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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 351**

**AGRICULTURE**

**Habitat Improvement (Amendment)  
Regulations (Northern Ireland) 1997**

*Made* - - - - *30th July 1997*

*Coming into operation* *1st September 1997*

The Department of Agriculture, being a Department 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 Economic Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Habitat Improvement (Amendment) Regulations (Northern Ireland) 1997 and shall come into operation on 1st September 1997.

(2) The Interpretation Act (Northern Ireland) 1954(3) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

**Amendments to the Habitat Improvement Regulations (Northern Ireland) 1995**

2.—(1) The Habitat Improvement Regulations (Northern Ireland) 1995(4) shall be amended as provided in paragraphs (2) and (3).

(2) In regulation 3 (aid for improvement or establishment of habitats) after paragraph (2) there shall be added the following paragraphs—

“(3) Where the Department considers that the erection of stock-proof fencing is necessary for the purpose of aiding compliance by a beneficiary with an undertaking given under paragraph (1) or (2), it may for that purpose agree with him in advance, the erection of that fencing, and the specification to which it is to be erected and, in that event, shall make a payment of aid to him in respect of the erection of that fencing if he has undertaken that it will be maintained in a stock-proof condition from the time of the payment for the remainder of the duration of the undertaking given under paragraph (1) or (2).

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

(2) [1972 c. 68](#), Section 2 is subject to Schedule 2 to that Act and is to be read with [S.I. 1984/703 \(N.I. 3\)](#) and [S.I. 1994/2795 \(N.I. 15\)](#)

(3) [1954 c. 33 \(N.I.\)](#)

(4) [S.R. 1995 No. 134](#) as amended by [S.R. 1996 No. 608](#)

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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(4) In paragraph (3), “stock-proof fencing” includes gates and posts.”

(3) In regulation 8 (amounts of aid and claims) after paragraph (2) there shall be inserted the following paragraph—

“(2A) Any payment of aid made under regulation 3 in respect of work on the erection of stock-proof fencing (including gates and posts) shall be made at a standard cost rate determined by the Department and agreed with the beneficiary in advance of the work being carried out.”

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on

L.S.

30th July 1997.

*Evelyn Cummins*  
Assistant Secretary

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## EXPLANATORY NOTE

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

These Regulations further amend the Habitat Improvement Regulations (Northern Ireland) 1995 (“the 1995 Regulations”), which implement in part a zonal programme approved by the European Commission (“the Commission”) under Article 7 of the Council Regulation ([EEC](#) No. 2078/92. (O.J. No. L215, 30.7.92, p. 85) (“the Agri-environment Regulations”) on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside.

These Regulations make provision for the payment by the Department of Agriculture of aid for the erection of stock-proof fencing including gates and posts at a rate to be determined and agreed where that Department considers that such fencing is necessary for the beneficiary to comply with an undertaking given under the 1995 Regulations.

No Compliance Cost Assessment in relation to these Regulations has been prepared.