

**EXPLANATORY MEMORANDUM TO THE
HILL FARM ALLOWANCE (AMENDMENT) REGULATIONS 2006**

2006 No. 518

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 Hill Farm Allowance Regulations 2006 (the principal Regulations), to take account of changes to the Moorland Line.

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

- 3.1 It was not possible to include the revised definition of moorland in the principal Regulations because the revised Moorland Line map was not made until 13 February. The principal Regulations were laid before Parliament on 6 February.

4. **Legislative Background**

- 4.1 The principal Regulations implement Council Regulation 1257/1999 (“the Rural Development Regulation”) on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF), and Chapter 9 of the England Rural Development Programme (ERDP) approved by the European Commission (Commission Decision No. C(2000) 3003) under Article 44 of the Rural Development Regulation.

- 4.2 In particular, the principal Regulations implement Articles 13, 14 and 15 of the Rural Development Regulation which allow Member States to provide support for farmers in Less Favoured Areas (LFAs). The Rural Development Regulation also permits Member States to define the conditions of eligibility for hill farm allowance and the rates at which it is to be paid.

- 4.3 Payments under the principal Regulations vary according to whether the land is severely disadvantaged land, disadvantaged land, or moorland or common land.

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 LFAs. It was drawn up in 1992 and was subject to a representations and appeals process in 2005 and 2006 with the aim of ensuring that all moorland was correctly classified for the purposes of the Single Payment Scheme.

7.2 Moorland is one of four land categories on which payments of the Hill Farm Allowance are based and attracts the lowest rate. Changes made to the position of the Moorland Line will affect 2006 payments.

7.3 Now that the revised Moorland Line is in place, it is vital to have the amended Regulations in force in March to ensure that 2006 payments are not delayed. Any delay to payments would cause financial disadvantage and uncertainty for a large number of businesses.

8. Impact

8.1 A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of 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.