
STATUTORY INSTRUMENTS

1998 No. 1606

AGRICULTURE

The Organic Farming (Aid) (Amendment) Regulations 1998

Made - - - - *2nd July 1998*
Laid before Parliament *7th July 1998*
Coming into force - - *1st August 1998*

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, acting jointly, in exercise of the powers conferred on them by that section, and of all other powers enabling them in that behalf, and after consulting the Secretary of State for the Environment, the Countryside Commission, the Nature Conservancy Council for England and the Historic Buildings and Monuments Commission for England in accordance with section 99 of the Environment Act 1995⁽³⁾, hereby make the following Regulations:

Title and commencement

1. These Regulations may be cited as the Organic Farming (Aid) (Amendment) Regulations 1998 and shall come into force on 1st August 1998.

Interpretation

2. In these Regulations “the principal Regulations” means the Organic Farming (Aid) Regulations 1994⁽⁴⁾.

Amendment of the principal Regulations

3. The principal Regulations shall be amended in accordance with regulations 4 to 6 below.

4. In regulation 2(1) of the principal Regulations, in the definition of “Council Regulation 2092/91”, for the words “Commission Regulation (EC) No. 418/96” there shall be substituted “Commission Regulation (EC) No. 1488/97”⁽⁵⁾.

(1) S.I. 1972/1811.

(2) 1972 c. 68.

(3) 1995 c. 25.

(4) S.I. 1994/1721 (see also correction issued by HMSO in September 1994), amended by S.I. 1996/3109.

(5) O.J. No. L202, 30.7.97, p.12.

5. In regulation 3 of the principal Regulations, there shall be inserted, after paragraph (1), the following paragraph—

“(1A) Paragraph (1) above is subject to—

- (a) Article 20(3) of the Commission Regulation (which requires a person who, intentionally or by reason of gross negligence, makes a false declaration to be excluded from all aid under Council Regulation 2078/92); and
- (b) in respect of an application made on or after 1st January 1997, Article 10 of the Commission Regulation (which restricts duplication of aid payments).”.

6. For regulation 9 of the principal Regulations (aid payments to be made in arrear) and the heading thereto there shall be substituted the following regulation and heading—

“Payment of aid

9.—(1) Subject to Article 14(3) of the Commission Regulation (which requires payments to be made on the basis of an annual request for payment), any payment of aid made by the Minister to a beneficiary pursuant to these Regulations shall be made in respect of a whole year, but may be made at any time during the year in respect of which it is made.

(2) Any request for the payment of aid shall be made at such time and in such form and shall contain such information as the Minister reasonably may direct.”

2nd July 1998

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

Signed by authority of the Secretary of State for Wales,

2nd July 1998

Win Griffiths
Parliamentary Under Secretary of State, Welsh
Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Organic Farming (Aid) Regulations 1994 (S.I.1994/1721) (as amended) (“the principal Regulations”), which implement in part a zonal programme approved by the European Commission under Article 7 of Council Regulation (EEC) No. 2078/92 (O.J. No. L215, 30.7.92, p.85) on agricultural production methods compatible with the requirements of the environment and the maintenance of the countryside. Regulation 9 of the principal Regulations is amended by these Regulations so as to enable payments of aid made by the Minister to a beneficiary pursuant to the principal Regulations to be made on an annual basis at any time during the year in respect of which the payment is made. Prior to the coming into force of these Regulations, where the Minister made payments of aid, they were required to be made quarterly in arrear (or, where the total of any four consecutive payments in arrear would amount to less than £500, by a single payment of that total in arrear).

These Regulations apply to England and Wales.

No regulatory appraisal has been prepared in respect of these Regulations.