
STATUTORY INSTRUMENTS

1995 No. 199

AGRICULTURE

The Environmentally Sensitive Areas (North Kent Marshes) Designation (Amendment) Order 1995

<i>Made</i>	- - - -	<i>26th January 1995</i>
<i>Laid before Parliament</i>		<i>7th February 1995</i>
<i>Coming into force</i>	- -	<i>28th February 1995</i>

Whereas, pursuant to section 18(1) of the Agriculture Act 1986⁽¹⁾, the Minister of Agriculture, Fisheries and Food has by order designated an area in the North Kent Marshes as an environmentally sensitive area;

Now, therefore, the said Minister, in exercise of the powers conferred on him by section 18(1) and (4)⁽²⁾ of the said Act, and of all other powers enabling him in that behalf, with the consent of the Treasury, hereby makes the following Order:

Title and commencement

1. This order may be cited as the Environmentally Sensitive Areas (North Kent Marshes) Designation (Amendment) Order 1995 and shall come into force on 28th February 1995.

Interpretation

2. In this Order “the principal Order” means the Environmentally Sensitive Areas (North Kent Marshes) Designation Order 1993⁽³⁾.

Amendment of the principal Order

3. The principal Order shall be amended in accordance with the following provisions of this Order.

Rates of payment under agreement

4. In article 6 of the principal Order—

(1) 1986 c. 49. The expression “the Minister” is defined in section 18(11).
(2) Section 18(4) was amended by S.I.1994/249.
(3) S.I. 1993/82, as amended by S.I. 1994/918.

(1) for paragraph (2), there shall be substituted the following paragraph:

“(2) Where an agreement includes the additional provisions specified in Schedule 3 in relation to any land, the Minister shall make payments at the rate of £260 per annum for each hectare of that land.”;

(2) after paragraph (2), there shall be inserted the following paragraph:

“(2A) Where an agreement includes the additional provisions specified in Schedule 2 in relation to any land, the Minister shall make additional payments at the rate of £50 per annum for each hectare of that land”;

(3) for paragraph (3), there shall be substituted the following paragraph:

“(3) Where an agreement includes a conservation plan, the Minister shall also make payments in respect of the operations included in the plan, subject to a maximum of £15,000 for each agreement.”.

Amendment to Schedules

5. In Schedule 2 to the principal Order, for paragraph (1) there shall be substituted the following paragraph:

“(1) the farmer shall ensure that a depth of at least 30 centimetres of water is provided in the bottoms of ditches and dykes from 1st May until 30th November in any year;”.

Saving

6. Article 4(1) and (2) of this Order shall not apply in respect of any annual payment to a farmer which relates wholly or in part to any period before 1st April 1995.

26th January 1995

Howe
Parliamentary Secretary, Ministry of Agriculture,
Fisheries and Food

We consent.

23rd January 1995

Timothy Kirkhope
Tim Wood
Two of the Lords Commissioners of Her
Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Environmentally Sensitive Areas (North Kent Marshes) Designation Order 1993 (“the principal Order”) which designated an area in the North Kent Marshes as an environmentally sensitive area.

Subject to a saving provision, the Order amends the rates of payments to be made by the Minister of Agriculture, Fisheries and Food pursuant to a management agreement made under section 18(3) of the Agriculture Act 1986 (articles 4 and 6).

The Order amends a provision of Schedule 2 to the principal Order, which sets out additional provisions which may be included in a management agreement (article 5).