
STATUTORY RULES OF NORTHERN IRELAND

2014 No. 1

AGRICULTURE

**The Common Agricultural Policy Single Payment
and Support Schemes (Cross Compliance)
(Amendment) Regulations (Northern Ireland) 2014**

Made - - - - *6th January 2014*

Coming into operation *10th February 2014*

The Department of Agriculture and Rural Development is a Department 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 and in relation to matters relating to the promotion of rural development.

The Department of Agriculture and Rural Development makes the following Regulations in exercise of the powers conferred on it by section 2(2) of that Act.

Title, commencement and interpretation

1. (1) These Regulations may be cited as the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) (Amendment) Regulations (Northern Ireland) 2014 and shall come into operation on 10th February 2014.

(2) The Interpretation Act (Northern Ireland) 1954(3) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) Regulations (Northern Ireland) 2005

2. The Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) Regulations (Northern Ireland) 2005(4) are amended in accordance with regulations 3 to 5.

3. In regulation 2 (Interpretation)—

(a) in paragraph (2) for the definition of “the Council Regulation” there shall be substituted the following definition—

(1) [S.I.2000/2812](#) to which there are amendments not relevant to the subject matter of these Regulations and [S.I.2000/3238](#)
(2) [1972 c.68](#)
(3) [1954 c.33](#) (N.I.)
(4) [S.R. 2005 No. 6](#) as amended by [S.R. 2006 No.459](#), [S.R.2009 No.316](#), [S.R.2010 No.174](#) and [S.R. 2012 No. 452](#)

“the Council Regulation” means Council Regulation (EC) No. 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers as last amended by Regulation (EU) No 1310/2013 of the European Parliament and of the Council⁽⁵⁾”;

(b) paragraph (3) is revoked.

4. In regulation 6(1)(a) (Competent Control Authority) there shall be added at the end the words “and the requirements and standards set out in paragraph 9B of the Schedule”.

5. In the Schedule (STANDARDS OF GOOD AGRICULTURAL AND ENVIRONMENTAL CONDITION)—

(a) after paragraph 9A (Irrigation Authorisations) there shall be inserted the following paragraph—

“Protection of groundwater against pollution

9B. (1) A contravention of—

(a) Article 7 of the Water Order⁽⁶⁾ in so far as it relates to groundwater; or
(b) regulation 19(1) of the Groundwater Regulations,
constitutes a failure of cross compliance for the purposes of the Council Regulation.

(2) A contravention of, or a failure to comply with—

(a) any condition of a consent under Article 7A(3)(a) of the Water Order in so far as the condition relates to groundwater;
(b) any condition of an authorisation under regulation 19 of the Groundwater Regulations; or
(c) a notice or any condition of a notice served under regulation 24 or 25 of the Groundwater Regulations,
constitutes a failure of cross compliance for the purposes of the Council Regulation.

(3) A farmer shall ensure that the requirements concerning the siting, operation and maintenance of sheep dipping facilities in the Code of Good Agricultural Practice for the Prevention of Pollution of Water, Air and Soil⁽⁷⁾ are complied with.”;

(b) in paragraph 10—

(i) after the definition of “earthbank” there shall be inserted the following definition—

“the Groundwater Regulations” means the Groundwater Regulations (Northern Ireland) 2009⁽⁸⁾”;

(ii) after the definition of “undergrazing” there shall be inserted the following definition

—
“the Water Order” means the Water (Northern Ireland) Order 1999⁽⁹⁾”.

(5) O.J. No.L030, 31.1.2009, p16

(6) Article 7 was substituted by Article 280 of the Water and Sewerage Services (Northern Ireland) Order 2006. [S.I. 2006/3336 \(N.I. 21\)](#)

(7) Published by the Department of Agriculture and Rural Development August 2008 ISBN Number 978-84807-068

(8) [S.R. 2009 No.254](#)

(9) [S.I. 1999/662 \(N.I.6\)](#)

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 6 January 2014.



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Department of Agriculture and Rural
Development

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation (EU) No 1310/2013 of the European Parliament and of the Council (O.J. No. L 347, 20.12.2013, p. 865) adds a protection of groundwater against pollution provision to Annex III to Council Regulation (EC) No. 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers (O.J. No. L 030, 31.1.2009, p.16). These Regulations implement that provision. They amend the Common Agricultural Policy Single Payment and Support Schemes (Cross Compliance) Regulations (Northern Ireland) 2005 to provide that contravention of, or failure to comply with, certain requirements relating to the protection of groundwater against pollution constitutes a failure of cross compliance for the purposes of Council Regulation (EC) 73/2009. This may lead to deductions from payments due to a farmer under Council Regulation (EC) 73/2009.

Regulation 4 of these Regulations provides for the new requirements to be enforced by the Department of the Environment.

The Code of Good Agricultural Practice for the Prevention of Pollution of Water, Air and Soil referred to in regulation 5 can be found on the Department of Agriculture and Rural Development website (www.dardni.gov.uk).