STATUTORY RULES OF NORTHERN IRELAND

2009 No. 60

AGRICULTURE

The Agriculture (Hardship Payment) Scheme (Northern Ireland) 2009

Made - - - -	*19th February 2009*
Coming into operation	*5th March 2009*

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 for Finance and Personnel.

Citation and commencement

1. This Scheme may be cited as the Agriculture (Hardship Payment) Scheme (Northern Ireland) 2009, and shall come into operation on 5th March 2009.

Interpretation

2. In this Scheme—

"application" means an application for a hardship payment made in accordance with Article 5;

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

"eligible crop" means a crop referred to in Article 4(1);

"crop establishment cost" means—

(a) in the case of potatoes, £2,559 per hectare;

(b) in the case of cereals, £931 per hectare; and

(c) in the case of vegetables, £1,918 per hectare;

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

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

"hardship payment" means a payment by the Department under and for the purposes of Article 3.

(**1**) Formerly the Department of Agriculture for Northern Ireland; see S.I. 1999/283 (N.I.1), Article 3(4)
(**2**) 1954 c. 31; the Act was amended by Article 7 of S.I. 1984/702 (N.I. 2)

Hardship Payments

3. The Department may, under and in accordance with the following provisions, pay any eligible producer a hardship payment in respect of hardship suffered as a consequence of flooding on 16 August 2008.

Eligibility for payment

4.—(1) An eligible producer for the purposes of Article 3 is a person who in August 2008 was engaged in the production of potato, vegetable or cereal crops and who—

(a) had an area of his crop damaged beyond economic recovery by the flooding which occurred in that month and as a direct result suffered an economic loss of at least £500 in aggregate for all those crops;

(b) reported this loss to the Department; and

(c) had his loss verified by an inspection and report by an officer of the Department.

(2) For the purposes of paragraph (1) (a) a person's economic loss in relation to each eligible crop shall be X where—

(a) X = A x B;

(b) A is the area in hectares of that crop that was damaged as described in paragraph(1); and

(c) B is the crop establishment cost per hectare for that area.

Application for payment

5.—(1) The Department shall publish, in such manner as it considers appropriate, a notice inviting applications for a hardship payment.

(2) A notice under paragraph (1) shall specify the closing date for such applications.

(3) A notice under paragraph (1) may be amended by further notice published by the Department in the same manner.

(4) An application for a hardship payment shall be made in such form or manner and shall be delivered to such address as the Department may specify in the notice under paragraph (1) and shall be received by the Department before the closing date specified in that notice.

(5) An applicant shall furnish all such information relating to the application as the Department may specify in the notice under paragraph (1) or from time to time require in writing.

Calculation of hardship payment

6.—(1) In the case of any eligible producer the hardship payment in relation to each eligible crop shall be his economic loss in relation to that crop x 0.528854.

(2) An eligible producer may receive a hardship payment for each eligible crop grown by him.

(3) Hardship payments for any eligible producer shall not exceed £6532.50 in aggregate.

Reduction of Aid Payment

7.—(1) Where any eligible producer is entitled to receive a payment under any contract of insurance which becomes payable to him as a result of the damage to an area of eligible crops referred to in Article 4(1)(a), the amount of any such payments—

(a) shall be deducted from the amount that would otherwise be payable to him under this Scheme; or