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## STATUTORY INSTRUMENTS

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**2000 No. 2573**

### AGRICULTURE

#### The Integrated Administration and Control System (Amendment) Regulations 2000

*Made* - - - - 21st September 2000  
22nd September  
*Laid before Parliament* 2000  
*Coming into force* - - 16th October 2000

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers designated<sup>M1</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>M2</sup> 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, hereby make the following Regulations—

#### Marginal Citations

**M1** [S.I. 1972/1811](#). The power of the Minister of Agriculture, Fisheries and Food and the Secretary of State to make, as Ministers designated in relation to the common agricultural policy of the European Community, regulations which extend to Scotland is preserved by section 57(1) of the [Scotland Act 1998 \(c. 46\)](#). Similarly, the power of the Minister and the Secretary of State to make regulations which extend to Wales is confirmed by article 3(4) of the [European Communities \(Designation\) \(No. 3\) Order 1999 \(S.I. 1999/2788\)](#).

**M2** [1972 c. 68](#).

#### Title, commencement and extent

1.—(1) These Regulations may be cited as the Integrated Administration and Control System (Amendment) Regulations 2000, and shall come into force on 16th October 2000.

(2) These Regulations shall apply throughout the United Kingdom.

#### Amendment of principal Regulations

2. The Integrated Administration and Control Systems Regulations 1993<sup>M3</sup> shall be amended in accordance with regulations 3 to 6 of these Regulations.

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### Marginal Citations

**M3** S.I. 1993/1317, amended by S.I. 1994/1134, S.I. 1997/1148 and S.I. 1999/1820.

3. For regulations 2 (interpretation) and 2A (date by which area aid applications must be made) there shall be substituted the following regulations—

#### “ Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“agricultural parcel” has the same meaning as in Article 1(4) of Council Regulation 3508/92;

“area aid application” means the form of application that is made available to farmers by the competent authority, for the purposes of Article 6 of Council Regulation 3508/92 and of Article 4 of Commission Regulation 3887/92, for the IACS year in question;

“authorised person” means any person (whether or not an officer of that authority) who is authorised by the competent authority, either generally or specially, to act in matters arising under these Regulations in respect of holdings in relation to which that authority is the competent authority for the IACS year in question;

“Commission Regulation 3887/92” means Commission Regulation (EEC) No. 3887/92 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes <sup>M4</sup>;

“Commission Regulation 2700/93” means Commission Regulation (EEC) No. 2700/93 on detailed rules for the application of the premium in favour of sheepmeat and goatmeat producers <sup>M5</sup>;

“Commission Regulation 2316/1999” means Commission Regulation (EC) No. 2316/1999 laying down detailed rules for the application of Council Regulation (EC) No. 1251/1999 establishing a support system for producers of certain arable crops <sup>M6</sup>;

“Council Regulation 805/68” means Council Regulation (EEC) No. 805/68 on the common organisation of the market in beef and veal <sup>M7</sup>;

“Council Regulation 1323/90” means Council Regulation (EEC) No. 1323/90 instituting specific aid for sheep and goat farming in certain less-favoured areas of the Community <sup>M8</sup>;

“Council Regulation 2328/91” means Council Regulation (EEC) No. 2328/91 on improving the efficiency of agricultural structures <sup>M9</sup>;

“Council Regulation 1765/92” means Council Regulation (EEC) No. 1765/92 establishing a support system for producers of arable crops <sup>M10</sup>;

“Council Regulation 3508/92” means Council Regulation (EEC) No. 3508/92 establishing an integrated administration and control system for certain Community aid schemes <sup>M11</sup>;

“Council Regulation 1577/96” means Council Regulation (EC) No. 1577/96 introducing a specific measure in respect of certain grain legumes <sup>M12</sup>;

“Council Regulation 950/97” means Council Regulation (EC) No. 950/97 on improving the efficiency of agricultural structures <sup>M13</sup>;

“Council Regulation 2467/98” means Council Regulation (EC) No. 2467/98 on the common organisation of the market in sheepmeat and goatmeat <sup>M14</sup>;

“Council Regulation 1251/1999” means Council Regulation (EC) No. 1251/1999 establishing a support system for producers of certain arable crops <sup>M15</sup>;

