STATUTORY RULES OF NORTHERN IRELAND

2017 No. 13

AGRICULTURE

The Single Common Market Organisation (Exceptional Adjustment Aid) Regulations (Northern Ireland) 2017

Made - - - -	*16th January 2017*
Coming into operation	*1st February 2017*

The Department of Agriculture, Environment and Rural Affairs is designated [F1] for the purposes of section 2(2) of the European Communities Act 1972 [F2] as regards matters relating to the common agricultural policy of the European Union and matters relating to the promotion of rural development.

The Department of Agriculture, Environment and Rural Affairs, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972, makes the following Regulations.

F1 S.I. 2000/2812 to which there are amendments not relevant to the subject matter of these Regulations and S.I. 2003/3238

F2 1972 c. 68

Citation and commencement

1.—(1) These Regulations may be cited as the Single Common Market Organisation (Exceptional Adjustment Aid) Regulations (Northern Ireland) 2017.

(2) These Regulations come into operation on 1st February 2017.

Interpretation

2.—(1) In these Regulations–

"agent" means a person, other than an authorised person, who is appointed in writing by the Department for the purposes of these Regulations;

"applicant" means any person who makes an application;

"application" means an application under regulation 5 or regulation 8;

"authorised person" means a person authorised by the Department, either generally or specifically, to act in relation to the enforcement of these Regulations;

"beneficiary" means a person who has applied for and been granted financial assistance under these Regulations;

"Council Regulation 73/2009" means Council Regulation (EC) No. 73/2009 establishing common rules for direct support schemes for farmers under common agricultural policy and establishing certain support schemes for farmers [F3];

"Council Regulation 1782/2003" means Council Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers [F4];

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

"Regulation 1307/2013" means Regulation (EU) No. 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy [F5].

(2) Other terms used in these Regulations that are also used in Council Regulation 1782/2003, Council Regulation 73/2009 and Regulation 1307/2013 have the meaning that they bear in those Regulations.

(3) Any reference in these Regulations to a Community instrument is a reference to that instrument as amended **[**[F6]from time to time**]** .

(4) A reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication which has been recorded and is consequently capable of being reproduced.

(5) The Interpretation Act (Northern Ireland) 1954 [F7] shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

F3 O.J. No. L 30, 31.1.2009, p16, as last amended by Commission Implementing Regulation (EU) No. 320/2014 (O.J. No. L 93, 28.3.2014, p.81) and repealed on 1 January 2015 by Article 72(2) of Regulation 1307/2013

F4 O.J. No. L 270, 21.10.2003, p.1, as last amended by Council Regulation (EC) No. 1009/2008 (O.J. No. L 270, 17.10.2008, p.1) and repealed on 1 January 2009 by Council Regulation 73/2009

F5 O.J. No. L 374, 20.12.2013, p. 608 as amended by Regulation (EU) 1310/2013 of the European Parliament and of the Council (O.J. No. L 347, 20.12.2013, p. 865)

F6 Words in reg. 2(3) substituted (6.3.2019) by The Agriculture (Miscellaneous Amendments) Regulations (Northern Ireland) 2019 (S.R. 2019/11), regs. 1(1), **7**

F7 1954 c. 33

Assistance for removal of Bovine Viral Diarrhoea infected calves

3.—(1) Subject to Regulation 4, the Department may pay financial assistance to a beneficiary as an incentive for the humane destruction and disposal of calves that have a positive test for the presence of Bovine Viral Diarrhoea virus.

(2) The rate of financial assistance shall be–

(a) for a beef calf £160;

(b) for a dairy heifer calf £130; or

(c) for a dairy male calf £50.

4.—(1) Payment may only be made where a calf has–

(a) had notification of its birth recorded in accordance with Regulation 6 of the Cattle Identification (notification of Birth, Deaths and Movements) Regulations (Northern Ireland) 1999 [F8];

(b) been sampled in accordance with paragraph 3(1) and (2) of the schedule to the Bovine Viral Diarrhoea Eradication Scheme Order (Northern Ireland) 2016 [F9] and tested positive;

(c) not been moved contrary to paragraph 14(1) of the schedule to the Bovine Viral Diarrhoea Eradication Scheme Order (Northern Ireland) 2016;

(d) been humanely destroyed; and

(e) had its death recorded in accordance with Regulation 8 of the Cattle Identification (notification of Birth, Deaths and Movements) Regulations (Northern Ireland) 1999 not later than four weeks from the date the keeper received notification in accordance with paragraph 8 of the schedule to the Bovine Viral Diarrhoea Eradication Scheme Order (Northern Ireland) 2016.

