

1999 No. 2231

AGRICULTURE

**The Environmentally Sensitive Areas (England) Designation
Orders (Revocation of Specified Provisions) Regulations
1999**

Made - - - - - 31st July 1999

Laid before Parliament 9th August 1999

Coming into force 30th August 1999

The Minister of Agriculture, Fisheries and Food, being 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 Community, in exercise of the powers conferred on him by that section, and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Title and commencement

1. These Regulations may be cited as the Environmentally Sensitive Areas (England) Designation Orders (Revocation of Specified Provisions) Regulations 1999 and shall come into force on 30th August 1999.

Interpretation

2. In these Regulations—

- (a) “the principal Orders” means the Orders specified in the Schedule to these Regulations; and
- (b) “the principal Regulations” means the Environmentally Sensitive Areas (England) Designation Orders (Amendment) Regulations 1996^(c).

Revocation and saving

3. The amendments made to the principal Orders by regulation 2(4) of the principal Regulations shall be revoked.

4. The provisions inserted in the principal Orders by regulation 2(2) and (5)(b) of the principal Regulations shall cease to have effect save insofar as they apply to any agreements to which they applied before the coming into force of these Regulations.

31st July 1999

Elliot Morley
Parliamentary Secretary,
Ministry of Agriculture, Fisheries and Food

(a) S.I. 1972/1811.
(b) 1972 c. 68.
(c) S.I. 1996/3104.

SCHEDULE

Regulation 2(a)

THE PRINCIPAL ORDERS

- The Environmentally Sensitive Areas (Blackdown Hills) Designation Order 1994**(a)**
- The Environmentally Sensitive Areas (Cotswold Hills) Designation Order 1994**(b)**
- The Environmentally Sensitive Areas (Dartmoor) Designation Order 1994**(c)**
- The Environmentally Sensitive Areas (Essex Coast) Designation Order 1994**(d)**
- The Environmentally Sensitive Areas (Shropshire Hills) Designation Order 1994**(e)**
- The Environmentally Sensitive Areas (Upper Thames Tributaries) Designation Order 1994**(f)**

(a) S.I. 1994/707, amended by S.I. 1996/2106 and S.I. 1996/3104.

(b) S.I. 1994/708, amended by S.I. 1995/200, 1996/2107, 1996/3104 and 1998/1800.

(c) S.I. 1994/710, amended by S.I. 1996/2110 and 1996/3104.

(d) S.I. 1994/711, amended by S.I. 1996/2108 and 1996/3104.

(e) S.I. 1994/709, amended by S.I. 1996/2109 and 1996/3104.

(f) S.I. 1994/712, amended by S.I. 1996/2105, 1996/3104 and 1998/1803.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke, with a saving, certain provisions of specified designation orders listed in the Schedule to these Regulations (“the principal Orders”). These Orders were made under section 18 of the Agriculture Act 1986 (“the Act”) and designate certain areas in England as environmentally sensitive areas, but were amended *inter alia* by Regulations (referred to below as “the principal Regulations”) made under section 2(2) of the European Communities Act 1972. The principal Orders implement in part a zonal programme approved by the European Commission under Article 7 of Council Regulation (EEC) No. 2078/92 (OJ No. L215, 30.7.92, p. 85) on agricultural production methods compatible with the requirements of protection of the environment and the maintenance of the countryside (“the Agri-environment Regulation”), as last amended by Commission Regulation (EC) No. 2772/95 (OJ No. L288, 1.12.95, p. 35) (as in turn rectified by Commission Regulation (EC) No. 1962/96 (OJ No. L259, 12.10.96, p. 7).

These Regulations revoke certain provisions of the principal Orders in so far as they were inserted by the Environmentally Sensitive Areas (England) Designation Orders (Amendment) Regulations 1996 (S.I. 1996/3104) (“the principal Regulations”), which made provision to implement Commission Regulation (EC) No. 746/96 (OJ No. L102, 25.4.96, p. 19) laying down detailed rules for the application of the Agri-environment Regulation, as now amended by Commission Regulation (EC) No. 435/97 (OJ No. L67, 7.3.97, p. 2). The provisions which are revoked by these Regulations amended those provisions of the principal Orders which relate to penalties for breach of requirements imposed by agreements under section 18(3) of the Act, and which (except in so far as revoked by these Regulations) are revoked by Orders respectively amending each of the principal Orders and coming into force on 31st August 1999.

Section 18(4A) of the Act (introduced by S.I. 1997/1457) now makes provision enabling agreements made under section 18(3) of the Act to contain provisions requiring the payment of penalties or enabling the withholding of payments in certain circumstances.

Also by virtue of these Regulations, certain other provisions of the principal Orders which were inserted by the principal Regulations (supplementary provisions relating to penalties for breach of requirements imposed by agreements under section 18(3) of the Act) cease to have effect save in so far as they apply to agreements to which they applied before the coming into force of these Regulations.

No regulatory impact assessment has been prepared in respect of these Regulations.

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