

EXPLANATORY MEMORANDUM TO
THE COMMON AGRICULTURAL POLICY SINGLE PAYMENT AND SUPPORT
SCHEMES REGULATIONS 2009

2009 No. 3102

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

2.1 The Common Agricultural Policy Single Payment and Support Schemes Regulations 2009 enable the Secretary of State to continue to apply provisions for the Common Agricultural Policy's (CAP) Single Payment Scheme (SPS) and other direct payment schemes for farmers. They reflect changes made to the EU scheme legislation following the recent EU review of the CAP (the 'CAP Health Check'). In particular, they set a new minimum claim size which will apply to future applications for payment under the schemes.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 These Regulations will be laid before Parliament less than 21 days before they come into force. Some of the provisions contained in these Regulations affect payments due to farmers under the SPS and other direct payment schemes. As a result, they need to come into force by 1 December, the opening of the EU payment window for the 2009 SPS scheme year, to prevent delays in payments being made to farmers. Given the current difficult economic climate, and the severe flooding in some parts of the country, it is particularly important to avoid any unnecessary delays in making these scheme payments, which can make up a significant proportion of total farm income.

3.2 The laying of these Regulations did not occur sooner because the Department for Environment, Food and Rural Affairs was waiting for the Commission to produce the updated Commission Regulations referred to in this statutory instrument. A decision was taken to wait for the new Commission Regulations to come into force because we were trying to avoid the need for multiple amendments to this instrument. The Commission's planned timetable for publishing their new legislation would have allowed this to occur, with time for a minimum laying period of 21 days. Unfortunately, the Commission's timetable has slipped significantly and their new Regulations are not now expected to be published until sometime in December. In light of this, we are now proceeding with Regulations which contain updated references to the Council Regulation and references to the existing Commission Regulations.

3.3 Due to the delays within the Commission it is accepted that these Regulations will need to be amended/revoked once the new Commission Regulations are published. We expect the new Commission Regulations to come into force and be published during December 2009. By producing these Regulations now we are ensuring there is a legal framework for making the payments due to farmers at the earliest opportunity. The Regulations largely continue the existing provisions. The only significant change, the setting of a new minimum claim size, has already been announced and welcomed by the farming industry.

4. Legislative context

4.1 The SPS and other direct payments are provided for in Council Regulation (EC) No 73/2009, which, following the CAP Health Check, replaced Council Regulation (EC) No 1782/2003 under which the schemes were established.

4.2 The Common Agricultural Policy Single Payment and Support Schemes Regulations 2005 (S.I. 2005/219), as amended, set out the decisions taken in England in relation to the areas of discretion available to Member States. These Regulations are available on the OPSI website, together with the accompanying Explanatory Memorandum (at www.opsi.gov.uk/si/si2005/20050219.htm).

4.3 The 2009 Regulations repeal, with savings, and replace the 2005 Regulations, to reflect the new Council Regulation (EC) No 73/2009.

4.4 A related statutory instrument is The Common Agricultural Policy Single Payment and Support Schemes (Horticulture) Regulations 2009 SI No. 1771. This provided for farmers to apply for new SPS payment entitlements to eligible growers of permanent fruit and vegetables, nursery crops and vines. A further related instrument is The Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control System) Regulations 2005 SI No. 218.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- *What is being done and why*

7.1 The SPS, which forms part of the Common Agricultural Policy (CAP), is the main support payment paid to farmers in the EU and was established as part of the 2003 CAP Reform. In England it was introduced in 2005. Under the scheme farmers are not required to maintain any specified level or type of production. Instead, in order to receive the full payment the farmer has to meet a number of Cross

Compliance conditions, which include specified environmental conditions and animal health and welfare standards.

7.2 The 2003 CAP Reform also introduced other new direct payment schemes for farmers for growing particular crops, such as proteins.

7.3 During 2008 there was a scheduled review of the CAP, known as the CAP Health Check. These Regulations reflect the new EC Council Regulation introduced in 2009 following the Health Check. Most of the provisions simply continue the existing arrangements but the Regulations also set out the decision made in relation to one new area of discretion (the setting of a new minimum claim size, see paragraph 7.4) given to Member States as a result of the Health Check. The Regulations also set the rates of additional voluntary modulation deductions which will be made from direct payments payable to farmers (see paragraphs 7.5 – 7.6).

