

**2012 No. 66**

**AGRICULTURE**

**The Agriculture (Miscellaneous Amendments) Regulations 2012**

*Made* - - - - *10th January 2012*

*Laid before Parliament* *16th January 2012*

*Coming into force* - - *13th February 2012*

The Secretary of State is a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Union, and makes these Regulations under the powers conferred by that section.

**Citation and commencement**

1. These Regulations—

- (a) may be cited as the Agriculture (Miscellaneous Amendments) Regulations 2012; and
- (b) come into force on 13th February 2012.

**Amendment of the Agriculture (Cross compliance) (No. 2) Regulations 2009**

2.—(1) The Agriculture (Cross compliance) (No. 2) Regulations 2009(c) are amended as follows.

(2) In regulation 5 (competent control authorities)—

- (a) in paragraph (1) omit “except as otherwise specified in this regulation”;
- (b) omit paragraph (2);
- (c) in paragraph (4) for “and the Environment Agency enforce these Regulations, and they” substitute “enforces these Regulations, and the Secretary of State”.

(3) In Schedule 1 (standards of good agricultural and environmental condition)—

- (a) for paragraph 3 substitute—

**“Overgrazing and unsuitable supplementary feeding**

3.—(1) Overgrazing and the use of unsuitable supplementary feeding methods are prohibited.

(2) Sub-paragraph (1) does not apply where the Secretary of State has, for reasons relating to the benefit of the environment, given written permission to do so.

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(a) S.I. 1972/1811.

(b) 1972 c. 68. Section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and by section 3(3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7). The power of the Secretary of State, as a designated Minister, to make Regulations that extend to Scotland and to Northern Ireland remains exercisable by virtue of section 57(1) of the Scotland Act 1998 (c. 46) and article 3(2) of S.I. 2000/2812.

(c) S.I. 2009/3365 as amended by S.I. 2010/2941.

(3) In this paragraph—

“overgrazing” means grazing with so many livestock as to affect adversely the growth, quality or diversification of any self-seeded or self-propagated vegetation characteristic of the area in which the land is situated; and

“unsuitable supplementary feeding methods” means methods that provide supplementary feed for livestock that affect adversely, through trampling or poaching of land by livestock, or through rutting by vehicles used to transport feed, the quality or diversity of any self-seeded or self-propagated vegetation characteristic of the area in which land is situated.”;

(b) in paragraph 5 after sub-paragraph (9) insert—

“(10) Nothing in sub-paragraphs (4) to (7) applies where the Secretary of State has, for reasons relating to the benefit of the environment, given written permission to do so.”;

(c) for paragraph 6 substitute—

#### **“Control of weeds**

6.—(1) A claimant must take all reasonable steps to prevent the spread, on and from the holding, of the following weeds—

- (a) broad-leaved dock (*Rumex obtusifolius*);
- (b) creeping or field thistle (*Cirsium arvense*);
- (c) curled dock (*Rumex crispus*);
- (d) giant hogweed (*Heracleum mantegazzianum*);
- (e) Himalayan balsam (*Impatiens glandulifera*);
- (f) Japanese knotweed (*Fallopia japonica*);
- (g) ragwort (*Senecio jacobaea*);
- (h) rhododendron (*Rhododendron ponticum*);
- (i) spear thistle (*Cirsium vulgare*).

(2) Sub-paragraph (1) does not apply where the Secretary of State has, for reasons relating to the benefit of the environment, given written permission to do so.”.

#### **Amendment of the Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control System) Regulations 2009**

3.—(1) The Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control System) Regulations 2009(a) are amended as follows.

(2) In regulation 12 (offences by partnerships and unincorporated associations) omit paragraphs (8) and (9).

*Jim Paice*

Minister of State

10th January 2012

Department for Environment, Food and Rural Affairs

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(a) S.I. 2009/3263.

## **EXPLANATORY NOTE**

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

These Regulations amend the Agriculture (Cross compliance) (No. 2) Regulations 2009 (S.I. 2009/3365)—

- (a) to remove the Environment Agency as a competent control authority for specified requirements, and
- (b) to provide that the Secretary of State may give an exemption from the rules on overgrazing and supplementary feeding, management of land not in agricultural production and the control of weeds.

These Regulations also amend the Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control System) Regulations 2009 (S.I. 2009/3263) to correct a minor error.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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