

# Single Payment Scheme

## Cross Compliance Handbook for England

2006 edition supplement

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# Introduction

1. This supplement provides important information that should be read in conjunction with the *Cross Compliance Handbook for England: 2006 edition* (referred to in this supplement as “the Handbook”). It should be kept in the flap provided inside the back cover of the Handbook.
2. In the Handbook we committed to issuing detailed requirements of your obligations under Statutory Management Requirement (SMR) 11: Food and Feed Law as soon as they became available. The requirements are incorporated within this supplement, and you should read these in conjunction with pages 45–47 of the Handbook. They apply with immediate effect, but are a restatement of existing legislative requirements that you should already be adhering to.
3. This supplement also includes a number of changes being made and expected to be made to cross compliance standards this year and in 2007 due to amendments to domestic legislation. **You should note that changes to SMR 12 already apply.**
4. This supplement does not take the place of the law but explains the requirements you need to comply with. The precise rules are set out in the legislation. In relation to SMRs, this legislation is listed in Appendix 1 of the Handbook, which relates to Annex III of Council Regulation (EC) No 1782/2003 (as amended). You should note that if CAP regulations or other relevant EC or domestic legislation are amended, your obligations may change. Anticipated changes have been identified within individual standards of Good Agricultural and Environmental Condition (GAECs) and SMRs, but changes in domestic legislation are subject to parliamentary approval.

## SMR 11: Food and feed law

5. This supplement should be read together with pages 45–47 (paragraphs 187–194) of the Handbook. Those pages set out the general requirements and underlying principles of food and feed law that you must respect for cross compliance purposes, and also some important definitions. The full details of the obligations under food law are summarised below.
6. This SMR will apply to most farmers as food or feed business operators; whether you are producing or harvesting plant products as food or animal feed, rearing animals for food or producing products of animal origin (eg eggs or milk). The definitions of “food business operator” and “feed business operator” can be found at the end of this section.

### Food safety, withdrawal and recall

7. You must not place food on the market if it is unsafe. Food is considered to be unsafe if it is either injurious to human health or unfit for human consumption.
8. You must note the following requirements:
  - If you have reason to believe that you have supplied food that does not meet food safety requirements (ie it is either injurious to human health or unfit for human consumption), and it has left your immediate control, then you must immediately initiate procedures to withdraw it from the market and inform both competent authorities (ie the local authority and the Food Standards Agency).
  - Where your food may already have reached consumers they must be informed of the reason for its withdrawal. The food must be recalled from the market if there is no other way of achieving a sufficiently high level of health protection.
  - Additionally, if you believe that food which you have supplied, or which is in your possession and which you intend to sell, could be injurious to human health, you must immediately inform both competent authorities. You must also inform both competent authorities of actions you have taken to prevent risks to the final consumer.

## Feed safety, withdrawal and recall

9. You must note the following requirements:
  - You must not place unsafe feed on the market or feed it to food producing animals if it is unsafe. Feed is deemed to be unsafe if it has an adverse effect on human or animal health or if it makes the food derived from food producing animals unsafe for human consumption.
  - If you have reason to believe that you have supplied feed that does not meet feed safety requirements then you must immediately initiate procedures to withdraw it from the market and inform both competent authorities (ie the local authority and the Food Standards Agency).
  - The feed must be destroyed unless the competent authority is satisfied otherwise.
  - If your feed product is already with the user of the feed then they must be informed of the reason for its withdrawal. The feed must be recalled from the market if there is no other way of achieving a sufficiently high level of health protection.
10. Further information about food and feed safety, including reporting of incidents, can be obtained from the Food Standards Agency (see Appendix 4 of the Handbook). The web address for general information on feed safety is: [www.food.gov.uk/foodindustry/farmingfood/animalfeed](http://www.food.gov.uk/foodindustry/farmingfood/animalfeed). Food and feed safety incidents can be reported to the Incidents Response Branch of the Food Standards Agency at: [www.food.gov.uk/aboutus/contactus/](http://www.food.gov.uk/aboutus/contactus/)

## Traceability

11. You must put in place **systems** and **procedures** related to the traceability of inputs\* to your farm. These systems must identify:
  - (a) the name and address of your supplier;
  - (b) the nature and quantity of the inputs that were supplied to you;
  - (c) the date of the delivery of these inputs to your farm.