Minimum claim size

7.4 Member States are required to set a new minimum claim size for farmers claiming under the SPS and other direct payments but have some choice as to the level this minimum is set. In England, following a public consultation, it has been decided that the new minimum claimed area will be one hectare (the lowest allowed). The EU regulations stipulate that a minimum claim value, rather than claimed area, must apply to the relatively small number of farmers who hold ‘special entitlements’ (which were allocated at the start of the scheme to certain farmers who are exempt from the normal requirement to have eligible land in order to claim payment). In England it has been decided that this will be €200. The new minimum claim size applies for applications submitted for 2010 and onwards.

Additional voluntary modulation

7.5 Direct payments made to farmers are reduced (or ‘modulated’) and the modulated amounts transferred to Pillar 2 of the CAP for spending on rural development measures, such as agri-environment schemes. There are two elements of modulation: compulsory EU modulation and in addition some Member States have made use of an option to apply additional voluntary modulation. Since 2001, the United Kingdom has made use of voluntary modulation. This has allowed the UK to operate larger and more far-reaching rural development programmes than would otherwise have been feasible, in order to achieve the desired policy outcomes, particularly for the achievement of environmental benefits.

7.6 The CAP Health Check resulted in an increase to the rates of compulsory EU modulation and also introduced progressive modulation, whereby higher payment amounts are subject to higher levels of EU modulation. The EU rules required a corresponding decrease to be made to the rates of voluntary modulation. These changes have created more of a level playing field across the EU. These Regulations set out the revised (lower) voluntary modulation rates. This has not resulted in a change to the total modulation rate (compulsory EU modulation plus additional voluntary modulation) applied to each farmer’s payment in England.

Other provisions

7.7 The most important of the other provisions are those that relate to the way in which SPS payments are calculated. At the start of the scheme Member States had discretion to allocate entitlements to the SPS according to a number of methods. Following a consultation, Ministers decided in 2004 that ultimately a flat rate payment would apply in England in each of the three regions (the moorland within the upland Severely Disadvantaged Areas, land in the upland SDA but outside the moorland line and all land outside the upland SDA). Farmers within a region will, by 2012, receive the same rate for each hectare of eligible land. But the rate will be different in each region. In order to give farmers time to adapt their businesses, there is a transition period ending in 2012. During this transitional period, the value of each SPS payment entitlement will be the combined value of the area flat rate for the scheme year and, if applicable, any historic reference amount (which is based on a farmer's historic subsidy receipts). The flat rate element of the entitlement value increases each year and, where applicable, the historic element decreases until 2012. This decision was announced at the start of the scheme and is provided for in these Regulations.

7.8 In England, it was decided in 2008 to take up the option provided to Member States to allocate new SPS payment entitlements to eligible growers of permanent fruit and vegetables, nursery crops and vines. The Common Agricultural Policy Single Payment and Support Schemes (Horticulture) Regulations 2009 SI No. 1771 provided for farmers to apply for these entitlements by August 2009. These Regulations now specify that the new entitlements (which affect less than 1% of claimants) will be valued at the relevant regional flat-rate. This confirms a decision announced by Ministers on 8 August 2008.

- ***Consolidation***

7.9 As this instrument does not amend another instrument, no consolidation of legislation is necessary.

8. Consultation outcome

8.1 A series of public consultations, and discussions with farming stakeholders, was carried out before the introduction of the SPS in 2005 to seek views on how the scheme should be implemented in England. Most of the provisions in these Regulations continue the existing arrangements, so no further consultation has been carried out on these aspects.

8.2 The revisions to the voluntary modulation rates set out in these Regulations were also not subject to consultation as the revised rates do not have an impact on farmers (as the total modulation rate remains the same).

8.3 A public consultation on the new minimum claim size was carried out in the period April – July 2009. 57 responses were received from individual farmers, farming representative bodies and environmental bodies. The majority of respondents favoured a minimum area of one hectare, the lowest allowed by the EU rules, as it minimises the number of farmers who will become ineligible under the scheme. This is the option which is being adopted. For farmers holding special entitlements, the

consultation document set out our intention to set the minimum claim value at €200. No objections were raised to this.

