Draft Order in Council laid before Parliament under paragraph 2(1)(a) of the Schedule to the Northern Ireland Act 2000, for approval by resolution of each House of Parliament

DRAFT STATUTORY INSTRUMENTS

2004 No.

NORTHERN IRELAND

The Financial Assistance for Young Farmers (Northern Ireland) Order 2004

Made - - - -	*2004*
Coming into operation	*2004*

At the Court at Buckingham Palace, the ** day of ** 2004

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order in Council has been approved by resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred by paragraph 1(1) of the Schedule to the Northern Ireland Act 2000 (c. 1) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Title and commencement

1.—(1) This Order may be cited as the Financial Assistance for Young Farmers (Northern Ireland) Order 2004.

(2) This Order comes into operation on the expiration of one month from the day on which it is made.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order—

"agricultural business" means a business consisting in, or such part of a business as consists in, the pursuit of agriculture;

"agriculture" has the same meaning as in the Agriculture Act (Northern Ireland) 1949 (c. 2) and includes the use of land as osier land;

"the Department" means the Department of Agriculture and Rural Development;

"statutory provision" has the same meaning as in section 1(f) of the Interpretation Act (Northern Ireland) 1954.

Financial assistance for young farmers

3.—(1) The Department may by order make a scheme to provide for the making, to such persons as may be specified in the scheme, of grants towards expenditure which—

(a) has been or is to be incurred for the purposes of, or in connection with, the establishment, expansion or carrying on of, an agricultural business;

(b) has been or is to be incurred in respect of such matters as may be specified in the scheme; and

(c) is approved by the Department for the purposes of a payment under the scheme.

(2) In paragraph (1), "expenditure", without prejudice to the generality of that term, includes expenditure incurred or to be incurred in servicing a loan.

(3) A scheme under this Article shall include a requirement that any person applying for a grant under the scheme must be under the age of 40 at the time the application for the grant was made.

(4) Without prejudice to the generality of paragraph (1), a scheme under this Article may—

(a) require applications for a grant to be made in a specified manner and within a specified period and at particular times;

(b) make provision as to the amount of any grant and the period during which it will be payable;

(c) provide for the avoidance of double payments where a person is entitled under any other statutory provision to a payment for a purpose mentioned in the scheme;

(d) confer powers of entry and inspection and impose requirements as to the keeping, preservation and production of records and other documents for the purpose of verifying entitlement to grants;

(e) in connection with any provision made by virtue of sub-paragraph (d) or the making of false statements for the purpose of obtaining a grant create offences punishable on summary conviction with a fine not exceeding level 5 on the standard scale;

(f) contain such supplemental, consequential or incidental provision as the Department thinks fit.

(5) The Department may make the payment of a grant under a scheme under this Article or an approval under such a scheme subject to such conditions as the Department thinks fit; and any payment by way of such a grant shall be made by the Department in such manner and at such time, or by such instalments at such intervals or times, as the Department may determine.

(6) A condition imposed under paragraph (5) may require the recipient of the grant to make such repayments to the Department in such circumstances as may be specified in the condition.

(7) If at any time after the Department has approved any expenditure for the purposes of a grant under a scheme under this Article it appears to the Department—

(a) that any condition subject to which the approval was given or the grant has been made has not been complied with; or

(b) that any work in respect of expenditure on which the approval was given has been badly done, or has been or is being unreasonably delayed, or is unlikely to be completed; or