STATUTORY RULES OF NORTHERN IRELAND

2021 No. 63

AGRICULTURE

The Agricultural Commodities (Coronavirus) (Income Support) Scheme (Northern Ireland) 2021

Made - - - -	*11th March 2021*
Coming into operation	*15th March 2021*

The Minister of Agriculture, Environment and Rural Affairs(**1**), with the approval of the Minister of Finance, makes the following Scheme in exercise of the powers conferred by sections 1(1) and 2 of the Agriculture (Temporary Assistance) Act (Northern Ireland) 1954(**2**).

Citation and commencement

1. This Scheme may be cited as the Agricultural Commodities (Coronavirus)(Income Support) Scheme (Northern Ireland) 2021 and comes into operation on 15th March 2021.

Interpretation

2. In this Scheme–

"APHIS" means the Animal and Public Health Information System operated by the Department;

"applicant" except in relation to an application for review under article 10 means a pig producer, a broiler pullet producer, a broiler hatching egg producer or an organic milk producer who makes an application;

"application" means an application for an income support payment made in accordance with article 3(4);

"business ID" means a number issued by the Department to a pig producer, a broiler pullet producer, a broiler hatching egg producer or an organic milk producer and which identifies that producer on APHIS;

"broiler hatching egg producer" means a person with a business ID who rears broiler breeder pullets from 18 weeks of age for the purpose of producing broiler hatching eggs;

(**1**) Formerly the Department of Agriculture for Northern Ireland; see S.I. 1999/283 (N.I. 1) Article 3(4) and 2016 c. 5 (N.I.) section 1

(**2**) 1954 c. 31 (N.I.); the Act was amended by Article 7 of S.I. 1984/7 (N.I. 2)

"broiler pullet producer" means a person with a business ID who rears broiler breeder chicks to 18 weeks of age for the purpose of transfer to a broiler hatching egg producer;

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

"first purchaser" means a person who purchases for processing a pig from a pig producer or, as the case may be, organic milk from an organic milk producer;

"income support payment" means a payment made under article 5(1), 6(1), 7(1) or 8(1);

"intercrop period" means the period of time between one crop of birds leaving a broiler pullet rearing farm or a broiler hatching egg laying farm and the next crop of birds arriving at the farm;

"organic milk" means organic milk from cows as produced in accordance with the rules set out in Council Regulation (EC) No. 834/2007(**3**) on organic production and labelling of organic products;

"organic milk producer" means a person with a business ID who produces organic milk from for the purpose of sale to a first purchaser;

"pig producer" means a person with a business ID who raises pigs for the purpose of sale as pig meat or pig meat products to a first purchaser;

"reference period" means the period beginning on 23rd March 2020 and ending on 31st January 2021 (both dates inclusive);

"slaughtered" means slaughtered at a slaughterhouse (within the meaning of point 1.16 of Annex I to Regulation (EC) No 853/2004(**4**) of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin and approved or conditionally approved under Article 4 of that Regulation.

Applications for income support payment

3.—(1) The Department must publish, in such manner as it considers appropriate, a notice inviting applications for an income support payment.

(2) A notice under paragraph (1) must specify–

(a) the conditions for an award of income support payment set out in articles 5, 6, 7 and 8;

(b) the closing date for receipt of applications; and

(c) the information which the applicant is required to provide in support of the application.

(3) A notice under paragraph (1) may be amended by further notice published by the Department in the same manner.

(4) An application must be made in such form or manner and be sent to such address as the Department specifies in the notice under paragraph (1) and must be received by the Department on or before the closing date specified in that notice.

(5) But the Department may accept an application received after the closing date if it is satisfied that–

(a) the particular circumstances of the applicant render it unreasonable to expect the application to have been received by the closing date; and

(b) the date on which the application was received is as early as can reasonably be expected in those circumstances.

(**3**) O.J. L189, 20.07.2007
(**4**) O.J. L139, 30.04.2004

Determination of applications

4.—(1) Where the Department has received an application, it must determine whether the application–

(a) satisfies the relevant conditions for payment of an income support payment set out in article 5, article 6, article 7 or, as the case may be article 8; and

(b) is accompanied by the relevant supporting information specified in the notice published under article 3(1).

(2) The Department must notify the applicant in writing of its decision to approve or reject an application and–

(a) if an application is rejected in whole or in part, the reason for the rejection and the right of review under article 10; and

(b) if an application is approved, the amount of the income support payment to be made.

