**EXPLANATORY MEMORANDUM TO**

**THE UPLANDS TRANSITIONAL PAYMENT REGULATIONS 2012**

**2012 No. 114**

**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 and the House of Lords Select Committee on the Merits of Statutory Instruments.

**2. Purpose of the instrument**

2.1 These Regulations specify the rates of payment of uplands transitional payment for 2012. They also lay down the conditions of entitlement to such payments.

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

3.1 Regulation 2 defines the England Less Favoured Area (LFA) maps. These maps are not annexed to the Regulations but are to be available to the public using the interactive map at the website of Multi-Agency Geographic Information for the Countryside (MAGIC):

http://magic.defra.gov.uk/website/magic/

3.2 The 2009 official maps of the English LFAs are in several volumes and retained in the Department's Information Resource Centre on the Lower Ground Floor of Ergon House, Horseferry Road, London, SW1P 2AL (Telephone 020 7238 6575).

3.3 Regulation 2 also defines Uplands Entry Level Stewardship Agreement and refers, in that definition, to the Rural Development Programme for England (2007-2013) (RDPE). Copies of the RDPE are available at: http://www.defra.gov.uk/rural/rdpe/what-is-rdpe/programme/ and from the Department for Environment, Food and Rural Affairs, Information Resource Centre, Ergon House, Horseferry Road, London SW1P 2AL.

**4. Legislative Context**

4.1 These Regulations partially implement Council Regulation (EC) No 1698/2005 (OJ No L 277, 21.10.05, pl) (Regulation 1698/2005) on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and Council Regulation (EC) No 1257/1999 (OJ No L 160, 26.6.99, p80) (Regulation 1257/1999) on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF), in so far as those Council Regulations relate to less favoured areas.

4.2 In particular, these Regulations implement Article 36(a) (ii) of the Regulation 1698/2005 and Articles 13, 14 and 15 of Regulation 1257/1999, by defining the conditions of eligibility for uplands transitional payment and determining the rates at

which it is to be paid. These Regulations are enforced by the Rural Development (Enforcement) (England) Regulations 2007.

## 5. Territorial Extent and Application

5.1 Regulations 2 – 8 apply in England only. Regulation 9, which revokes five obsolete instruments, has the same extent as those instruments.

## 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 Uplands Transitional Payment Scheme (UTP) is a Less Favoured Area measure operating under the RDPE. It applies only to holdings situated wholly or partly within England. It serves as a transitional payment, and was introduced following the replacement of the Hill Farm Allowance (HFA) in 2010 by Uplands Entry Level Stewardship (Uplands ELS) - a new strand to Environmental Stewardship. UTP is open to farmers with land in the severely disadvantaged areas. It is aimed at claimants who are unable to enter Uplands ELS due to land they are farming being in a classic scheme (Environmentally Sensitive Area or Countryside Stewardship) and who successfully claimed HFA in 2010. UTP is available until 2014 when the final classic schemes expire.

7.2 The scheme is administered by the Rural Payments Agency (RPA) on behalf of Defra.

7.3 Regulations are made annually to provide for payment of the uplands transitional payment. The RDPE was approved by the European Commission on 07 December 2007. These Regulations are necessary to ensure implementation of the EU Rural Development regime. This provides for support for Less Favoured Areas to be paid and appropriate procedures to be in place to ensure that eligibility can be properly assessed before payments are made under the RDPE.

7.4 UTP operates broadly on the same basis as HFA with the key difference being that there is no longer a requirement for famers to stock land at a specific stocking density.

## 8. Consultation outcome

8.1 No consultation was necessary.

## 9. Guidance

9.1 An explanatory booklet providing guidance for scheme years 2012-14 is available on the RPA website at:

http://rpa.defra.gov.uk/rpa/index.nsf/UIMenu/805AA9D41AA8781880257690005621A4?Opendocument

## 10. Impact

10.1 Since the amendments have negligible impact on business, charities, voluntary bodies or the private sector, no Impact Assessment has been prepared.

## 11. Regulating small business

11.1 Although the legislation applies to small business, no changes to the regulations will increase impact on these firms.

## 12. Monitoring & review

12.1 The scheme will operate for a limited period.

## 13. Contact

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