8.4 The decision to value the new SPS payment entitlements for growers of permanent fruit and vegetables, nursery crops and vines at the regional flat rate was taken following a consultation held in the period February - May 2008. 7 out of the 8 respondents who commented in relation to permanent fruit and vegetables and nursery crops favoured the regional flat rate. All 5 of the respondents who commented in relation to vines favoured the regional flat rate. The decision to value the entitlements at the regional flat rate is consistent with the way in which other previously unsupported sectors have been treated under the SPS.

9. Guidance

9.1 Guidance on the Single Payment Scheme and other direct payments is sent annually to farmers. The total modulation rates (compulsory EU plus additional voluntary modulation) were included in the 2009 scheme guidance, sent to farmers in Spring 2009.

9.2 The new minimum claim size was announced via a News Release on 21 September 2009, and further information included on the website of the Rural Payments Agency (an Executive Agency of the Department for Environment Food and Rural Affairs). This information will also be included in a guidance booklet to be sent to farmers in December 2009.

9.3 Beginning in September 2008 information about the value of the new entitlements for growers of permanent fruit and vegetables, nursery crops and vines was sent to all those who expressed an interest in the new entitlements. This information was also added to the website of the Rural Payments Agency.

10. Impact

10.1 Businesses (farmers) that can not satisfy the new minimum claim size requirements (estimated to be 1,500 farmers, representing around 1.4% of the total number of SPS claimants) will no longer be eligible to apply for direct payments, including the SPS. The average claim value for these farmers in 2008 was just under €550. There will be reductions in administrative burdens for these farmers as they will no longer need to complete the annual SPS application form (saving a total of around £1.2 million per annum).

10.2 There is no impact on charities or voluntary bodies (unless they are farmers in which case these Regulations apply to them in the same way as to other farmers).

10.3 The new impact on the public sector is in the form of one-off costs for the Rural Payments Agency of around £160,000 to implement the new minimum claim size. This will be offset by annual administrative savings of around £70,000 as a result of having fewer claims to process.

10.4 An Impact Assessment on the new minimum claim size is attached to this memorandum.

11. Regulating small businesses

11.1 The legislation applies to small businesses (over the minimum claim size).

11.2 There will be no additional burden to small businesses as the Regulations do not introduce any new burdens for business. The loss of the ability of some small businesses to claim the SPS payment, as a result of the new minimum claim size, has been limited by opting for the smallest claimed area allowed by the EU regulations.

12. Monitoring and Review

12.1 The SPS will be subject to the wider review of the Common Agricultural Policy at the end of 2012.

13. Contact

13.1 Claire Williams at the Department for Environment, Food and Rural Affairs
Tel: 0207 238 3157 or e-mail: claire.williams@defra.gsi.gov.uk can answer any queries regarding the instrument.

Summary: Intervention & Options

| | | |
|-------------------------------------|--|--------------------------|
| Department /Agency: Defra | Title: Impact Assessment of implementation of the CAP Health Check reforms relating to the Single Payment Scheme and other direct payments | |
| Stage: Implementation | Version: Final | Date: August 2009 |
| Related Publications: | | |

Available to view or download at:

<http://www.defra.gov.uk/corporate/consult/sps/index.htm>

Contact for enquiries: Cathy Duggan

Telephone: 0207 2381829

What is the problem under consideration? Why is government intervention necessary?

The recent Common Agricultural Policy (CAP) Healthcheck resulted in, amongst other things, a number of changes to the direct payment schemes available for farmers, including the Single Payment Scheme (SPS). The SPS is the main support payment paid to farmers in the EU.

This consultation covered three areas where Member States have some discretion in relation to the SPS and other direct payment schemes: the setting of a minimum claim size, the introduction of an objective test to determine who is eligible to apply for payment and the implementation options for decoupling of support for nuts and proteins. Government intervention is necessary to ensure that the implementation approach meets the objectives described below.

What are the policy objectives and the intended effects?

The changes to the EU regulations introduced in the CAP Health Check were designed to streamline and modernise the CAP and ensure it is working effectively, efficiently and simply. Within areas of our discretion we intend to make sure that the effort required by business and Government to make and process claims is proportionate.