Income support payments – pig producers

5.—(1) The Department may make an income support payment to a pig producer comprising the amount of payments calculated in accordance with paragraph (3), paragraph (4) or, as the case may be, paragraph (5) if the conditions set out in paragraph (2) are met.

(2) The conditions are that the pig producer–

(a) had a pig slaughtered–

(i) by Cranswick Country Foods (Ballymena) (company registration number NI071259) during the period beginning on 4th September 2020 and ending on 7th November 2020 (both dates inclusive);

(ii) by Cranswick Country Foods (Ballymena) during the period specified in sub-paragraph (a)(i) and a pig slaughtered by William Grant and Company Limited (company registration number NI000477) during the period beginning on 21st August 2020 and ending on 4th September 2020 (both dates inclusive) but had no pig slaughtered by William Grant and Company Limited during the period beginning on 27th July 2020 and ending on 20th August 2020 (both dates inclusive); or

(iii) by Cranswick Country Foods (Ballymena) during the period specified in sub-paragraph (a)(i) and a pig slaughtered by Karro Food Group Limited (company registration number 08312502) during the period beginning on 21st August 2020 and ending on 4th September 2020 (both dates inclusive), but had no pig slaughtered by Karro Food Group Limited during the period beginning on 27th July 2020 and ending on 20th August 2020 (both dates inclusive);

(b) at the date of slaughter was recorded on APHIS with a pig herd number linked to that pig producer's business ID; and

(c) has either–

(i) provided consent in writing for the Department to use information provided by the first purchaser to calculate the amount of income support payment, subject to confirmation by the pig producer that the information provided by the first purchaser is accurate; or

(ii) where the first purchaser has not provided the Department with the information necessary to calculate the amount of the income support payment, provided the Department with the details of their business ID, the number and date of the pigs sold to the first purchaser and the name of that first purchaser.

(3) A pig producer whose pigs were slaughtered by Cranswick Country Foods (Ballymena) during the period beginning on 4th September 2020 and ending on 7th November 2020 (both dates inclusive) is eligible to an income support payment of–

(a) £15 per pig slaughtered; and

(b) an additional payment of £16.79 per pig slaughtered where a reduction in the price per kilogramme of the cold carcase was applied for a slaughtered pig which either exceeded the contract specification for–

(i) weight; or

(ii) weight and fat level.

(4) A pig producer whose pigs were slaughtered by William Grant and Company Limited during the period beginning on 21st August 2020 and ending on 4th September 2020 (both dates inclusive) is eligible to an income support payment of £11.18 per pig slaughtered.

(5) A pig producer whose pigs were slaughtered by Karro Food Group Limited (company registration number 08312502) during the period beginning on 21st August 2020 and ending on 4th September 2020 (both dates inclusive) is eligible to an income support payment of £2.58 per pig slaughtered.

(6) An income support payment must not be made if the pig slaughtered was certified on APHIS as unfit for human consumption.

(7) In this article "pig herd number" means a number issued by the Department to record animal groupings within a business ID.

Income support payments – broiler pullet producers

6.—(1) The Department may make an income support payment to a broiler pullet producer calculated in accordance with paragraph (3) if the conditions set out in paragraph (2) are met.

(2) The conditions are that the broiler pullet producer–

(a) produced broiler pullets for transfer to a broiler hatching egg producer, which were placed in a broiler hatching egg flock that was subsequently culled during the reference period;

(b) during the reference period had one or more than one intercrop period exceeding 21 days;

(c) during the reference period was recorded on APHIS with a flock number linked to that broiler pullet producer's business ID; and

(d) has either–

(i) provided consent in writing to the Department to use information provided to the Department by Moy Park Limited (company registration number NI004842) to calculate the amount of income support payment under paragraph (3), subject to confirmation by the broiler pullet producer that the information provided by Moy Park Limited is accurate; or

(ii) where Moy Park Limited has not provided the Department with the information necessary to calculate the amount of the income support payment, provided the Department with details of their business ID, and the number and date of broiler pullets transferred during the reference period to a broiler hatching egg producer.

(3) The amount of income support payment is 80% of–

(a) £0.0048 per broiler pullet or cock reared during the rearing period preceding an intercrop period which occurred during the reference period, for each additional day in excess of the 21 days of that intercrop period, and

(b) £0.191 per broiler pullet reared, if the flock which the pullet was a part of was transferred on to a broiler hatching egg production farm and that flock was subsequently removed