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STATUTORY INSTRUMENTS

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**2005 No. 1087**

**AGRICULTURE, ENGLAND**

**The Common Agricultural Policy Single Payment and  
Support Schemes (Amendment) Regulations 2005**

<i>Made</i>	- - - -	<i>2nd April 2005</i>
<i>Laid before Parliament</i>		<i>5th April 2005</i>
<i>Coming into force</i>	- -	<i>30th April 2005</i>

The Secretary of State, being a Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the Common Agricultural Policy of the European Community, in exercise of the powers conferred upon her by that section hereby makes the following Regulations:

**Title, commencement and application**

1. These Regulations may be cited as the Common Agricultural Policy Single Payment and Support Schemes (Amendment) Regulations 2005, shall come into force on 30 April 2005 and shall apply to England only.

**Amendment of the Common Agricultural Policy Single Payment and Support Schemes Regulations 2005**

2. The Common Agricultural Policy Single Payment and Support Schemes Regulations 2005<sup>(3)</sup> shall be amended as follows—

- (a) in regulation 2(3), for “on the date these Regulations are made.” substitute “on the date the Common Agricultural Policy Single Payment and Support Schemes (Amendment) Regulations 2005 are made.”<sup>(4)</sup>;
- (b) for regulation 9 substitute the following regulation—

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(1) S.I. 1972/1811.

(2) 1972 c. 68.

(3) S.I. 2005/219.

(4) Since the Common Agricultural Policy Single Payment and Support Schemes Regulations 2005 were made, Commission Regulation (EC) No 795/2004 has been amended by Commission Regulation (EC) No 394/2005 (O.J. No. L63, 10.3.2005, p17), Commission Regulation (EC) No 796/2004 has been amended by Commission Regulation (EC) No 239/2005 (O.J. No. L42, 12.02.2005, p.3), and Council Regulation (EC) No 1782/2003 has been amended by Commission Regulation (EC) No 118/2005 (O.J. No. L24, 27.01.2005, p15).

**“Horticulture**

9. In accordance with Article 51(b) second subparagraph of the Council Regulation, secondary crops may be cultivated on the eligible hectares during a period of not more than three months beginning each year on 15<sup>th</sup> August.”.

2nd April 2005

*Whitty*  
Parliamentary Under Secretary of State  
Department for Environment, Food and Rural  
Affairs

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## EXPLANATORY NOTE

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

These Regulations apply to England and amend the Common Agricultural Policy Single Payment and Support Schemes Regulations 2005 (S.I.2005/219) (“the Principal Regulations”). The Principal Regulations make provision for the administration of Council Regulation (EC) No.1782/2003 (O.J. No. L 270, 21.10.2003, p.1) (the “Council Regulation”), Commission Regulation (EC) No 795/2004 (O.J. No. L 141, 30.4.2004, p.1) (the “Commission Regulation 795/2004”), Commission Regulation (EC) No 796/2004 (O.J. No. L 141, 30.4.2004, p.18) and Commission Regulation (EC) No 1973/2004 (O.J. No. L 345, 20.11.2004, p.1) in relation to establishing a new system of direct support schemes (including the Single Payment Scheme) under the Common Agricultural Policy which came into force on 1 January 2005.

These Regulations update references to the Community instruments in the Principal Regulations to references to the Community Instruments as amended at the date these Regulations are made.

In relation to the Single Payment Scheme regulation 9 of the Principal Regulations provides that in accordance with Article 51(b) of the Council Regulation secondary crops may be cultivated on eligible hectares during a period of not more than three months. The three months begin each year on the 15th August but not in the year beginning on 1st January 2005. Commission Regulation (EC) No 394/2005 (OJ No. L63, 10.3.2005, p.17) (the “Commission Regulation 394/2005”) amends Commission Regulation 795/2004. Article 2 of Commission Regulation 394/2005 enables Member States, by way of a derogation from Article 51, to decide for the year 2005 to apply the second subparagraph of Article 51(b). These Regulations substitute regulation 9 of the Principal Regulations to apply the second subparagraph of Article 51(b) in the year 2005.

A full regulatory impact assessment has not been prepared for this instrument as it has no impact on the cost of business.