“Council Regulation 1254/1999” means Council Regulation (EC) No. 1254/1999 on the common organisation of the market in beef and veal <sup>M16</sup>;

“Council Regulation 1257/1999” means Council Regulation (EC) No. 1257/1999 on support for rural development <sup>M17</sup>;

“farmer” has the same meaning as in Article 1(4) of Council Regulation 3508/92;

“field identification check” means any verification, inspection, investigation or other operation made by the competent authority, after an application has been made to it by a farmer for—

- (a) in England, Wales or Northern Ireland, the allocation (for the purposes of area aid applications to be made by him) of a new identification number in respect of any field of his, or
- (b) in Scotland, the updating (for the purposes of area aid applications to be made by him) of any field identification number or field boundary, for the purposes of assessing the completeness and accuracy of the information given in that application;

“forage area” has the same meaning as in Article 12(2)(b) of Council Regulation 1254/1999;

“holding” has the meaning it has in Council Regulation 3508/92;

“IACS year” means a period of 12 months commencing on 16th May;

“livestock application” means an application for one of the direct payments provided for in Chapter 1 of Title I of Council Regulation 1254/1999 or for the premium in respect of sheep under Article 5 of Council Regulation 2467/98;

“relevant application” means an area aid application or a specific declaration within the meaning of Article 1a(1)(b) of Commission Regulation 2700/93;

“the relevant date”, in relation to a relevant application, means the date on which the relevant application is submitted;

“specified control measure” means any check, test, verification, inspection, investigation, control or other operation in relation to land which a member State is required to carry out under Council Regulation 3508/92 or Title IV of Commission Regulation 3887/92;

“specified payment” means any one or more of—

- (a) an area payment under Article 2 of Council Regulation 1251/1999 or Article 2 of Council Regulation 1765/92;
- (b) the direct payments provided for in Chapter 1 of Title I of Council Regulation 1254/1999 or in Articles 4b, 4c, 4d and 4h of Council Regulation 805/68;
- (c) the premium in respect of sheep under Article 5 of Council Regulation 2467/98;
- (d) the compensatory allowance under Article 17 of Council Regulation 2328/91 or Article 17 of Council Regulation 950/97 or (in the calendar year 2000) under Article 14 of Council Regulation 1257/1999;

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- (e) the specific aid under Article 1 of Council Regulation 1323/90 as read with Article 1a of Commission Regulation 2700/93;
- (f) the grain legume aid under Articles 1, 2 and 3 of Council Regulation 1577/96; or
- (g) the special aid for durum wheat production under Article 5 of Council Regulation 1251/1999; and

“territory” means England, Scotland, Wales or Northern Ireland, as the case may be.

(2) In these Regulations, a reference to any European Community Regulation shall include any amendments to it before the making of the Integrated Administration and Control System (Amendment) Regulations 2000.

(3) In these Regulations, unless the context otherwise requires, any reference to a numbered regulation is a reference to the regulation so numbered in these Regulations.

### **Definition of competent authority**

**2A.—**(1) In these Regulations—

- (a) “competent authority” in relation to a holding means—
  - (i) the authority responsible for determining a relevant application submitted in respect of the holding; and
  - (ii) any authority responsible for determining livestock applications in respect of animals kept on the holding submitted during any IACS year for which no relevant application is submitted; and
- (b) the “relevant competent authority” in relation to a holding means the competent authority responsible for determining the particular relevant application or livestock application in question.

(2) The relevant competent authority in relation to a holding shall remain the competent authority in relation to the particular relevant application or livestock application in question notwithstanding the expiry of the IACS year in respect of which, or during which, it was submitted.

(3) In so far as is material for the purposes of the cancellation of specified payments required to be made by Articles 9(3)(b) and 10e(1) (second sentence) of that Regulation (penalties applicable for a period of 24 months), as they relate to a relevant application or livestock application, regard shall be had to any findings made in the course of carrying out any specified control measure in relation to a relevant application or livestock application submitted in respect of the holding in question in the preceding IACS year, being findings of the authority which is the relevant competent authority for the purposes of that relevant application or livestock application.