What policy options have been considered? Please justify any preferred option.

Q1 (Minimum Claim) –The option chosen (1ha) excludes the fewest farmers from the scheme and was supported by most consultation respondents. The decision takes account of the fact that a higher minimum would have resulted in only modest administrative savings for the Rural Payments Agency.

[Q 2-4 have not been included as they are not relevant to the 2009 Regulations].

When will the policy be reviewed to establish the actual costs and benefits and the achievement of the desired effects? The Single Payment Scheme will be subject to the wider review of the CAP at the end of 2012.

Ministerial Sign-off For final proposal/implementation stage Impact Assessments:

I have read the impact assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) the benefits justify the costs

Signed by the responsible Minister:

Jim Fitzpatrick.....Date: 26th November 2009

Summary: Analysis & Evidence

| | |
|--------------------------|---|
| Policy Option: 1A | Description: Minimum claimed area of 1ha |
|--------------------------|---|

| | | | |
|---|--|------------|---|
| COSTS | ANNUAL COSTS | | Description and scale of key monetised costs by 'main affected groups' The one-off costs shown are RPA costs resulting from the need to change IT systems (£100,000) and administrative costs to process claim rejections and deal with customer enquiries (£60,000). There are no administration costs for farmers for simply being excluded from the scheme. |
| | One-off (Transition) | Yrs | |
| | £160,000 | | |
| | Average Annual Cost (excluding one-off) | | |
| | £ 0 | 3 | Total Cost (PV) £ 160,000 |
| <p>Other key non-monetised costs by 'main affected groups'.</p> <p>An estimated 1,500 farmers will be ineligible to apply for SPS payment. The value of SPS payments to other applicants will be unaffected. RPA could incur extra costs over a period of 2 years for processing additional transfers of land and entitlements (but likely to be minimal).</p> | | | |

| | | | |
|--|---|------------|--|
| BENEFITS | ANNUAL BENEFITS | | Description and scale of key monetised benefits by 'main affected groups' The annual benefits are reduced RPA administration costs resulting from fewer claims to inspect and process to payment (£70,000) and reduced admin costs for the farming industry as less annual SPS application forms will be submitted (£1.2M). |
| | One-off | Yrs | |
| | £ 0 | | |
| | Average Annual Benefit (excluding one-off) | | |
| | £ 1.27M | 3 | Total Benefit (PV) £ 3.68M |
| <p>Other key non-monetised benefits by 'main affected groups' RPA will have a reduced number of claims to process, which should free up resource annually to be utilised on processing of other SPS claims. However, resource concerned is very small so knock-on benefits to overall scheme processing are marginal. Farmers can benefit if they sell/transfer their entitlements to others.</p> | | | |

Key Assumptions/Sensitivities/Risks Assume 1,500 claims will fall below the minimum claim size. It is assumed that the vast majority of these claimants will be excluded in the first year (2010) and will not re-apply to the scheme in later years.

| | | | |
|-----------------|----------------------------|-------------------------------------|--|
| Price Base Year | Time Period Years 3 | Net Benefit Range (NPV) £ | NET BENEFIT (NPV Best estimate) £ 3.52M |
|-----------------|----------------------------|-------------------------------------|--|

| | | | | |
|---|---------|-------|--------|-------|
| What is the geographic coverage of the policy/option? | England | | | |
| On what date will the policy be implemented? | 2010 | | | |
| Which organisation(s) will enforce the policy? | RPA | | | |
| What is the total annual cost of enforcement for these organisations? | £ 0 | | | |
| Does enforcement comply with Hampton principles? | Yes | | | |
| Will implementation go beyond minimum EU requirements? | No | | | |
| What is the value of the proposed offsetting measure per year? | £ 0 | | | |
| What is the value of changes in greenhouse gas emissions? | £ 0 | | | |
| Will the proposal have a significant impact on competition? | No | | | |
| Annual cost (£-£) per organisation (excluding one-off) | Micro | Small | Medium | Large |
| Are any of these organisations exempt? | No | No | N/A | N/A |

| | | | |
|---|---------------------|-----------------------|-----------------|
| Impact on Admin Burdens Baseline (2005 Prices) | | (Increase - Decrease) | |
| Increase of £ 0 | Decrease of £ 1.07M | Net Impact | £ -1.07M |