*\*Inputs are: food, feed, food-producing animals, and any other substance intended/expected to be incorporated into a feed.*
12. You must also put in place **systems** and **procedures** related to the traceability of your products when they leave your farm. These systems must identify:
  - (a) the name and address of your customer;

- (b) the nature and quantity of the products that were supplied to that customer;
  - (c) the date on which the products left your farm.
13. It is for you to decide upon the system you use for storing this information, which could be computerised, or comprise written records or receipts filed in order. However, it is stressed that the information must be complete, comprehensive, organised and comprehensible and must be in a format which is readily available so that it can be produced when requested.

## Hygiene of foodstuffs and feed hygiene

14. As a food or feed business operator you must ensure that foods or feed satisfy the requirements of food law relevant to your activities. For the purposes of cross compliance this will mean that you must respect certain obligations of European food and feed hygiene legislation, which are set out below.
15. **Storage**
- You must store and handle waste and hazardous substances so as to prevent contamination of your food products or your feed. Hazardous substances are any that have the potential to cause an adverse effect on health (human or animal).
  - You must store feed correctly away from chemicals or any other products prohibited for use as animal feed.
  - You must store medicated feed and non-medicated feed which is intended for different categories or species of animals in such a way as to reduce the risk of it being fed to non-target animals.
  - You must also ensure that you handle non-medicated feed separately from medicated feed to prevent cross-contamination.
16. **Disease control**
- You must take adequate measures, as appropriate, to prevent the introduction and spread of contagious diseases transmissible to humans through food, including by taking precautionary measures when introducing new animals and reporting suspected outbreaks of such diseases to the competent authority.
17. **Use of certain substances**
- If you use feed additives, veterinary medicinal products or biocides on your farm then you must do so correctly. To fulfil this requirement you must ensure that their dosage, application and use are as stated on the label or as prescribed.

## 18. Sourcing of feed

- If you are rearing animals, whether for food or for their products, you must only source and use feed from establishments that are registered and/or approved. Not only does this refer to manufactured feed but also to any substance or product intended to be used for oral feeding to animals. **Examples** of such products are compound feeds, premixtures, additives and feed materials such as cereals and fodder. This also refers to co-products from the food and drink industry, eg soyabean meal, brewers grains, wheat feed and bakery products.
- Your supplier might be registered with local authorities (under the pre-existing Feeding Stuffs (Establishments and Intermediaries) Regulations 1999). However, if your supplier is another farm then they may be registered (for the purposes of feed hygiene) through other recognised forms of registration. Registration for the Single Payment Scheme is one such recognised form.

## 19. Record keeping

- In addition to the information to be kept under traceability requirements, you must keep all records for an appropriate time on all of the following areas if they are relevant to your business:
    - (a) veterinary medicinal products, or other treatments, administered to your animals; the dates of the treatment and the withdrawal period;
    - (b) the results of any analyses carried out on samples taken from food-producing animals, plants or other samples taken for diagnostic purposes, that have importance for human health;
    - (c) any relevant reports on checks carried out on animals or products of animal origin;
    - (d) use of plant protection products and biocides;
    - (e) any use of genetically modified seeds (in feed production).
20. The Green Code has further information and guidance on record keeping for pesticides, including a suggested format (see Appendix 4, paragraph 6 of the Handbook for details of the Green Code).

