STATUTORY RULES OF NORTHERN IRELAND

2015 No. 17

AGRICULTURE

The Transitional Payment to Disadvantaged Area Scheme (Northern Ireland) 2015

Made - - - -	*27th January 2015*
Coming into operation	*3rd February 2015*

The Minister of Agriculture and Rural Development(**1**) 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**) and with the approval of the Minister of Finance and Personnel.

Citation and commencement

1. This Scheme may be cited as The Transitional Payment to Disadvantaged Area Scheme (Northern Ireland) 2015, and shall come into operation on 3rd February 2015.

Interpretation

2. In this Scheme—

"applicant" means any person who has applied for a transitional payment;

"application" means an application for the transitional payment made in accordance with Article 5;

"authorised officer" means a person authorised by the Department for the purposes of this Scheme;

"Council Regulation 1257/1999" means Council Regulation (EC) No. 1257/1999(**3**) on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations;

"Council Regulation 1698/2005" means Council Regulation (EC) No. 1698/2005(**4**) on support for rural development by the European Agricultural Fund for Rural Development (EAFRD);

(**1**) Formerly the Department of Agriculture for Northern Ireland; see S.I. 1999/283 (N.I.1), Article 3(4)
(**2**) 1954 c. 31 (N.I.); the Act was amended by Article 7 of S.I. 1984/702 (N.I. 2)
(**3**) O.J. No. L160, 26.06.1999, p.80 as last amended by Council Regulation (EC) No. 1698/2005 (O.J. No. L277, 21.10.2005, p.1)
(**4**) O.J. No. L277, 21.10.2005, p.1 as last amended by Council Regulation (EC) No. 147/2012 (O.J. No L48, 21.02.2012, p.7)

"deer" means deer of the Red, Fallow or Sika species managed on a holding enclosed by a deer-proof barrier and kept by way of business for the primary purpose of the production of meat;

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

"designated map" means the map marked "Map of less-favoured farming areas in Northern Ireland", dated 8th May 1991, signed by the Secretary of State and deposited at the Offices of the Department at Dundonald House, Upper Newtownards Road, Ballymiscaw, Belfast BT4 3SB;

"disadvantaged land" (except in the expression "severely disadvantaged land") means the land shown coloured blue on the designated map;

"eligible producer" means a producer who falls within Article 4;

"ewe" means any female of the ovine species having lambed at least once or at least one year old;

"goat" means any goat (of any species) which is kept by way of business for the primary purpose of the production of milk or fibre;

"heifer" means a female bovine animal from the age of eight months which has not yet calved;

"less favoured area compensatory allowance" means the compensatory allowance payable in accordance with the Less Favoured Area Compensatory Allowances Regulations (Northern Ireland) 2015(**5**), Article 36(a)(ii) of Council Regulation 1698/2005 and Chapter V of Title II of Council Regulation 1257/1999 and Articles 1 and 3 of Regulation 1310/2013;

"Regulation (EU) No 1310/2013" means Regulation (EU) No 1310/2013 of the European Parliament and of the Council of 17 December 2013 laying down certain transitional provisions on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), amending Regulation (EU) No 1305/2013 of the European Parliament and of the Council as regards resources and their distribution in respect of year 2014 and amending Council Regulation (EC) No 73/2009 and Regulations (EU) No 1307/2013. (EU) No 1306/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards their application in the year 2014(**6**);

"severely disadvantaged land" means the land shown coloured pink on the designated map;

"single application" means the application for direct payments in respect of the single payment scheme and other area-related aid schemes;

"suckler cow" means a cow belonging to a meat breed or born of a cross with a meat breed, and belonging to a herd intended for rearing calves for meat production;

"transitional payment" means a payment by the Department under Article 3.

Transitional Payments

3. The Department shall pay a transitional payment to any applicant who is eligible under Article 4.

Eligibility for payment

4. An applicant is eligible under this Article where he —

(a) engaged in rearing suckler cows, heifers, ewes, breeding female deer or breeding female goats on disadvantaged land in 2014; and

(**5**) S.R.2015 No. 16
(**6**) OJ No L 347, 20.12.2013, p. 865–883

(b) submitted a single application in 2014 and was entitled to a less favoured area compensatory allowance payment in respect of the disadvantaged land in respect of that application; and

(c) submits an application for the transitional payment by 13th March 2015.

Applications

5.—(1) An application for the transitional payment shall be made in such form or manner and shall be delivered to such address as the Department may specify and shall be received by the Department before the date specified in Article 4 (c).

(2) An applicant shall furnish all such information relating to the application as the Department may specify or from time to time require in writing.

Amount of Transitional Payment

6. In the case of any eligible producer the payment per hectare will be £14.40 for each hectare of disadvantaged land in respect of which the applicant was entitled to receive a less favoured area compensatory allowance payment pursuant to his single application in 2014.

Reduction of Aid Payment

7. Any payments made to an eligible producer or to any other person for the eligible applicant's benefit as *de minimis* aid, for any purpose, in the last 3 years under the conditions of Commission Regulation (EU) No 1408/2013(**7**) of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid in the agriculture sector shall be deducted from any amount that would otherwise be payable to him under this Scheme.

Withholding of payment

8.—(1) Where a person, with a view to obtaining a transitional payment for himself or any other person, makes any statement or furnishes any information which is false or misleading, or refuses to cooperate with an authorised officer exercising powers under this Scheme, the Department may withhold an amount equal to the whole or part of any amount payable to that person or such other person and may recover the whole or part of any payment already paid to that person or such other person.

(2) Before withholding the whole or any part of any payment or recovering any amount equal to the payment or part of the payment which has been made under the provisions of paragraph (1), the Department shall—

(a) give to the person to whom any transitional payment would be payable, or from whom any such amount would be recoverable, a written notification of the reasons for the action proposed to be taken;

(b) afford that person an opportunity of appearing before and being heard by a person appointed for the purpose by the Department; and

(c) consider the report of a person so appointed and supply a copy of the report to the person mentioned in subparagraph (a).

Recovery of payment

9. Where an amount falls to be paid to the Department by virtue of this Scheme, the amount or any part of it shall be recoverable as a civil debt.

(**7**) O.J. No. L 352 24.12.2013 p9