Evidence Base (for summary sheets)

Background

The Single Payment Scheme (SPS) is the principal support payment paid in the European Union to farmers and forms part of the Common Agricultural Policy (CAP). In England it is administered by the Rural Payments Agency (RPA). To claim under the SPS you must be a farmer and you must hold SPS entitlements. You must also have an eligible hectare of land for each entitlement you decide to claim payment on and this land must be at your disposal on 15 May of the scheme year. To receive the payment, farmers and growers do not have to undertake any agricultural production, but they do have to comply with standards covering public, animal and plant health, environmental and animal welfare (known as cross compliance). In 2008, there were approximately 106,000 applicants under the scheme in England.

Two of the other CAP direct payment schemes available for farmers are the Area Payment for Nuts and Protein Crop Premium. Farmers apply to these schemes on the annual SPS application form. Under these schemes farmers are paid based on the area of land they use to grow eligible nuts and protein crops. Eligible nut varieties are: almonds, hazelnuts, filberts, walnuts, pistachios and locust beans (carob pods). Eligible proteins are: peas, field beans and sweet lupins. Farmers can also use land growing proteins and nuts to support their SPS claims.

2008 saw the CAP Health Check, a scheduled review of the CAP to determine whether any adjustments to the CAP mechanisms needed to be made following the last major CAP Reform in 2003. Political agreement on the Health Check was reached at the EU Agriculture Council on 20 November 2008 and the legal text was adopted on 19 January 2009. The Health Check has resulted in a number of changes to the SPS and other direct payment schemes. This consultation, one of a series of Defra consultations on different aspects of the CAP Health Check, covered the following three areas of discretion available to Member States: the setting of the minimum claim size, possible introduction of an objective farmer test and options for decoupling of nuts and protein support.

For this Impact Assessment the Costs and Benefits have been assessed over a three year period, this is because there will be a further review of CAP direct payments in 2013, which could impact on the reforms in this document.

Options: costs and benefits

In the consultation paper, we considered the following questions:

Question 1. Minimum claim size – the minimum hectareage which should be set

[Questions 2 – 4 have not been included as they are not relevant to the 2009 Regulations].

Minimum claim size (Question 1):

In an attempt to eliminate the need for Member States to spend time and money processing very small claims, Member States will be required from 2010 to set a minimum claim size under the SPS and other direct aids. Member States are able to choose whether to base the minimum size on area or monetary value. Defra has decided to base the minimum on area, as basing it on value would still require significant processing of each claim to calculate its value, thereby removing the intended cost savings. Member States also have some discretion as to the level of the minimum: for the minimum area option, the UK is able to choose a minimum of between 1ha and 5ha. In England it has been decided to choose a minimum of 1ha.

Costs

Under the chosen option for Question 1 the associated costs are those incurred by the delivery body, the Rural Payments Agency. The costs are for a one-off change to RPA's IT system (a cost of £100,000). There is also likely to be a one-off admin cost to RPA (of approx £60,000) as they process claims, and deal with queries, from farmers who fall below the minimum. Based on RPA data for SPS 2008 (the most recent year for which validated data is available), an estimated 1,500 farmers (about 1.4% of the SPS claimant population of 106,000) will be excluded from the scheme.

There will be no admin costs for farmers for simply being excluded from the scheme. However, for the affected farmers the minimum claim size would remove their eligibility to remain in a scheme they once had access to. Some respondents to the consultation suggested that certain sectors, such as nursery crops and rare breeds, could be particularly likely to fall below any new minimum claim size.

Farmers that have been excluded from the scheme because they fall below the new minimum size could sell or lease their entitlements to other farmers or buy additional land and entitlements themselves (although several respondents to the consultation noted that this was unlikely to occur much in practice). This would result in extra costs for the RPA in processing entitlement and land transfers. This action could take place over a 2 year period after which time any entitlements which have not been used to claim payment return to the National Reserve (and the scheme is then due to be reviewed in 2012) and are of no benefit to the farmer. This has not been monetised as few farmers are expected to take up this option. There are also environmental costs (which have not been monetised) of excluding farmers from the scheme as this reduces the number of farmers subject to cross compliance requirements. The environmental costs are difficult to quantify as some farmers will choose to continue to comply with cross compliance standards even though they are no longer claiming SPS. Therefore, not all the environmental benefits of cross compliance will be lost.

