

**EXPLANATORY MEMORANDUM TO**  
**THE COMMON AGRICULTURAL POLICY SINGLE PAYMENT AND**  
**SUPPORT**  
**SCHEMES (AMENDMENT) REGULATIONS 2006**

**2006 No. 239**

- 1.1 This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

**2. Description**

- 2.1 These Regulations amend the Common Agricultural Policy Single Payment and Support Schemes Regulations 2005 (S.I. 2005/219) (“the principal Regulations”), which are available on the [HMSO website](#) with their accompanying [Explanatory Memorandum](#).
- 2.2 The purpose of the principal Regulations is to enable the Secretary of State to establish provisions of the Single Payment Scheme (SPS) as they relate to England under legislation giving effect to the reformed common agricultural policy (“CAP”).
- 2.3 Prior to its amendment by these Regulations, regulation 6 of the principal Regulations provided, in accordance with Article 24(2) of the Commission Regulation and Article 44(3) of Council Regulation (EC) No 1782/2003, that farmers may nominate a single start date for the period of 10 months during which land on their holding must be “at their disposal” for the purposes of the SPS.
- 2.4 These Regulations amend regulation 6 of the principal Regulations to allow farmers to choose up to two start dates for 10 month periods in respect of their holdings. They also provide that if a farmer does not choose any such start date, the 10 month period in respect of his holding shall start on 1<sup>st</sup> February of the year of application to the single payment scheme.
- 2.5 These Regulations also amend the definitions in regulation 2(1) of the principal Regulations of the following Community legislation to include the most recent amendments to this legislation:
- Commission Regulation (EC) No 795/2004
  - Commission Regulation (EC) No 796/2004
  - Commission Regulation (EC) No 1973/2004
  - Council Regulation (EC) No 1782/2003

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 None

#### 4. Legislative Background

- 4.1 These Regulations are made under section 2(2) of the European Communities Act 1972. They implement, in particular, an amendment to Article 24(2) of Commission Regulation (EC) No 795/2004 (the “Commission Regulation”).
- 4.2 These Regulations amend the principal Regulations, which came into force on 1 March 2005, and which have previously been amended by the Common Agricultural Policy Single Payment and Support Schemes (Amendment) Regulations 2005 (S.I. 2005/1087).
- 4.3 These Regulations are one of a series of instruments already in place implementing the reform of the Common Agricultural Policy (CAP). The other instruments in the series are:

The Common Agricultural Policy Single Payment and Support Schemes (Appeals) (England) Regulations 2004 S.I.2004/2689,

The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (England) Regulations 2004 S.I. 2004/3196,

The Common Agricultural Policy Single Payment and Support Schemes (Set-aside) (England) Regulations 2004 S.I. 2004/3385,

The Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control System) Regulations 2005 S.I. 2005/218,

The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (England) (Amendment) Regulations 2005 S.I. 2005/918,

- 4.4 European legislation

Links to the relevant Community legislation are listed below, for:

Commission Regulation 795/2004 –

<http://europa.eu.int/eur-lex/lex/LexUriServ/LexUriServ.do?uri=CELEX:32004R0795:EN:HTML>

(Amended by Commission regulation 606 / 2005 to allow two 10 month rule start dates) –

[http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/oj/2005/l\\_100/l\\_10020050420en00150016.pdf](http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/oj/2005/l_100/l_10020050420en00150016.pdf)

Commission Regulation 796/2004 –

<http://europa.eu.int/eur-lex/lex/LexUriServ/LexUriServ.do?uri=CELEX:32004R0796:EN:HTML>

Commission Regulation 1973/2004 –

[http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/oj/2004/l\\_345/l\\_34520041120en00010084.pdf](http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/oj/2004/l_345/l_34520041120en00010084.pdf)

Council Regulation 1782/2003–

<http://europa.eu.int/eur-lex/lex/LexUriServ/LexUriServ.do?uri=CELEX:32003R1782:EN:HTML>

## **5. Extent**

5.1 This instrument applies to England only.

## **6. European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 The policy background to the principal Regulations is referred to at paragraph 2.2

7.2 These Regulations update the definitions of the Community legislation to include recent amendments, and take account of the greater flexibility that one of these amendments presents for application of the 10 month rule.

7.3 Article 44(3) of Council Regulation (EC) No. 1782 / 2003 and Article 24(2) of Commission Regulation (EC) 795 / 2004 provide that land used to support a claim for the single payment must be at the claimant's disposal for a 10-month period starting within a window chosen by the Member State. In England, this window runs from 1 October in the year before the claim to 30 April in the year of the claim. Article 24(2) of the Commission Regulation originally allowed farmers to nominate a single date on which this 10 month period would start for all land on their holding.

7.4 However, in April 2005, in response to requests for greater flexibility from a number of Member States, including the UK, a paragraph was added to Article 24(2) which permits Member States to allow farmers to select two different start dates for their 10-month periods where specific agricultural conditions so warrant. Industry stakeholders are keen that this flexibility is introduced across

the UK and it has subsequently been agreed with the devolved administrations, that this should happen with effect from the 2006 Scheme year. These Regulations give effect to that agreement in respect of England.

- 7.5 Both start dates must still be within the window chosen by the Member State (i.e., from 1 October in the year before the claim to 30 April in the year of the claim for farmers in England).
- 7.6 In order to allow for efficient administration of the scheme, the Regulation also provides that, where a farmer does not choose a start date for a 10 month period in respect of his holding, the date shall be 1<sup>st</sup> February of the year of application to the SPS.

## **8. Impact**

- 8.1 A full Regulatory Impact Assessment has not been prepared for this amendment as there is no policy change involved and because no impact on the private, voluntary or public sector is foreseen. A full Regulatory Impact assessment was completed for The Common Agricultural Policy Single Payment and Support Schemes Regulations 2005 and is available at the [HMSO website](#).

## **9. Contact**

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