## Dairy hygiene requirements

21. The following additional hygiene requirements apply where you are a producer of raw milk (from any species).

22. You must ensure that raw milk comes from animals that:
- (a) are in a good general state of health;
  - (b) present no sign of disease that might result in the contamination of milk, in particular: any infection of the genital tract with discharge, enteritis with diarrhoea and fever, or a recognisable inflammation of the udder;
  - (c) do not have any udder wound likely to affect the milk;
  - (d) are not within the prescribed withdrawal period following the administration of authorised products or substances;
  - (e) have not been administered with any unauthorised substances or products.
23. You must note the following requirements:
- As regards tuberculosis and brucellosis, you must ensure that raw milk comes from animals belonging to herds/holdings which have disease-free status.
  - Where your herd/holding is not free from tuberculosis or brucellosis, you may sell milk from your non-reactor animals if:
    - you are selling to a wholesaler who will heat-treat the milk before marketing it for human consumption; or
    - the raw milk is from sheep/goats and is intended to be made into cheese that has a maturation period of at least two months.
  - Raw milk from any animal not complying with these requirements **must not** be placed on the market for human consumption.
  - The isolation of animals that are infected, or suspected of being infected, with tuberculosis or brucellosis must be effective in order to avoid any adverse effect on other animals' milk.
24. You must ensure that milking equipment and the premises where milk is stored, handled or cooled are located and constructed so as to limit the risk of contamination of milk.
25. You must ensure that premises used for the storage of milk:
- are protected against vermin – including birds and birds' nests;
  - are adequately separated from premises where animals are housed; and
  - have suitable refrigeration equipment, in order to meet the post-milking cooling requirements specified below.

26. Surfaces of equipment that come into contact with milk (utensils, containers, tanks etc) must be easy to clean and, where necessary, disinfected. They must also be maintained in a sound condition. This requires the use of smooth, washable and non-toxic materials. After use, these surfaces must be cleaned and, where necessary, disinfected.
27. You must carry out milking hygienically. In particular you must ensure that:
  - (a) before milking starts, the teats, udder and adjacent parts are clean;
  - (b) you satisfactorily identify animals undergoing any medical treatment which is likely to transfer residues to the milk;
  - (c) milk from such animals, or any animals that are still within the withdrawal period, is not used for human consumption.
28. You must ensure that milk is held in a clean place designed and equipped to avoid contamination immediately after milking. The milk must be cooled immediately to:
  - not more than 8°C if it is collected daily; or
  - not more than 6°C if it is not collected daily.
29. You do not need to meet these temperature requirements for cooling if the milk is processed within two hours of milking, or a higher temperature is necessary for technological reasons related to the manufacture of certain dairy products. In such cases the competent authority must have previously authorised holding at a higher temperature.
30. For guidance please refer to: *Milk Hygiene in the Farm – A Practical Guide for Dairy Farmers* published by the Dairy Hygiene Inspectorate (DHI) and the Food Standards Agency and available from the DHI website: [www.defra.gov.uk/rds/dhi.htm](http://www.defra.gov.uk/rds/dhi.htm)

## Egg hygiene requirements

31. The following additional hygiene requirements apply if you are an egg producer. These apply to all eggs in shell that are produced by farmed birds.
32. While they are on your premises you must keep eggs clean and dry, free of extraneous odour, effectively protected from shocks and out of direct sunshine.

## Definitions

33. *Food business operator* is defined in Article 3(3) of Regulation (EC) No 178/2002 as “the natural or legal persons responsible for ensuring that the requirements of food law are met within the food business under their control”.
34. *Food business* is defined in Article 3(2) of Regulation (EC) No 178/2002 as “any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of the production, processing and distribution of food”.
35. *Feed business operator* is defined in Article 3(6) of Regulation (EC) No 178/2002 as “the natural or legal persons responsible for ensuring that the requirements of food law are met within the feed business under their control”.
36. *Feed business* is defined in Article 3(5) of Regulation (EC) No 178/2002 as “any undertaking, whether for profit or not and whether public or private, carrying out any operation of production, manufacture, processing, storage, transport or distribution of feed including any producer producing, processing or storing feed for feeding to animals on his own holding”.
37. *Placing on the market* is defined in Article 3(8) of Regulation (EC) No 178/2002 as “the holding of food or feed for the purpose of sale, including offering for sale or any other transfer, whether free of charge or not, and the sale, distribution, and other forms of transfer themselves”.