(4) In so far as is material for the purposes of the reductions in specified payments required to be made by Articles 10c(2) and 10d (second paragraph) of Commission Regulation 3887/92 (penalties applicable following at least two checks in 24 months) and in connection with any specified control measure carried out by a competent authority in relation to a holding, regard shall be had to any findings made in the course of carrying out any previous specified control measure carried out by any other competent authority in relation to that holding in the preceding 24 months.

(5) The competent authorities are—

- (a) in England, the Minister of Agriculture, Fisheries and Food;
- (b) in Scotland, the Scottish Ministers;
- (c) in Wales, the National Assembly for Wales; and

(d) in Northern Ireland, the Department of Agriculture and Rural Development.

### **Competent authority for the IACS year 2000**

**2B.**—(1) This regulation applies to all holdings, whether situated entirely in one territory or in two or more territories.

(2) Where a relevant application has been submitted in respect of a holding for the IACS year commencing on 16th May 2000, the relevant competent authority in relation to that holding for that IACS year shall be the competent authority to which that relevant application was submitted.

(3) Where no relevant application was submitted in respect of a holding for the IACS year commencing on 16th May 2000, the relevant competent authority in relation to that holding for that IACS year shall be the competent authority to which was submitted the livestock application in respect of animals kept on the holding submitted last before 16th October 2000.

(4) Where no relevant application was submitted in respect of a holding for the IACS year commencing on 16th May 2000 and no livestock application in respect of animals kept on the holding was submitted to a competent authority listed in regulation 2A(5) before 16th October 2000, the relevant competent authority in relation to that holding for the IACS year commencing on 16th May 2000 shall be determined in accordance with regulation 2C(3) or (4), as the case may be.

### **Competent authorities for the IACS year 2001 and subsequent IACS years: general rules**

**2C.**—(1) This regulation and regulation 2D apply to the IACS year commencing 16th May 2001 and subsequent IACS years.

(2) Where a relevant application is submitted in respect of a holding for an IACS year referred to in paragraph (1), and the holding is situated entirely in one territory at the relevant date, the relevant competent authority in relation to that holding for that IACS year shall be the competent authority in that territory.

(3) Where no relevant application is submitted in respect of a holding for an IACS year, and the holding is situated entirely in one territory at the commencement of that IACS year, the relevant competent authority in relation to that holding for that IACS year shall be the competent authority in that territory.

(4) Subject to regulation 2D, where a holding is situated at the relevant date, or at the commencement of the IACS year, as the case may be, in two or more territories, the relevant competent authority in relation to that holding for that IACS year shall be the competent authority in the territory in which the greater, or greatest, part of the holding is then situated.

(5) Where a person submitting a relevant application has indicated in accordance with regulation 2D(4)(b) that he wishes the provisions of paragraph (4) to apply to the holding, this regulation shall apply to the holding for the purposes of each relevant application or livestock application submitted in a subsequent IACS year.

### **Competent authorities for the IACS year 2001 and subsequent IACS years: special rules where “reference application” submitted**

**2D.**—(1) In this regulation “reference application” means the last relevant application submitted in respect of a holding before 16th October 2000.

(2) this regulation applies where—

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- (a) a holding is situated in two or more territories, either at the relevant date (where a relevant application is submitted in respect of the holding for an IACS year), or at the commencement of an IACS year (where no relevant application is submitted in respect of the holding for that IACS year); and
  - (b) a reference application was submitted to the competent authority in one of those territories; but
  - (c) that territory is not the territory in which the greater, or greatest, part of the holding is situated at the relevant date or at the commencement of the IACS year, as the case may be.
- (3) Subject to paragraph (4), the relevant competent authority for that IACS year in relation to a holding to which this regulation applies shall be the competent authority to which the reference application was submitted.
- (4) Paragraph (3) shall cease to apply to a holding if—
- (a) the holding no longer includes, at the relevant date or at the commencement of the IACS year, as the case may be, land in the territory referred to in paragraph (2) (b); or
  - (b) a person submitting a relevant application in respect of the holding states or otherwise indicates in it that he wishes the provisions of regulation 2C(4) to apply to the holding.

