STATUTORY RULES OF NORTHERN IRELAND

2009 No. 206

AGRICULTURE

The Less Favoured Area Compensatory Allowances (Amendment) Regulations (Northern Ireland) 2009

Made - - - -	*20th May 2009*
Coming into operation	*1st July 2009*

The Department of Agriculture and Rural Development is a Department designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Community 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 by that section.

Citation and commencement

1. These Regulations may be cited as the Less Favoured Area Compensatory Allowances (Amendment) Regulations (Northern Ireland) 2009 and shall come into operation on 1st July 2009.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**3**) shall apply to these Regulations as it applies to an Act of the Assembly.

(2) In these Regulations—

"The 2007 Regulations" means the Less Favoured Area Compensatory Allowances (No. 2) Regulations (Northern Ireland) 2007(**4**);

"The 2008 Regulations" means the Less Favoured Area Compensatory Allowances Regulations (Northern Ireland) 2008(**5**);

"The 2009 Regulations" means the Less Favoured Area Compensatory Allowances (No. 2) Regulations (Northern Ireland) 2008(**6**).

(**1**) S.I. 2000/2818 and S.I. 2000/3238 to which there are amendments not relevant to the subject matter of these Regulations
(**2**) 1972 c.68
(**3**) 1954 c.33 (N.I.)
(**4**) S.R. 2007 No. 361
(**5**) S.R. 2008 No. 34
(**6**) S.R. 2008 No. 473

Power to make additional payments

3.—(1) This regulation shall have effect in relation to any claim for less favoured area compensatory allowances for the year 2009 made by a person who is eligible under regulation 4 of the 2009 Regulations in respect of any eligible forage area but where the allowance has not yet been paid by the Department.

(2) For Schedule 2 to the 2009 Regulations, there shall be substituted the Schedule set out in Part 1 of the Schedule to these Regulations.

4.—(1) This regulation shall have effect in relation to any claim for less favoured area compensatory allowances for the year 2008 made by a person who is eligible under regulation 4 of the 2008 Regulations in respect of any eligible forage area but where the allowance has not yet been paid by the Department.

(2) For Schedule 2 to the 2008 Regulations there shall be substituted the Schedule set out in Part II of the Schedule to these Regulations.

5.—(1) This regulation shall have effect in relation to any claim for less favoured area compensatory allowances for the year 2007 made by a person who is eligible under regulation 3 of the 2007 Regulations in respect of any eligible forage area but where the allowance has not yet been paid by the Department.

(2) For Schedule 1 to the 2007 Regulations there shall be substituted the Schedule set out in Part III of the Schedule to these Regulations.

6.—(1) Where the Department has in accordance with the 2009 Regulations paid to any person less favoured area compensatory allowances in respect of any eligible forage area, it shall make an additional payment of less favoured area compensatory allowances to that person at the rate of —

(a) £4.00 per hectare of severely disadvantaged land (not being common land);

(b) £2.00 per hectare of disadvantaged land (not being common land);

(c) £2.00 per hectare of common land,

comprising or comprising part of that eligible forage area.

(2) Regulations 5 and 6 and 9 to 14 of the 2009 Regulations shall apply in relation to any payment under this regulation as they apply in relation to payments under the 2009 Regulations.

(3) The amount of any payment under paragraph (1) may be increased by an amount determined by the Department if the number of suckler cows and heifers expressed in livestock units kept by a person entitled to the payment of less favoured area compensatory allowances throughout at least the minimum grazing period is at least 25% of the number of that person's relevant animals expressed in livestock units.

(4) Expressions used in this regulation and regulation 3 which are also used in the 2009 Regulations shall have the same meaning as in those Regulations.

7.—(1) Where the Department in accordance with the 2008 Regulations paid to any person less favoured area compensatory allowances in respect of any eligible forage area it shall make an additional payment of less favoured area compensatory allowances to that person at a rate of—

(a) £0.91 per hectare of severely disadvantaged land (not being common land);

(b) £0.45 per hectare of disadvantaged land (not being common land);

(c) £0.45 per hectare of common land,

comprising or comprising part of that eligible forage area.