
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations make provision in Northern Ireland for the administration and enforcement of Regulation (EC) No. 1782/2003 (O.J. No. L270, 21.10.2003, p. 1) (“the Council Regulation”) and Commission Regulation (EC) No. 796/2004 (O.J. No. L141, 30.4.2004, p. 18) (“the Commission Regulation”) in relation to cross compliance under the new system of direct support schemes (including the Single Payment Scheme) under the Common Agricultural Policy (CAP) to come into force on 1st January 2005.

“Cross compliance” links the payment of direct aid to farmers under the Common Agricultural Policy to compliance with a range of laws and standards (see Article 6 of the Council Regulation). Annex III to the Council Regulation contains a list of “statutory management requirements” in areas of Community law on the environment, public and animal health and animal welfare. Under Article 5(1) of the Council Regulation, Member States must set out standards of “good agricultural and environmental condition” which will apply to all farmers, within the framework in Annex IV to that Regulation.

The Regulations provide as follows:

Regulation 3 designates the Department of Agriculture and Rural Development as the competent national authority responsible for providing farmers with a list of the statutory management requirements and standards of good agricultural and environmental condition on his land.

Regulation 4, by reference to the Schedule, sets out the standards of good agricultural and environmental condition which will apply in Northern Ireland, as required under Article 5(1) of the Council Regulation. It also provides that farmers with agri-environment commitments which directly and necessarily conflict with the standards will not be penalised for breaching the standards. The standards in the Schedule cover the following areas-

- Soil Management
- Supplementary Feeding
- Overgrazing
- Undergrazing
- Field Boundaries
- Protection of semi natural habitats and historic monuments
- Compliance with Various Statutory Provisions
- New Works
- Burning of Ground Cover

Regulation 5 gives the Department of Agriculture and Rural Development the power to prohibit farmers from converting land under permanent pasture, and to oblige farmers to reconvert land to permanent pasture, where the exercise of these powers is necessary in order for the United Kingdom to meet the requirements of Article 5(2) of the Council Regulation and Articles 3 and 4 of the Commission Regulation.

Regulation 6 makes the Department and the Department of the Environment responsible for carrying out the controls on the requirements or standards set out in these Regulations and the Council Regulation.

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

Regulation 7 provides powers of entry for an authorised person. These powers are in addition to any existing power of entry and are for the purpose of providing a control report, establishing a non-compliance or ascertaining whether an offence under these Regulations has been or is being committed.

Regulations 8 and 9 provide for an authorised person to request assistance and for offences of obstructing an authorised person and failing to provide assistance.

A booklet setting out the standards in the schedule will be sent to all farmers. Further copies are available from the Department of Agriculture and Rural Development, Rural Payments and Inspection Division, Room 558, Dundonald House, Upper Newtownards Road, Belfast, BT4 3SB. Telephone 028 90 525549 or for those with hearing disabilities 028 90 524420. Fax 028 90 524431. E-mail www.dardni.gov.uk.