#### **Date by which area aid applications must be made**

**2E.** For the purposes of Article 6(2) of Council Regulation 3508/92, and subject to Article 8 of Commission Regulation 3887/92, the last day on which an area aid application for any IACS year may be submitted to the competent authority shall be the 15th May, immediately preceding the commencement of that IACS year.”

#### **Marginal Citations**

- M4** OJ No. L391, 31.12.92, p. 36, as last amended by Commission Regulation (EC) No. 2801/1999 (OJ No. L340, 31.12.1999, p. 29).
- M5** OJ No. L245, 1.10.93, p. 99, as last amended by Commission Regulation (EC) No. 1410/1999 (OJ No. L164, 30.6.1999, p. 53).
- M6** OJ No. L280, 30.10.1999, p. 43.
- M7** OJ No. L148, 28.6.68, p. 24 (OJ/SE vol. 1, p. 187); as last amended by Council Regulation (EC) No. 1633/98 (OJ No. L210, 28.7.98, p. 17); repealed by Council Regulation 1254/1999.
- M8** OJ No. L132, 23.5.90, p. 17, as last amended by Commission Regulation (EC) No. 193/98 (OJ No. L20, 27.1.98, p. 18).
- M9** OJ No. L218, 6.8.91, p. 1, as amended by Council Regulation (EEC) No. 870/93 (OJ No. L91, 15.4.93, p. 10); repealed by Council Regulation 950/97.
- M10** OJ No. L181, 1.7.92, p. 12, as last amended by Council Regulation (EC) No. 1624/98 (OJ L210, 28.7.98, p. 3.); repealed by Council Regulation 1251/1999.
- M11** OJ No. L355, 5.12.92, p. 1, as last amended by Council Regulation (EC) No. 1593/2000 (OJ No. L182, 21.7.2000, p. 4).
- M12** OJ No. L206, 16.8.96, p. 4.
- M13** OJ No. L142, 2.6.97, p. 1; repealed by Council Regulation 1257/1999.
- M14** OJ No. L312, 10.11.98, p. 1.
- M15** OJ No. L160, 26.6.1999, p. 1.
- M16** OJ No. L160, 26.6.1999, p. 21.
- M17** OJ No. L160, 26.6.1999, p. 80.

4. In regulation 4 (minimum size of agricultural parcel)—
  - (a) for paragraph (a) there shall be substituted—
    - “(a) where that agricultural parcel consists of land set aside pursuant either to the obligation to set land aside set out in Article 6(1) of Council Regulation 1251/1999, or to the option to set aside land set out in Article 6(5) of that Regulation, the size of the minimum area of land permitted to be set aside under Article 19 of Commission Regulation 2316/1999;”;
  - (b) in paragraph (b) for “Arable Area Payments Regulations 1994” there shall be substituted “Area Arable Payments Regulations 1996”<sup>M18</sup>.

#### **Marginal Citations**

**M18** [S.I. 1996/3142](#), amended by [S.I. 1997/2969](#), [S.I. 1998/3169](#) and [S.I. 1999/8](#).

5. In regulation 5 (designation of authority to co-ordinate checks under Council Regulation 3508/92), for the words “Minister of Agriculture, Fisheries and Food” there shall be substituted the words “relevant competent authority”, and at the end there shall be inserted “in respect of any holdings in relation to which it is the relevant competent authority”.

6. Regulation 6A shall be deleted.

7. After regulation 8 there shall be inserted the following regulations:

#### **“ Agency Arrangements**

9.—(1) A competent authority may, with the agreement of any other competent authority or competent authorities in question, arrange for any of its IACS functions to be exercised on its behalf by that other competent authority or competent authorities.

(2) Such an arrangement shall be in writing and be signed by or on behalf of the competent authorities concerned and such arrangement may be subject to such conditions (including conditions as to the costs and charge for costs) as may be agreed.

(3) In this regulation “IACS functions” means any of the functions of the competent authority in question in relation to any Community scheme within the meaning of Article 1 of Council Regulation 3508/92.

#### **Set-off**

10. Without prejudice to the amount of any sum payable by a competent authority to any other competent authority, the amount of any sum payable by a competent authority, whether as principal or agent, by way of a specified payment may be set-off against the amount of any sum recoverable by that competent authority, whether as principal or as agent.”.