(2) Where an applicant elects for repeat analysis of an initial positive or inconclusive result in accordance with paragraph 5 of the Schedule to the Bovine Viral Diarrhoea Eradication Scheme Order (Northern Ireland) 2016, the requirement at regulation 4(1)(e) shall be extended to six weeks.

F8 S.R. 1999 No. 265, as amended by S.R. 2004 No. 420, S.R. 2011 No. 349 and S.R. 2012 No. 416
F9 S.R. 2016 No. 22

5.—(1) An application for payment shall be made to the Department, or to its agent, at such time, in such form and contain such information as the Department or its agent may require.

(2) Where the Department or its agent requires such information, the applicant shall supply the Department or its agent with the information within such period as the Department or its agent reasonably may determine.

Assistance for pig endoparasite treatment

6. The Department may pay financial assistance to a beneficiary for the purchase of anthelmintic medication for the treatment of pig endoparasites, in accordance with the size of the beneficiary's pig herd.

7. Payment may only be made where–

(a) the applicant has attended a relevant pig health training event organised by the College of Agriculture, Food and Rural Enterprise; and

(b) a veterinary practitioner has confirmed the presence of pig endoparasites in the applicant's herd.

8.—(1) An application for payment shall be made to the Department, or its agent, at such time, in such form and contain such information as the Department or its agent may require.

(2) Where the Department or its agent requires such information, the applicant shall supply the Department or its agent with the information within such period as the Department or its agent reasonably may determine.

Recovery of payments

9.—(1) The Department may recover on demand any sum paid to a beneficiary–

(a) in excess of any payment due to a beneficiary under these Regulations; or

(b) where the beneficiary has furnished false information to the Department or its agent.

(2) Any sum recoverable under paragraph (1) is recoverable as a debt.

Interest

10.—(1) Interest may be charged in respect of each day of the period beginning with the date after the demand made in accordance with regulation 9(1) and ending with (and including) the date on which the Department receives full payment of the sum recoverable under that regulation.

(2) For the purposes of paragraph (1), the interest applicable on any day is one percentage point above the Bank of England base rate.

(3) In this regulation, "Bank of England base rate" means–

(a) except where sub-paragraph (b) applies, the rate announced from time to time by the Monetary Policy Committee of the Bank of England as the official dealing rate, being the rate at which the Bank is willing to enter into transactions for providing short-term liquidity in the money markets; or

(b) if an order under section 19 (reserve powers) of the Bank of England Act 1998 [F10] is in force, any equivalent rate determined by the Treasury under that Act.

F10 1998 c. 11

Set-off

11. The amount of–

(a) any sum payable by the Department or its agent under Title IV of Council Regulation 1698/2005;

(b) any sum payable by the Department or its agent under Title III of Regulation 1307/2013;

(c) any sum payable by the Department or its agent under Council Regulation 73/2009 or Council Regulation 1782/2003; or

(d) any sum payable under these Regulations,

may be set off against the amount of any sum recoverable by the Department under regulations 9 or 10.

Powers of entry

12.—(1) An authorised person may exercise any of the powers specified in this regulation for the purpose of enforcing these Regulations.

(2) An authorised person may at all reasonable times, on producing, if so required, some duly authenticated document showing his authority, enter any land or premises, other than premises used solely for the purpose of a dwelling house, on which he has reasonable grounds to believe that documents or animals relating to an application are being kept.

[[F11](3) An authorised person entering any land or premises by virtue of this regulation may be accompanied by such other persons as the authorised person considers necessary.**]**

(4) An authorised person who enters any unoccupied premises must leave them as effectively secured as they were before entry.

F11 Reg. 12(3) substituted (31.12.2020) by The Agriculture, Food and Horse (Miscellaneous Amendments) (Northern Ireland) (EU Exit) Regulations 2019 (S.I. 2019/347), regs. 1, **12**; 2020 c. 1, Sch. 5 para. 1(1)