Benefits

There are annual cost savings to RPA as the introduction of the 1ha minimum claim size will result in an estimated 1,500 fewer claims to fully process, thus saving on annual administration and inspection costs. Some processing of the claims will be required in order to determine whether they are below the minimum claim size, but there is still a very small net reduction in annual administration costs (of £70,000). Several respondents to the consultation noted that these small administrative savings for RPA were unlikely to have a significant beneficial impact on overall scheme processing.

The main benefits to individual farmers will be the removal of the administration costs of applying to the scheme. The total reduction in administrative burdens for farmers has been calculated using the estimate of 1,500 excluded farmers and a standard rate of £824.50 per application (this standard rate is taken from the 2005 PWC study, which fed into Defra's Simplification Plan). This gives reductions in industry admin burdens of £1.2M.

There will also be some reductions in the farmer costs associated with needing to comply with cross compliance. However, as noted in the 'costs' section above, some farmers may choose to continue to meet cross compliance standards and therefore will continue to incur some compliance costs. As such, the benefits are difficult to quantify.

Farmers can receive a benefit if they choose to sell or lease their entitlements to another farmer on the open market. In line with the 'costs' section above, this has not been monetised as in practice many of the affected farmers will not consider it worthwhile to carry out this transaction.

Monitoring and review

The measures being considered will be reviewed under the general review of the EU CAP at the end of 2012.

Specific Impact Tests: Checklist

Use the table below to demonstrate how broadly you have considered the potential impacts of your policy options.

Ensure that the results of any tests that impact on the cost-benefit analysis are contained within the main evidence base; other results may be annexed.

| Type of testing undertaken | <i>Results in Evidence Base?</i> | <i>Results annexed?</i> |
|----------------------------|----------------------------------|-------------------------|
| Competition Assessment | No | Yes |
| Small Firms Impact Test | No | Yes |
| Legal Aid | No | Yes |
| Sustainable Development | No | Yes |
| Carbon Assessment | No | Yes |
| Other Environment | No | Yes |
| Health Impact Assessment | No | Yes |
| Race Equality | No | Yes |
| Disability Equality | No | Yes |
| Gender Equality | No | Yes |
| Human Rights | No | Yes |
| Rural Proofing | No | Yes |

Annex 1 Specific Impact Tests

1 Competition Assessment

The policy decisions covered by this Impact Assessment are not expected to have a significant impact on competition as they will affect a relatively small proportion of farmers. We estimate that approximately 1.4% of SPS applicants (1,500 farmers) will be excluded from the SPS as a result of setting the minimum claim size at 1ha.

2 Small Firms Impact Test

For the purpose of Impact Assessments small firms are classified as those with fewer than 20 employees. Therefore the overwhelming majority of farm business can be classified as small firms. The minimum claim size of 1ha will affect the smallest of farm businesses, they will retain entitlements to lease or sell to other businesses if they wish, any unused entitlement that remain after 2 years will revert to National Reserve.

3 Legal Aid

The proposals do not create new criminal sanctions or civil penalties therefore there will be no impact on Legal Aid.

4 Sustainable Development

The proposals conform to the five principles of sustainable development to which the Government is committed (living within environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly).

5 Carbon Assessment

The amendments will have no effect on carbon/greenhouse gas emissions, as the nature and scale of the farming activities and related industries remain the same.

6 Other Environment

The amendments have no implications in relation to climate change, waste management, landscapes, water and floods, habitat and wildlife or noise pollution.

7 Health Impact Assessment

The regulation change will not directly impact on human health or well being and will not result in health inequalities.

8 Race/Disability/Gender Equality

The proposals apply equally to all individuals and businesses involved, regardless of race, disability or gender. They do not impose any restriction or involve any requirement which a person of a particular racial background, disability or gender would find difficult to comply with.

9 Human Rights

The proposals are consistent with the Human Rights Act 1998.

10 Rural Proofing

The overwhelming majority of those involved in farming businesses are based in rural areas but the proposals apply equally to all involved, whether in urban or rural areas.