STATUTORY RULES OF NORTHERN IRELAND

2015 No. 191

AGRICULTURE

The Common Agricultural Policy Basic Payment and Support Schemes Regulations (Northern Ireland) 2015

Made - - - -	*27th March 2015*
Coming into operation	*30th April 2015*

The Department of Agriculture and Rural Development is a Department designated [F1] for the purposes of section 2(2) of the European Communities Act 1972 [F2] in relation to the Common Agricultural Policy of the European Union and in relation to matters relating to the promotion of rural development.

The Department of Agriculture and Rural Development makes the following Regulations in exercise of the powers conferred on it by section 2(2) of that Act.

F1 S.I.2000/2812 to which there are amendments not relevant to the subject matter of these Regulations and S.I.2000/3238.
F2 1972 c.68.

Title, commencement and interpretation

1.—(1) These Regulations may be cited as the Common Agricultural Policy Basic Payment and Support Scheme Regulations (Northern Ireland) 2015 and shall come into operation on 30th April 2015.

(2) The Interpretation Act (Northern Ireland) 1954 [F3] shall apply to this Order as it applies to an Act of the Assembly.

F3 1954 c.33 (NI).

Interpretation

2.—(1) In these Regulations—

"the Direct Payments Delegated Regulation" means Commission Delegated Regulation (EU) No.639/2014 supplementing the Direct Payments Regulation [F4];

"the Direct Payments Implementing Regulation" means Commission Implementing Regulation (EU) No.641/2014 laying down rules for the application of the Direct Payments Regulation [F5];

"the Direct Payments Regulation" 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 [F6];

"the European Regulations" means—

(a) the Direct Payments Regulation;

(b) the Direct Payments Delegated Regulation;

(c) the Direct Payments Implementing Regulation; and

(d) the Horizontal Implementing Regulation;

"the Horizontal Implementing Regulation" means Commission Implementing Regulation (EU) No. 809/2014 laying down rules for the application of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance [F7];

"Bank Holiday" means a day specified in paragraph 1 of Schedule 1 to the Banking and Financial Dealings Act 1971 [F8];

"working day" means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

(2) Terms used in these Regulations that are also used in any of the European Regulations have the meaning they bear in those Regulations.

[[F9](3) In these Regulations, any reference to "the European Regulations" is a reference to those Regulations as amended from time to time.**]**

F4 O.J. No. L 181, 20.6.2014, p.1.
F5 O.J. No. L 181, 20.6.2014, p. 74.
F6 O.J. No. L 347, 20.12.2013, p. 608, as amended by Regulation (EU) No. 1310/2013 of the European Parliament and of the Council (OJ No. L 347, 20.12.2013, p. 865).
F7 O.J. No. L 227, 31.7.2014, p.69.
F8 1971, c.80.
F9 Reg. 2(3) inserted (6.3.2019) by The Agriculture (Miscellaneous Amendments) Regulations (Northern Ireland) 2019 (S.R. 2019/11), regs. 1(1), **6(2)**

PART 1

Basic Payment Scheme

Regions

3.—(1) For the purposes of Article 23(1) of the Direct Payments Regulation, Northern Ireland will be a single region.

Payment entitlements

4.—(1) For the purposes of Article 8(1) of the Direct Payments Implementing Regulation, the period within which the transferor of payment entitlements must notify the Department of the transfer is—

(a) on or before 2nd May 2016, if 2016 is the first calendar year in which the transferee may include those entitlements in the transferee's application for direct payments; or

(b) otherwise from 3rd May of the preceding calendar year to 2nd May (both those dates included) of the first calendar year where the first calendar year is 2017 or a subsequent year in which the transferee may include those entitlements in the transferee's application for direct payments.

(2) If, for the purposes of paragraph (1), 2nd May is not a working day, the deadline for notification is the next working day.

