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## EXPLANATORY NOTE

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

These Regulations make provision in England for the administration of [Commission Regulation \(EC\) No 795/2004](#) (OJ No L 141, 30.4.2004, p 1) and [Commission Regulation \(EC\) No 796/2004](#) (OJ No L 141, 30.4.2004, p 18) in relation to the application, to farmers of permanent fruit and vegetables, nurseries and vines, of the Single Payment Scheme under the Common Agricultural Policy.

More specifically, these Regulations make provision for applications to establish payment entitlements, as provided for in Article 33(1)(b)(iii) and points A and C of Annex IX of Council Regulation [\(EC\) No 73/2009](#) (OJ No L 30, 30.1.2009, p 16), in relation to permanent fruit and vegetables, nurseries and vines (regulation 3(1) and (2)). Regulation 3(3) specifies the relevant periods necessary to establish entitlement, and regulation 3(4) specifies that an application for entitlement must be submitted no later than 13th August 2009. Regulation 3(5) provides that in cases where more than one farmer applies to establish entitlement, only the application of the farmer who last met the requirements of paragraph (2) during the relevant period specified in paragraph (3) will be considered.

These Regulations also provide that regulations 3 and 5 of the Common Agricultural Policy Single Payment and Support Schemes Regulations 2005 ([S.I. 2005/219](#)) (“the 2005 Regulations”) apply for the purposes of applications under regulation 3(2) of these Regulations. Regulation 3 of the 2005 Regulations specifies the three regions of England. The regions are moorland, the severely disadvantaged area (excluding moorland) and all other land (regulation 4). Regulation 5 of the 2005 Regulations specifies the minimum size of a holding for which the establishment of payment entitlements may be requested. The minimum size of holding is 0.3 hectares (regulation 5).

An impact assessment on the options for allocating Single Payment Scheme entitlements to farmers of permanent fruit and vegetables, nurseries and vines is available from the Defra Information Resource Centre, Lower Ground Floor, Ergon House, c/o Nobel House, 17 Smith Square, London SW1P 3JR.

### Textual Amendments

- F1** Regulations revoked (1.1.2015) by [The Common Agricultural Policy Basic Payment and Support Schemes \(England\) Regulations 2014](#) (S.I. 2014/3259), [reg. 15\(1\)\(a\)](#)

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Common Agricultural Policy Single Payment and Support Schemes (Horticulture) Regulations 2009 (revoked). Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- Blanket amendment words substituted by [S.I. 2011/1043 art. 3-68-10](#)