# Amendments and Additional Information Relating to Cross Compliance Standards

38. The following section headings relate to the original headings in the Handbook.
39. **You should note that the changes to SMR 12 already apply.** These and further changes to cross compliance standards will be published on the Defra and RPA websites and notified to the farming press when they occur.

## GAEC 5: Environmental Impact Assessment (EIA)

40. Defra expects to issue new EIA Agriculture Regulations in October 2006. These regulations will:
- (a) revise existing EIA rules covering *projects for the use of uncultivated land and semi-natural areas for intensive agricultural purposes*; and
  - (b) introduce new EIA rules covering *projects for the restructuring of rural land holdings (eg removal/addition of field boundaries and/or re-contouring of farmland)*.
41. The new regulations will be enforced by the new Natural England agency, and they will form part of cross compliance.

## GAEC 9: Overgrazing and unsuitable supplementary feeding

42. You should note that, as in 2005, this standard applies to all natural and semi-natural land (including, but not exclusively, grassland). Land covered by this standard therefore includes eg grazed woodland and forest.

## GAEC 15: Hedgerows

43. Changes to the Hedgerows Regulations 1997, which control the removal of hedgerows, are likely to come into effect in late 2006/early 2007. A consultation on proposed revisions is currently being carried out. Details are at: [www.defra.gov.uk/corporate/consult/hedgerows-2006/index.htm](http://www.defra.gov.uk/corporate/consult/hedgerows-2006/index.htm). The revised rules will form part of cross compliance.

## SMR 1: Wild Birds

44. Changes to SMR 1 are expected later in 2006 following Royal Assent of the Natural Environment and Rural Communities (NERC) Act on 30 March, which will amend sections of the Wildlife and Countryside Act 1981 when the relevant provisions are commenced. The changes that will be made are set out below.
- Protection of nests for birds that re-use their nests: it will be an offence, at any time of the year, to take, damage or destroy the nest of a wild bird species listed on a new Schedule ZA1, namely golden eagles, white-tailed eagles and osprey.
  - Birds released into the wild as part of a re-population programme: the NERC Act will substitute a new section 1(6) in the Wildlife and Countryside Act 1981 and extend the protection afforded to wild birds under section 1 of the Act to birds which have been bred in captivity and lawfully released into the wild as part of a re-population or re-introduction programme. It will also substitute a new subsection 6(5) to the Act which has the effect of making it an offence under section 6(1) to sell, offer or expose for sale, or have in possession or transport for the purpose of sale any live, captive-bred wild bird included in the relevant list (under Part I of Schedule 3 to the 1981 Act) which has been released into the wild as part of a re-population or re-introduction programme. It should be noted that the exceptions contained in section 2 of the Wildlife and Countryside Act, which permits the shooting of certain quarry species, such as ducks and geese, during the relevant open season will remain unchanged. This means that the shooting of captive bred ducks that are released to supplement wild stocks for shooting during the open season will not be affected.
45. As a clarification you should note that the rule at paragraph 131(b) of the Handbook should be expanded to read:
- “You must not kill or take game birds during the close season for that bird species (see Appendix 2c). The sale or purchase of game birds (*except live birds for rearing or exhibition purposes or for sale alive*) after ten days from the end of the open season for the bird in question is also prohibited.”

## SMR 3: Sewage sludge

46. The relevant domestic legislation on sewage sludge is expected to be amended later this year, with new requirements on farmers expected to come into force early in 2007.

## **SMR 4: Nitrate Vulnerable Zones (NVZs)**

47. A consultation on proposed revisions to NVZ rules in England will be launched shortly by Defra. Details will be at [www.defra.gov.uk](http://www.defra.gov.uk) (select Consultations from the left side menu) and further information on the current rules can be found at [www.defra.gov.uk/environment/water/quality/nitrate/default.htm](http://www.defra.gov.uk/environment/water/quality/nitrate/default.htm).