[F10(3) For the purposes of Article 22(1) of the Horizontal Implementing Regulation, to the extent that Article relates to direct payments F11..., applications for the allocation of payment entitlements must be submitted on or before 15th May of the relevant calendar year.**]**

F10 Reg. 4(3) substituted (24.2.2020) by The Common Agricultural Policy (Direct Payments to Farmers) (Miscellaneous Amendments) Regulations (Northern Ireland) 2020 (S.R. 2020/22), regs. 1(1), **2(2)(a)**

F11 Words in reg. 4(3) omitted (23.2.2021) by virtue of The Direct Payments to Farmers (Amendment) Regulations (Northern Ireland) 2021 (S.R. 2021/40), regs. 1(1), **4**

Allocation of Payment Entitlements

5. Article 21(3) of the Direct Payments Regulation shall not be applied.

6. Article 24(1)(c) of the Direct Payments Regulation shall be applied with the exception of the last sentence of that paragraph.

7. The limitations referred to in Article 24(3) of the Direct Payments Regulation shall not be applied.

8. In accordance with Article 25(4) of the Direct Payments Regulation payment entitlements with an initial unit value lower than 100% of the regional unit value in 2019 shall for claim year 2019 have their unit value increased by 71.4% of the difference between their initial unit value and 100% of the regional unit value in 2019.

9. The decrease referred to in Article 25(7) of the Direct Payments Regulation shall be applied in a linear fashion each year.

10. The initial unit value of payment entitlements as referred to in Article 26 of the Direct Payments Regulation shall be calculated in accordance with paragraph 3 of that Article.

Active farmers

F12**11.** . . . . . .

F12 Reg. 11 revoked (25.6.2018) by The Common Agricultural Policy Basic Payment and Support Schemes (Revocation) Regulations (Northern Ireland) 2018 (S.R. 2018/122), regs. 1, **3**

Minimum eligible area of holding

12. For the purposes of Article 10(1) [F13]... of the Direct Payments Regulation, no direct payments may be granted to a farmer where the eligible area of the holding for which the payments are claimed or due to be granted in accordance with Article 10(1)[F14]... is less than three hectares.

F13 Words in reg. 12 omitted (24.2.2020) by virtue of The Common Agricultural Policy (Direct Payments to Farmers) (Miscellaneous Amendments) Regulations (Northern Ireland) 2020 (S.R. 2020/22), regs. 1(1), **2(3)(a)**

F14 Word in reg. 12 omitted (24.2.2020) by virtue of The Common Agricultural Policy (Direct Payments to Farmers) (Miscellaneous Amendments) Regulations (Northern Ireland) 2020 (S.R. 2020/22), regs. 1(1), **2(3)(b)**

13. For the purposes of Article 24(9) of the Direct Payments Regulation, the minimum size per holding in respect of which a farmer may apply for an allocation of payment entitlements shall be 3 hectares.

Date on which eligible land must be at farmer's disposal

14. In relation to any year in which the farmer makes a declaration in respect of parcels pursuant to Article 33(1) of the Direct Payments Regulation, the date on which those parcels must be at the farmer's disposal is 15th May.

Reductions

15. For the purposes of Article 11(1) of the Direct Payments Regulation, where the direct payments to be granted to a farmer pursuant to Chapter 1 of Title III of that Regulation for a given calendar year exceed **[**[F15]£190 000**]**, the sum in excess of that amount must be reduced by 100%.

F15 Sum in reg. 15 substituted (25.2.2021) by The Direct Payments to Farmers (Simplifications) Regulations (Northern Ireland) 2021 (S.R. 2021/42), regs. 1(1), **16**

Short rotation coppice

16. For the purposes of Article 4(1)(k) [F16]... of the Direct Payments Regulation—

(a) the list of planted tree species is—

(i) Alder (Alnus spp);

(ii) Birch (Betula spp);

(iii) Hazel (Corylus avellana);

(iv) Ash (Fraxinus excelsior);

(v) Lime (Tilia cordata);

(vi) Sweet chestnut (Castanea sativa);

(vii) Sycamore (Acer pseudoplatanus);

(viii) Willow (Salix spp); and

(ix) Poplar (Populus spp);

(b) the maximum harvest cycle is 5 years.