STATUTORY RULES OF NORTHERN IRELAND

2006 No. 537

AGRICULTURE

Farm Nutrient Management Scheme (Northern Ireland) 2006

Made - - - -	*21st December 2006*
Coming into operation-	*21st December 2006*

The Department of Agriculture and Rural Development(**1**), with the approval of the Department of Finance and Personnel, makes the following scheme in exercise of the powers conferred by Article 16(1) and (2) of the Agriculture and Fisheries (Financial Assistance) (Northern Ireland) Order 1987(**2**):

Citation and commencement

1. The Scheme may be cited as the Farm Nutrient Management Scheme (Northern Ireland) 2006 and shall come into operation on 21st December 2006.

Interpretation

2. In this Scheme—

"application" means an application for a grant under Article 3(1) made in accordance with this Scheme or treated as having been made in accordance with this Scheme;

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

"slurry" means excreta produced by livestock whilst in a yard or building or a mixture consisting wholly or mainly of such excreta, bedding, rainwater and washings from a building or yard used by livestock or any combination of these, at a consistency that allows it to be pumped discharged at any stage in the handling process.

Payment and amount of grants

3.—(1) Subject to the following provisions of this Scheme, the Department may make to any person a grant representing 60 per cent of any expenditure—

(a) to be incurred by him for the purposes of, or in connection with the carrying on of, an agricultural business;

(b) to be incurred by him on or after 21st December 2006 but before 1st January 2009;

(**1**) Formerly the Department of Agriculture. *See*S.I. 1999/283 (N.I. 1) Article 3(4)
(**2**) S.I. 1987/166 (N.I. 1)

(c) which is expenditure to which paragraph (2) refers;

(d) which is approved by the Department for the purposes of a grant under this Scheme; and

(e) which does not exceed for each applicant an aggregate of £85,000 under this Scheme and the Farm Nutrient Management Scheme (Northern Ireland) 2005(**3**).

(2) This paragraph refers to expenditure which is to be of a capital nature or to be incurred in connection with expenditure of a capital nature and is incurred in respect of—

(a) the provision, replacement of improvement of—

(i) facilities (including safety fencing) for the handling and storage of manure, slurry or silage effluent;

(ii) fixed disposal facilities for slurry and silage effluent;

(iii) facilities (other than roofing) for the separation of clean and dirty water, where those facilities reduce the need to store slurry; or

(b) any work, facility or transaction (including conservation or amenity works) incidental to any matter referred to in sub-paragraph(a).

(3) Where it appears to the Department that expenditure, in respect of which an application has been made, is to be incurred partly for the purposes of or in connection with the carrying on of an agricultural business and partly for other purposes it may treat as being incurred for the purposes of or in connection with the carrying on of an agricultural business so much of that expenditure as it appears may be referable to the carrying on of that agricultural business.

(4) The Department shall not approve any expenditure unless the work, facility or transaction to which it refers complies with the requirements or prohibitions of the Schedule.

Financial limits

4.—(1) If, in view of the total amount of expenditure approved for the purposes of applications already accepted under this Scheme, the Department is at any time of the opinion that the financial resources which are available for payment of grant under Article 3(1) during any period are insufficient to satisfy any payment during that period which would result from the acceptance of any further application, it may suspend further consideration of any application received at the date of its decision but not yet accepted, or any application it may receive after the date of its decision, until such time as may subsequently be specified by it.

(2) If in view of the total amount of expenditure approved for the purposes of applications already accepted under this Scheme, it appears to the Department that no further financial resources will be available to satisfy any payments made in respect of further applications, the Department shall reject all further applications.

(3) Notice of a decision under paragraph (1) or (2) shall be published in the Belfast Gazette.

Restrictions on the making of grants

5. The Department shall not make a grant under Article 3(1)—

(a) if the objective of the expenditure, in respect of which the application is made, is an increase in production for which no normal market outlets can be found;

(b) unless it is satisfied that the expenditure towards which the grant is to be made will result in some environmental benefit; and

(**3**) S.R. 2005 No. 5 as amended by S.R. 2005 No. 407

(c) unless the requirements of Article 5 of Council Regulation (EC) No. 1257/1999**(4)** are satisfied.

Applications for grant

6.—(1) Subject to paragraph (3), any application—

(a) shall be made in such form and manner and by such date as the Department shall determine, and

(b) shall include or be accompanied by all such particulars and information relating to the expenditure to which it relates as the Department may reasonably require, including, where specified by it, relevant documents and records.

(2) The Department shall inform an applicant in writing whether the application is accepted or not and, if it is not accepted, shall give the reasons.

(3) Any application for a grant under Article 3(1) of the Farm Nutrient Management Scheme (Northern Ireland) 2005 made in accordance with that Scheme may be treated as an application for a grant under Article 3(1) made in accordance with this Scheme.

Amendment of the Farm Nutrient Management Scheme (Northern Ireland) 2005

7. For sub-paragraph (e) of Article 3(1) of the Farm Nutrient management Scheme (Northern Ireland) 2005 there shall be substituted the following sub-paragraph—

"(e) which does not exceed for each applicant an aggregate of £85,000 under this Scheme and the Farm Nutrient Management Scheme (Northern Ireland) 2006.".

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 21st December 2006.

D. Small
A senior officer of the
Department of Agriculture and Rural
Development

(**4**) O.J. No. L160, 26.6.1999