

EXPLANATORY MEMORANDUM TO
THE COMMON AGRICULTURAL POLICY SINGLE PAYMENT AND SUPPORT
SCHEMES (AMENDMENT NO. 2) REGULATIONS 2006

2006 No. 301

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.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

- 2.1 These Regulations amend the definition of moorland contained in the Common Agricultural Policy Single Payment and Support Schemes Regulations 2005.

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

- 3.1 It has not been possible to lay these regulations before Parliament in accordance with the 21 day rule. Our review of the Moorland Line has taken six months longer than planned. This is due to the complexity of a small number of cases which required detailed consideration; the vast majority of cases were finalised well within the original deadline.

- 3.2 All cases have now been fully considered, and the definitive establishment of Single Payment Scheme (SPS) entitlements will take place on 14 February. It is vital to have the new Regulations in force by then, thereby breaching the 21 day rule, to ensure that the establishment of SPS entitlements and payments are not delayed. Complying with the rule would mean delaying the establishment of entitlements which would have a serious knock on effect for both SPS payments and transfers of entitlements in advance of applications under the 2006 SPS, and consequently cause financial disadvantage and uncertainty for a large number of businesses.

4. **Legislative Background**

- 4.1 These Regulations amend the definition of one of the English regions (moorland) established in accordance with Article 58 of Council Regulation 1782/2003 establishing common rules for direct support under the common agricultural policy and establishing certain support schemes for farmers, which allows Member States to apply the SPS at regional level and to define the regions to which payment applies.

5. Extent

5.1 This instrument applies to England.

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 Moorland Line is the boundary that defines moorland within the English Less Favoured Areas (LFAs). It was drawn up in 1992 and was never subject to an appeals procedure or any other process of verification in consultation with those affected.

7.2 In April 2004, the Government announced that there would be three English regions for the purposes of SPS, including 'moorland with the Severely Disadvantaged Area (SDA)'.

7.3 Because different flat-rate payments will apply in each English SPS region, with the moorland region highly likely to have the lowest rate, farmers have been offered the opportunity to ensure that moorland within their holding is correctly classified. Farmers were able to lodge representations seeking to have their land reclassified and the decision making was subject to an appeals process. Accordingly a new Moorland Map of England has been drawn up and this map is now the correct map for the purposes of defining the moorland region in law.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it does not impose a cost on business.

9. Contact

9.1 Paul Dorling, Uplands Management Branch, Conservation, Uplands and Rural Europe Division, Defra, Area 4D, Ergon House, Horseferry Road, London SW1P 2AL. (Tel: 020 7238 6340) can answer any queries regarding the instrument.