a beneficiary, in his application, declared that he intended to count it as being set aside for the purposes of the set-aside requirement;

“the set-aside requirement” means the requirement indicated in Article 7(1) of Council Regulation (EEC) No. 1765/92 of 30th June 1992 establishing a support system for producers of certain arable crops⁽⁶⁾, as last amended by Council Regulation (EC) No. 1460/95⁽⁷⁾ (which lays down the set-aside requirement for each producer applying for compensatory payments under the general scheme provided for by that Regulation);

5. In regulation 4 (applications for aid)—

- (a) in subparagraph (b), the word “and” shall be omitted;
- (b) at the end of subparagraph (c), there shall be added the word “and”; and
- (c) after subparagraph (c), there shall be added the following subparagraph:
 - “(d) where the applicant intends to count an area of eligible arable land as being set aside for the purposes of the set-aside requirement, a declaration of the location and extent of that area.”

6. In regulation 7 (amounts and payment of aid)—

- (a) in subparagraph (a), for the word “or” there shall be substituted the words “and is not set-aside land”;
- (b) at the end of subparagraph (b), there shall be added the word “or”; and
- (c) after subparagraph (b); there shall be added the following subparagraph:
 - “(c) £448 per hectare of managed land where that land is set-aside land.”

7. After regulation 7, there shall be inserted the following regulation:

“Changes to the area of set-aside land

7A.—(1) If a beneficiary, in relation to an area of managed land which

- (a) is not set-aside land;
- (b) was arable land at the start of the management period; and
- (c) in relation to which an application was made on or after 28th June 1995;

at the time he makes any claim for payment of aid under these Regulations declares that he intends, in his area aid application to be submitted during the year in which the claim for payment is made, to count that land as being set aside for the purposes of the set-aside requirement that land shall be treated as set-aside land for the purposes of regulation 7 and regulation 7A(2) for the remainder of the management period.

⁽⁵⁾ OJ No. L338, 28.12.94, p.16.

⁽⁶⁾ OJ No. L181, 1.7.1992, p.12.

⁽⁷⁾ OJ No. L144, 28.6.1995, p.1.

(2) Where, at the time he makes any claim for payment of aid under these Regulations, a beneficiary, in relation to an area of set-aside land, declares that he does not intend to count it as being set-aside for the purposes of the set-aside requirement in his area aid application to be submitted during that year, the Minister may decide that the land shall not be treated as set-aside land for the purposes of regulation 7 and regulation 7A(1) for the remainder of the management period.

(3) Any decision taken by the Minister pursuant to paragraph (2) shall be notified to the beneficiary in writing.”

8. For regulation 8 (claims for aid), there shall be substituted the following regulation:

“Claims for aid

8. Any claim for payment of aid under these Regulations shall —

- (a) where the beneficiary, in his area aid application to be submitted during the year in which the claim is being made, intends to count an area of managed land as being set aside for the purposes of the set-aside requirement, contain a declaration of the location and extent of that area;
- (b) be made at such time and in such form and contain such other information as the Minister reasonably may require.”

9. In regulation 10 (withholding and recovery of aid), after paragraph (4), there shall be added the following paragraph:

“(5) Where a beneficiary, in his area aid application in any year, counts an area of managed land which is arable land as being set aside for the purposes of the set-aside requirement and that land, on the date of the submission of the area aid application, is neither set-aside land nor land which is being treated as set-aside land pursuant to regulation 7A(1), the Minister may recover from that beneficiary an amount not exceeding the difference between the aid paid to that beneficiary that year and the amount that would have been paid to him that year if that land had been set-aside land.”

23rd October 1995

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Habitat (Salt-Marsh) Regulations 1994 (S.I. [1994/1293](#)).

The Regulations enable beneficiaries under the Habitat (Salt-Marsh) Regulations 1994 to take advantage of the option in Article 1(2) of Council Regulation [\(EC\) No. 1460/95](#) of 22 June 1995, amending Regulation [\(EEC\) No. 1765/92](#) establishing a support system for producers of certain arable crops (OJ No. L144, 28.6.95, p.1). That Article makes provision for allowing land which has been set aside pursuant to a scheme made under Council Regulation [\(EEC\) No. 2078/92](#) of 30 June 1992 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside (OJ No. L215, 30.7.92, p.85) to be counted as being set aside for the purposes of the set-aside requirement of Article 7(1) of Council Regulation [\(EEC\) 1765/92](#) of 30 June 1992 establishing a support system for the producers of certain arable crops (OJ No. L181, 1.7.92, p.12) as last amended by Council Regulation [\(EC\) No. 1460/95](#).

The Regulations add a new payment rate for aid for set-aside land managed in accordance with the management obligations in the Habitat (Salt-Marsh) Regulations 1994 (regulation 6). The new payment rate applies to land which the beneficiary declared in his application form that he intended to count as being set-aside for the purposes of Article 7(1) of Council Regulation [\(EEC\) 1765/92](#) (“set-aside land”). Provision is made for the beneficiary to alter the area of land to be counted as set-aside land during the management period (regulation 7). The requirements concerning the information to be included in the application and supplied at the time of the claim for payment of aid are also amended (regulations 4 and 8). The provisions regarding recovery are altered to give the Minister power to recover the difference between the new payment rate and the payment rate for land that was arable land at the start of the management period, if a beneficiary counts land as being set-aside for the purposes of Article 7(1) of Council Regulation [\(EEC\) 1765/92](#), where that land is not set-aside land.