#### **Amendment of scheme Regulations**

8. In each instrument specified in the Schedule—
  - (a) the definition in regulation 2 of “the competent authority”, “the appropriate Minister” or “the Minister” (as the case may be) shall be deleted; and

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- (b) references to any of those expressions wherever they occur shall be construed as referring to “the relevant competent authority” within the meaning of the Integrated Administration and Control System Regulations 1993, in so far as that expression is applicable in relation to any territory to which the specified instrument in question extends.

21st September 2000

*Joyce Quin*  
Minister of State, Ministry of Agriculture,  
Fisheries and Food

21st September 2000

*Brian Wilson*  
Secretary of State, Scotland Office



## SCHEDULE

(regulation 8)

### INSTRUMENTS AMENDED TO TRANSFER FUNCTIONS TO "THE RELEVANT COMPETENT AUTHORITY"

#### The Sheep Annual Premium Regulations 1992 <sup>M19</sup>

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**Marginal Citations**

**M19** [S.I. 1992/2677](#), amended by [S.I. 1994/2741](#), 1995/2779, 1996/49, 1997/2500.

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**Marginal Citations**

**M19** [S.I. 1992/2677](#), amended by [S.I. 1994/2741](#), 1995/2779, 1996/49, 1997/2500.

#### The Suckler Cow Premium Regulations 1993 <sup>M20</sup>

.....  
**Marginal Citations**

**M20** SI. 1993/1441, amended by [S.I. 1994/1528](#), 1995/15, 1446, 1996/1488, 1997/249.

.....  
**Marginal Citations**

**M20** SI. 1993/1441, amended by [S.I. 1994/1528](#), 1995/15, 1446, 1996/1488, 1997/249.

#### The Arable Area Payments Regulations 1996 <sup>M21</sup>

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**Marginal Citations**

**M21** [S.I. 1996/3142](#), amended by [S.I. 1997/2969](#), 1998/3169, 1999/8.

.....  
**Marginal Citations**

**M21** [S.I. 1996/3142](#), amended by [S.I. 1997/2969](#), 1998/3169, 1999/8.

#### The Beef Special Premium Regulations 1996 <sup>M22</sup>

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**Marginal Citations**

**M22** [S.I. 1996/3241](#), amended by [S.I. 1999/1179](#).

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**M22** S.I. 1996/3241, amended by S.I. 1999/1179.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Integrated Administration and Control System Regulations 1993 (S.I. 1993/1317) ("the 1993 Regulations"), which make provision for the implementation in part of Council Regulation (EEC) No. 3508/92 (OJ No. L355, 5.12.92, p.1) and Commission Regulation (EEC) No. 3887/92 (OJ No. L391, 31.12.92, p.36), as amended.

These Regulations—

**a)** replace regulation 2 of the 1993 Regulations to update references to Community legislation and amend the definition of "specified payment" so as to include the slaughter premium and extensification premium payments under Council Regulation 1254/1999 and the special aid for durum wheat production under Council Regulation 1251/1999 (regulation 3);

**b)** insert new regulations 2A to 2D to—

**i)** define the competent authority in relation to a holding;

**ii)** set out provisions to determine which authority is the competent authority in relation to a holding for the IACS year 2000; and

**iii)** set out provisions to determine which authority is the competent authority in relation to a holding for the IACS year 2001 and subsequent years (regulation 3);

**c)** make new provision in respect of the minimum size of agricultural parcel in respect of which applications may be made (regulation 4);

**d)** delete regulation 6A (regulation 6);

**e)** insert new regulation 9, to provide powers for competent authorities to enter into agency arrangements with each other, and new regulation 10, to provide for the sums recoverable by one competent authority to be set off against the sums payable as a specified payment by another competent authority (regulation 7);

**f)** delete the definitions of "the competent authority", "the appropriate Minister" and "the Minister" where they appear in regulation 2 of the instruments listed in the Schedule and provide that references to those terms in the instruments listed in the Schedule shall be construed as references to "the relevant competent authority" within the meaning of these Regulations (regulation 8).

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