
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 405

AGRICULTURE

**The Common Agricultural Policy Support
Schemes (Modulation) (Amendment)
Regulations (Northern Ireland) 2004**

Made - - - - *23rd September*
2004

Coming into operation *16th October 2004*

The Department of Agriculture and Rural Development being 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, in exercise of the powers conferred on it by the said section 2(2), and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as The Common Agricultural Policy Support Schemes (Modulation) (Amendment) Regulations (Northern Ireland) 2004 and shall come into operation on 16th October 2004.

Interpretation

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

Amendment of The Common Agricultural Policy Support Schemes (Modulation) Regulations (Northern Ireland) 2000

3. The Common Agricultural Policy Support Schemes (Modulation) Regulations (Northern Ireland) 2000(4) shall be amended as follows –

- (a) in regulation 2, by the deletion of the word “IACS”;
- (b) in regulation 3(2) –

(1) [S.I. 2000/2812](#) to which there are amendments not relevant to the subject matter of this Order and [S.I. 2000/3238](#)
(2) [1972 c. 68](#)
(3) [1954 c. 33 \(N.I.\)](#)
(4) [S.R. 2000 No. 346](#) as amended by [S.I. 2001/3686](#)

- (i) by the deletion of the definitions of “IACS support scheme” and “LFA supplement”;
- (ii) by the insertion at the end of the definition of “the Council Regulation” of the words “, as last amended by the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded”(5);
- (iii) by the insertion at the end of the definition of “Council Regulation 3508/92” of the words “, as last amended by Commission Regulation (EC) No. 495/2001”(6);
- (iv) in the definitions of “farmer” and “holding”, by the substitution for the words “Article 1(4)” of the words “Article 1(3)”;
- (v) in the definition of “relevant purposes”, by the substitution for the words “Articles 13 to 24 (inclusive)” of the words “Articles 13 to 20, Articles 22 to 24”;
- (vi) by the insertion at the end of the definition of “the Rural Development Regulation” of the words “, as last amended by Council Regulation (EC) No. 583/2004”(7).
- (vii) by the substitution for the definition of “support scheme” of the following definition

–
““support scheme” means any support scheme falling within Annex I to the Council Regulation.”.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 23rd September 2004.

L.S.

R. Jordan
Senior Officer of the
Department of Agriculture and Rural
Development

(5) O.J. No. L236, 23.09.2003, p. 346 (*see*, in particular, Annex II, part 6, paragraph 27). The Council Regulation (Council Regulation (EC) No. 1259/1999 (O.J. No. L160, 26.06.1999, p. 113)), was repealed by Article 153(4) of Council Regulation (EC) No. 1782/2003 (O.J. No. L270, 21.10.2003, p. 1) but remains in force for certain purposes by virtue of that Article

(6) O.J. No. L072, 14.03.2001, p. 6. Council Regulation (EEC) No. 3508/92 was repealed by Article 153(1) of Council Regulation (EC) No. 1782/2003, but continues to apply to applications for direct payments in respect of the calendar years preceding 2005 by virtue of that Article

(7) O.J. No. L091, 30.03.2004, p. 1

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations, which come into operation on 16th October 2004, amend The Common Agricultural Policy Support Schemes (Modulation) Regulations (Northern Ireland) 2000 ([S.R. 2000/346](#), as amended by [S.I. 2001/3686](#)) (“the 2000 Regulations”).

“Modulation” involves the making of a deduction from payments due under Common Agricultural Policy direct support schemes (also known as ‘Pillar I schemes’), and the reallocation of the amount so deducted to agri-environment, afforestation and less-favoured areas support schemes (which are rural development measures, also known as ‘Pillar II schemes’). The proportion which is to be deducted is fixed by Member States; in Northern Ireland, the proportion for each year is set out in regulation 4(3) of the 2000 Regulations.

The amendments in these Regulations reflect amendments to Council Regulation ([EC](#)) [No. 1259/1999](#) (O.J. No. L160, 26.06.1999, p. 113).

The effect is that payments under the direct support schemes introduced by Title IV of Council Regulation ([EC](#)) [No. 1782/2003](#) (O.J. No. L270, 21.10.2003, p. 1) (dairy premium and additional payments, durum wheat, protein crops, potato starch, nuts and energy crops), will be subject to modulation in Northern Ireland, in addition to the direct support schemes that are already subject to modulation.

These Regulations also make amendments to update the 2000 Regulations to reflect recent minor and technical amendments to other Community instruments.

No Regulatory Impact Assessment has been prepared in respect of these Regulations as they have no impact on the cost of business.