STATUTORY RULES OF NORTHERN IRELAND

2021 No. 346

AGRICULTURE

The Direct Payments to Farmers (Review of Decisions) Regulations (Northern Ireland) 2021

Made - - - - 16th December 2021

Coming into operation 1st February 2022

The Department of Agriculture, Environment and Rural Affairs makes these Regulations in exercise of the powers conferred by section 50(3)(b), (c) and (d) of, and paragraph 5 of Schedule 6 to, the Agriculture Act 2020(**1**).

Citation and Commencement

1. These Regulations may be cited as The Direct Payments to Farmers (Review of Decisions) Regulations (Northern Ireland) 2021 and come into operation on 1st February 2022.

Interpretation

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

(2) In these Regulations—

"application" means an application for a review of a relevant decision made under regulation 3 and "applicant" shall be construed accordingly;

"Department" means the Department of Agriculture, Environment and Rural Affairs;

"relevant decision" means a relevant decision made by or on behalf of the Department in connection with any Direct Payment Scheme;

"initial determination" means an initial determination made by or on behalf of the Department in connection with any application;

"Direct Payment Scheme" means—

(a) a scheme for direct payment to farmers made under Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)(**3**);

(**1**) 2020 (c. 2).
(**2**) 1954 c. 33 (N.I.).
(**3**) EUR 2013/1305.

(b) a scheme for direct payment to farmers made under Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy(**4**); or

(c) a scheme for direct payment to farmers under support schemes within the framework of the Agriculture Act 2020;

"Panel" means a group of persons (not exceeding three members) appointed by the Department to consider an application.

Review of relevant Decision

3.—(1) The Department may establish such procedure as it thinks appropriate for the review by it or on its behalf of a relevant decision.

(2) The procedures established under paragraph (1) shall—

(a) provide for a review of a relevant decision to be carried out on the application of the person to whom it is directed;

(b) provide for the manner of making such application; and

(c) provide for the time within which supporting evidence is to be submitted for the purposes of a review of the relevant decision.

(3) The Department shall consider the application and make an initial determination.

(4) Where the Department has made an initial determination, the applicant shall within a period of 60 days from receipt of it—

(a) accept the initial determination as the final determination; or

(b) request consideration of the initial determination by a Panel.

Panel review of initial determination

4.—(1) Subject to regulation 9(2), the Department may provide for consideration of the initial determination by a Panel the Department may appoint for that purpose, with a view to making a report of its conclusion in relation to the initial determination and a decision as to the manner in which the matter should be finally determined.

(2) A Panel shall not exceed a membership of three persons.

(3) A Panel must only consider in the review the grounds of review relied upon and submitted in the initial application under Regulation 3.

Panel Powers

5. Subject to regulations 6, 7 and 9(2) a Panel may affirm, amend, or revoke an initial determination.

Panel Procedure

6.—(1) Subject to regulation 4(3), in considering the application before it the Panel may–

(a) consider any relevant document or other evidence produced by the applicant or the Department (whether or not that document or other evidence was available at the time of the making of the application);

(**4**) EUR 2013/1307 as amended by S.I. 2020/91, S.I. 2020/576 and S.I. 2020/760. This Regulation was incorporated into domestic law by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2.).