## **SMR 8a: Animal identification and registration – sheep and goats**

48. Paragraph 177 of the Handbook states that the EU derogation to continue with the current system of sheep and goat identification and registration would expire in April 2006.
49. A decision on whether to extend this derogation has not yet been made by the European Commission. For the time being, therefore, the existing standard will continue to apply. If there are any changes, you will be advised.

## **SMR 12: Prevention and control of Transmissible Spongiform Encephalopathies (TSEs)**

**This replaces paragraphs 196–197 on pages 47–48 in the Handbook.**

50. The relevant domestic legislation relating to this SMR has recently been consolidated and updated. This means minor changes to the farmer requirements. The new farmer requirements for SMR 12 are set out below. They apply as of 1 March 2006.
- You must immediately notify the Divisional Veterinary Manager of any animal suspected of being infected by a TSE.
  - You must, on notification of a TSE suspect or confirmed case, fully comply with movement restrictions, including any order to slaughter and destroy the animal(s), or any other notices served by an inspector imposing measures concerning that animal or animals under the Transmissible Spongiform Encephalopathies (No.2) Regulations 2006 (SI 2006/1228).
  - You must not feed to ruminants any animal protein or any feeding stuff that contains animal protein except, subject to required sourcing (for example it cannot be catering waste) and processing:
    - milk, milk-based products and colostrum;
    - eggs and egg products;

- gelatine from non-ruminants; or
- hydrolysed proteins derived from non-ruminants or from ruminant hides and skins.

The above products can also be fed to non-ruminant farmed animals.

- You must not feed to any farmed animals (ruminants or non-ruminants), directly or in feeding stuffs, products that contain:
  - processed animal protein (including mammalian meat and bonemeal, poultry meal, feather meal, etc); or
  - gelatine from ruminants.
- You can only use the following animal proteins (referred to here as “restricted proteins”, ie they are restricted to non-ruminant use only) for non-ruminant feed production:
  - fishmeal;
  - blood products;
  - blood meal, only where fed to farmed fish; and
  - dicalcium phosphate and tricalcium phosphate of animal origin (mineral-derived versions are permitted for all livestock and are most commonly used. Feed labels not specifying “animal origin” can be taken to be mineral).

You can only use the above where:

- authorised by Defra to use restricted proteins to produce non-ruminant feed; or
  - registered by Defra to use feed products containing restricted proteins on farms where ruminants are present.
51. The registration referred to in the final bullet point will be followed by State Veterinary Service (SVS) inspection, which will confirm permission to use such products on the premises in line with EU requirements (the adequate separation of feed containing restricted proteins from ruminants and their feed).
52. The above requirements are laid down in the Transmissible Spongiform Encephalopathies (No.2) Regulations 2006 (SI 2006/1228), Schedules 2-5. Guidance on the new regulations is available on the Defra website ([www.defra.gov.uk/animalh/bse/legislation/index.html](http://www.defra.gov.uk/animalh/bse/legislation/index.html)).

## SMR 13: Control of Foot and Mouth Disease (FMD)

53. You should be aware that changes to the domestic legislation relating to SMR 13 have been made. **However, these do not affect the requirements for this standard.** The Foot and Mouth Disease Order 1983 has been replaced by the Foot and Mouth Disease (England) Order 2006 and the Foot and Mouth Disease (Control of Vaccination) (England) Regulations 2006, which came into effect on 23 February 2006. They implement the UK's legal obligations in the EU Foot and Mouth Disease Directive, which sets out the measures to be taken during a suspected or confirmed outbreak of FMD and which replaces and updates existing EU law. The relevant legal provisions for the purposes of this SMR are Articles 9(1) and (2) of the Foot and Mouth Disease (England) Order 2006 (SI 2006/182).
54. You should note that requirements relating to movement restrictions at paragraph 199 of the Handbook are not relevant for cross compliance. However, they are important legal requirements and it is essential that you follow them if you know, or suspect, that your animals are infected with a notifiable disease.

