

EXPLANATORY MEMORANDUM TO

The Common Agricultural Policy Single Payment and Support Schemes Regulations (Northern Ireland) 2010

2010 No. 161

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. To revoke and replace the Common Agricultural Policy Single Payment and Support Schemes Regulations (Northern Ireland) 2005 with 2010 Regulations.
- 2.2. The Regulations govern the administration of the Single Farm Payment (SFP) Scheme in Northern Ireland and provide for the changes made as a result of new EU legislation and reforms following the CAP Health Check.

3. Background

- 3.1. While the EU legislation is directly applicable, it is necessary to update our domestic legislation to regulate the administration of the SFP Scheme specific to Northern Ireland from 2010.
- 3.2. The Common Agricultural Policy Single Payment and Support Schemes Regulations (Northern Ireland) 2010 revokes and replaces the “principal” domestic Regulations of 2005. This is because the 2005 Regulations have already been amended a number of times and also because there are provisions in the 2005 Regulations relating to Dairy Premium, Calculation of Payment Entitlements, Horticulture and Aid for Energy Crops which are no longer required.
- 3.3. The 2010 Regulations also updates references to the new EU legislation.
- 3.4. It prescribes the minimum size of a holding in respect of which the establishment of entitlements may be requested;
- 3.5. It sets the minimum claim size at €100, which is the minimum threshold we can legally deploy;
- 3.6. It fixes the date on which fields used to claim SFP must be at the disposal of farmers;
- 3.7. It provides that a transferor of payment entitlements must notify the Department within specified time limits;
- 3.8. It provides for the deduction of additional modulation for 2009 – 2012;
- 3.9. It revokes the 2005 Regulations and its amendments; and

- 3.10. It also revokes Set-aside legislation as the requirement to set land aside was abolished from 1 January 2009.
- 3.11. While the Commission now deducts voluntary modulation in the same way as compulsory modulation, it had been considered that a provision for additional modulation was not needed. However, on legal advice, the rates for compulsory and voluntary modulation have been provided for the sake of completeness.
- 3.12. This Regulation needs to be in place to coincide with the closing date of the Single Application and the date on which land claimed for payment must be at the applicant's disposal. This date, set down in the EU Regulations, is 15 May in the year of the Scheme.

4. Consultation

- 4.1. There has been no consultation specific to these Regulations. The CAP Health Check was the subject of a public consultation in March and April 2009. The 2010 Regulations implements the policy that has already been agreed and therefore no additional consultation is required.

5. Equality Impact

- 5.1. An Equality Impact Assessment has not been carried out on these Regulations. These policies have been reviewed and developed at European level with agreed UK input. The Regulations implement the policy agreed as part of the CAP Health Check.
- 5.2. As mentioned at 4.1 above, a consultation took place on the CAP Health Check and the changes have been agreed with representatives of the farming Industry.
- 5.3. The Single Farm Payment Scheme does not differentiate between any of the Section 75 groups. I

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment has not been prepared for these Regulations as they have no impact in terms of costs on business, charities or voluntary bodies.

7. Financial Implications

- 7.1. There are no financial or resource implications involved in the making of these Regulations.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Regulations deal with reforms to SFP introduced as part of the CAP Health Check. There are no human rights implications, nor are they incompatible with EU law. The SR is therefore deemed to comply with the requirements of Section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Not applicable.

11. Additional Information

11.1. None.