

2012 No. 452

AGRICULTURE

The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Amendment) Regulations (Northern Ireland) 2012

Made - - - - *14th December 2012*

Coming into operation - *7th January 2013*

The Department of Agriculture and Rural Development is a Department designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to the common agricultural policy of the European Community and in relation to the promotion of rural development.

The Department of Agriculture and Rural Development makes the following Regulations in exercise of the powers conferred on it by section 2(2) of that Act.

Title, commencement and interpretation

1.—(1) These Regulations may be cited as the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Amendment) Regulations (Northern Ireland) 2012 and shall come into operation on 7th January 2013.

(2) In these Regulations—

“the Principal Regulations” means the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) Regulations (Northern Ireland) 2005^(c)

(3) The Interpretation Act (Northern Ireland) 1954 applies to these Regulations as it applies to an Act of the Assembly.

Amendment of the Principal Regulations

2. The Principal Regulations are amended in accordance with regulations 3 to 5.

Amendment of regulation 2 of the Principal Regulations

3. In regulation 2(2) (Interpretation) immediately after the definition of “Council Regulation 1257/1999” insert—

(a) S.I.2000/2812 to which there are amendments not relevant to the subject matter of these Regulations and S.I.2000/3238
(b) 1972 c.68
(c) S.R. 2005 No. 6

““Council Regulation 1698/2005” means Council Regulation (EC) No. 1698/2005 on the support for rural development by the European Agricultural Fund for Rural Development (EAFRD)(a) ”.

Amendment of regulation 4 of the Principal Regulations

4. For regulation 4(1) substitute—

“4.—(1) The standards of good agricultural and environmental condition set out in the Schedule apply as minimum requirements for the purposes of Article 6 of, and Annex III to, the Council Regulation”.

Amendment of regulation 7 of the Principal Regulations

5. For regulation 7 substitute—

“7.—(1) An authorised person may exercise any of the powers specified in this regulation for the purpose of enforcing the Council Regulation, the Commission Regulation (EC), Council Regulation (EC) No 1698/2005 or these Regulations.

(2) A person so authorised, on producing, if so required, some duly authenticated document showing his authority to do so, have a right at all reasonable hours to enter any land, other than a building used only as a dwelling.

(3) An authorised person may—

- (a) carry out any inquiries, checks, examinations, measurements and tests;
- (b) take samples;
- (c) inspect all or any part of the land (whether it is farmed or is withdrawn from agricultural production), and any livestock, crops, machinery or equipment;
- (d) mark any animal or other thing for identification purposes;
- (e) have access to, inspect and copy any documents or records (in whatever form they are held) or remove such documents or records to enable them to be copied;
- (f) have access to, inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the documents or records; and for this purpose require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford such assistance as is reasonably required and, where a document or record is kept by means of a computer, require the document or record to be produced in a form in which it can be taken away;
- (g) remove a carcass found on the land for the purpose of carrying out a post-mortem examination on it;
- (h) take a photograph of anything on the land; and
- (i) remove anything reasonably believed to be evidence of any non-compliance.

(4) An authorised person entering any premises by virtue of this regulation may take with him—

- (a) such other persons as he considers necessary; and
- (b) any representative of the European Union acting for the purposes of the Council Regulation and the Commission Regulation.

(5) If an authorised person enters any unoccupied premises he shall leave them as effectively secured against unauthorised entry as he found them.

(a) O.J. No. L277, 21.10.2005, p.1

(6) An authorised person who enters any land under a power under other legislation may exercise any of the powers specified in this regulation for the purposes of enforcing these Regulations”.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 14th December 2012.



Andrew Elliott
A senior officer of the
Department of Agriculture and Rural Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) Regulations (Northern Ireland) 2005 (SR. 2005 No. 6) (“the principal Regulations”). The principal Regulations make provision in Northern Ireland for the administration of Council Regulation (EC) No. 73/2009 (O.J. No. L30, 31.1.2009, p.16) (“the Council Regulation”), Commission Regulation (EC) No. 1120/2009 (O.J. No. L316, 2.10.2009 p.1) and Commission Regulation (EC) No. 1122/2009 (O.J. No. L316, 2.10.2009, p.65) in relation to Cross Compliance under the system of direct support schemes (including the Single Payment Schemes) under the Common Agricultural Policy, which came into force on 1 January 2005.

These Regulations amend the principal Regulations by inserting a reference to Council Regulation (EC) No. 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (O.J. No. L277, 21.10.2005, p.1).

The Regulations amend regulation 4(1) (the Standards of good agricultural and environmental condition) and regulation 7 (Powers of authorised persons) of the principal Regulations to ensure the Department can inspect all appropriate lands, buildings, machinery and livestock to check all Cross Compliance requirements are being met and can remove evidence of non compliance when appropriate.

A full regulatory impact assessment has not been produced for these Regulations as they have no impact on the cost of business.

Details of the Northern Ireland Good Agricultural and Environmental Condition requirements are set out in the booklet entitled “2012 Cross Compliance Verifiable Standards Summary”. Copies of this booklet can be obtained from the Department of Agriculture and Rural Development at the following address—Single Farm Payment Branch, Orchard House, 40 Foyle Street, Derry/Londonderry, BT48 6AT or at the web address—http://www.dardni.gov.uk/index/publications/pubs-dard-grants-and-funding/publications-cross-compliance/cross_compliance_verifiable_standards_summary.htm

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