## Further changes arising from the Natural Environment and Rural Communities (NERC) Act 2006

55. Further minor changes to SMR 1 as well as to SMR 5 and GAEC 6 in respect of Sites of Special Scientific Interest, Special Protection Areas and Special Areas of Conservation reflecting changes made by the NERC Act, are expected in 2007. Details will be made available in the 2007 handbook.
56. In respect of SMR 5, you should also be aware that the NERC Act will enable the Secretary of State to issue and approve codes of practice relating to invasive non-native species. Whether the advice in any such code relevant to your operations has been followed may be a factor in determining the nature of any breach of the standard. A code for the horticultural industry has already been published and can be found at [www.defra.gov.uk/wildlife-countryside/non-native/pdf/non-nativecop.pdf](http://www.defra.gov.uk/wildlife-countryside/non-native/pdf/non-nativecop.pdf)

## Responsibilities of graziers – animal identification and registration

57. We have had a number of enquiries about who has responsibility for cross compliance animal identification and registration requirements (SMRs 6, 7, 8, and 8a) where a claimant's animals are grazed on another holding or where a claimant has another producer's animals grazing on their holding.
58. Your specific responsibilities are set out in the sections on these SMRs in the Handbook. Your responsibilities as a claimant for the acts of others are set out at paragraphs 206 and 207 of the Handbook. The further guidance set out below should be read in conjunction with those paragraphs.

### Sheep, goats and pigs (SMRs 6 and 8a)

- The responsibility for ensuring compliance in relation to sheep, goats and pigs lies with the keeper, in this case the person with day to day responsibility for the animals. This applies regardless of who owns the animals and whose land they are grazing, and in some cases this will be the landowner and not the owner of the animals. It is therefore important that claimants are clear where this responsibility lies. Verification of responsibility may be sought by inspectors.
- Landowners should note that where they provide land for grazing but are not keepers of animals, they will not be liable for breaches of SMRs 6 and 8a, but they will be liable for all other cross compliance standards on their holding, including the land being grazed.
- Further information on pig, sheep and goat identification and tracing can be found on the Defra website at: [www.defra.gov.uk/animalh/tracing/index.htm](http://www.defra.gov.uk/animalh/tracing/index.htm), while information on animal movements can be found at: [www.defra.gov.uk/animalh/movements/default.htm](http://www.defra.gov.uk/animalh/movements/default.htm). Alternatively, contact your local Animal Health Divisional Office, details of which can be found on the Defra website ([www.defra.gov.uk/corporate/contacts/ahdo.htm](http://www.defra.gov.uk/corporate/contacts/ahdo.htm)) or call your local trading standards office. The telephone numbers for both offices can be obtained from your local telephone directory.

### Cattle (SMRs 7 and 8)

- The responsibility for ensuring compliance in relation to cattle under SMRs 7 and 8 also lies with the keeper. In this case the keeper is the person as registered on the Cattle Tracing System (CTS).

- The keeper will be liable for all animals that are, or should be, registered to them on CTS whether or not they are grazing on your land. Landowners should note that where they provide land for grazing but they are not required to become the registered keepers of the animals on CTS (due to a valid CTS link being in place), they will be liable for on-farm animal records (Herd Register) as well as all other cross compliance standards on their holding, including the land being grazed.
  - If you are a claimant under the Single Payment Scheme and have entered into any form of grazing agreement for cattle, either as landlord or grazier, and you are unsure of your requirements, then you should contact the BCMS Helpline on 0845 050 1234.
59. As set out at paragraph 207 of the Handbook, if you take over keepership for animals which have not been properly identified, then you will become liable for any breaches if you could reasonably have detected the breaches and terminated them.



Produced by the Rural Payments Agency and the  
Department for Environment, Food and Rural Affairs

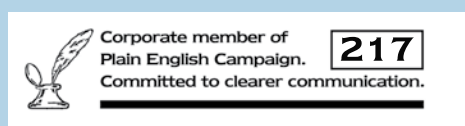
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