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STATUTORY INSTRUMENTS

2005 No. 918

AGRICULTURE, ENGLAND

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

<i>Made</i>	- - - -	<i>23rd March 2005</i>
<i>Laid before Parliament</i>		<i>30th March 2005</i>
<i>Coming into force</i>	- -	<i>30th April 2005</i>

The Secretary of State, being a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ 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 (Cross Compliance) (England) (Amendment) Regulations 2005, shall come into force on 30th April 2005 and shall apply to England only.

Amendment of the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (England) Regulations 2004

2. The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (England) Regulations 2004⁽³⁾ shall be amended as follows—

- (a) in regulation 2(2), for “on the date these Regulations are made.” substitute “on the date the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (England) (Amendment) Regulations 2005 are made.”⁽⁴⁾;

(1) [S.I. 1972/1811](#).

(2) [1972 c. 68](#).

(3) [S.I. 2004/3196](#).

(4) Since the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (England) Regulations 2004 were made, Commission Regulation (EC) No 796/2004 has been amended by Commission Regulation (EC) No 239/2005

- (b) in regulation 3, for “in Article 3(2)” substitute “for the purposes of Article 3(2)”;
- (c) in regulation 4(1), for “in Article 5(1) of the Council Regulation are set out in the Schedule.” substitute “set out in the Schedule apply as minimum requirements for the purposes of Article 5(1) of the Council Regulation.”;
- (d) in regulation 6(4)—
 - (i) for “paragraphs 2 and 4” substitute “paragraphs (2) and (3)”; and
 - (ii) for “paragraphs 19, 20” substitute “paragraphs 19 and 20”;
- (e) in sub-paragraph (iv) of paragraph 3(1)(c) of the Schedule—
 - (i) after “vegetables” insert “(excluding all varieties of potato, sugar beet, mangel, swede, turnip and fodder beet)”; and
 - (ii) for “if it was not harvested; or” at the end of sub-paragraph (bb) substitute “if it was not harvested.”;
- (f) in paragraph 13(5)(b) of the Schedule, for “not of less than” substitute “not exceeding”; and
- (g) in paragraph 16(1) of the Schedule, for “or” at the end of sub-paragraph (a) substitute “and”.

23rd March 2005

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

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 (Cross Compliance) (England) Regulations 2004 (S.I. 2004/3196) (“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) and Commission Regulation (EC) No 796/2004 (O.J. No. L 141, 30.4.2004, p.18) in relation to cross compliance under the 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 amend the Principal Regulations:

- to update the references to the Community instruments in those Regulations to references to the Community instruments as amended at the date these Regulations are made;
- to correct certain drafting errors in the Regulations; and
- to amend the standards of Good Agricultural and Environmental Condition to exclude the harvesting of all varieties of potato, sugar beet, mangel, swede, turnip and fodder beet from the exception to the general rule against the use of mechanical field operations on waterlogged soil.

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