STATUTORY RULES OF NORTHERN IRELAND

2005 No. 278

AGRICULTURE

Information and Communication Technology Grant Scheme (Northern Ireland) 2005

Made - - - -	*26th May 2005*
Coming into operation	*1st July 2005*

The Department of Agriculture and Rural Development in exercise of the powers conferred on it by Article 26(1), (2) and (3) of the Agriculture (Northern Ireland) Order 1993(**1**) and of every other power enabling it in that behalf, and with the approval of the Department of Finance and Personnel, hereby makes the following Scheme:

Citation and commencement

1. This Scheme may be cited as the Information and Communication Technology Grant Scheme (Northern Ireland) 2005 and shall come into operation on 1st July 2005.

Interpretation

2. In this Scheme –

"applicant" means a processor making an application under Article 4 and "application" shall be construed accordingly;

"approved" in relation to any expenditure means approved by the Department under and for the purposes of Article 3;

"beneficiary" means any processor whose claim for grant under Article 6 has been accepted;

"grant" means a grant under Article 3;

"ICT Linkages" means any Information Communications Technology system or part of a system used by a processor to communicate with any producer with whom he does business for a purpose referred to in Article 5(2);

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

(**1**) S.I.1993/2665 (N.I. 10)

"processor" means a person who purchases, processes or packages agricultural produce in the course of a business;

"producer" means a person who produces agricultural goods in the course of a business;

"proposal" includes a proposal as varied under Article 9(1)(a);

"public funds" means monies made available by –

(a) a body exercising public functions within the United Kingdom; or

(b) the European Communities.

Payment of grants

3.—(1) In accordance with the following provisions of this Scheme the Department may pay a grant to any processor –

(a) in respect of any expenditure incurred by him and approved by the Department;

(b) who applies for such an approval under and in accordance with Article 4.

(2) The Department shall not pay a grant to any processor unless the accounts submitted by him under Article 4(2)(b) demonstrate the viability of his business.

(3) Subject to paragraph (5) grant under this Article shall be –

(a) 50% of approved expenditure where all the hardware to which the expenditure relates is to be located in a less favoured area;

(b) 40% of approved expenditure in all other cases.

(4) A grant may be paid in a lump sum or in instalments.

(5) Where, in relation to any approved expenditure, in addition to grant under this Article, other monies are payable from public funds then the grant under this Article shall be the amount which, when added to those other monies, would equal the amount which apart from this paragraph would have been payable under paragraph (3).

(6) For the purposes of paragraph (3) "hardware" means the Information Communications Technology equipment referred to in sub-paragraph (a) of the Schedule.

Application for approval of expenditure

4.—(1) Any processor wishing to be considered for the payment of a grant under this Scheme may apply to the Department in such form as it may from time to time determine for the approval of the expenditure for which the grant is intended to be paid.

(2) An application shall describe the proposal to which the expenditure relates and shall be accompanied by –

(a) a declaration completed and signed by the processor that –

(i) the proposal would not be carried out but for the grant;

(ii) his overall commercial viability is not dependent upon receipt of the grant; and

(iii) his business will comply with legislation in relation to the environment, the hygiene of food and animal welfare; and

(b) a three year forward set of accounts for the processor's business which have either been prepared or audited by a chartered accountant, or other person holding such qualifications as the Department thinks suitable.

(3) Each application shall be accompanied by such other information as the Department may require for the purpose of enabling it to determine whether or not to approve the expenditure in question.

(4) A processor may apply for approval of expenditure in relation to more than one proposal under this Scheme.

Approval of expenditure

5.—(1) The Department shall not approve expenditure incurred before the date of the approval.

(2) The Department shall only approve expenditure where it is to be incurred by the processor in carrying out a proposal for the organisation, promotion, encouragement, development, co-ordination or facilitation of the marketing in Northern Ireland or elsewhere of –

(a) agricultural produce; or

(b) anything derived from such produce,

insofar as the expenditure is described in the Schedule.

(3) The Department shall not approve expenditure unless the purpose is to improve ICT Linkages.

(4) The Department shall not approve expenditure –

(a) where it is to be incurred in the replacement of any item already in use by the applicant; or

(b) to be incurred as part of the normal running costs of the business of the applicant.

(5) The Department may approve expenditure in whole or in part.

Claims for grant

6. A claim for the payment of a grant in respect of approved expenditure shall be made at such time or within such period and in such form, and be accompanied by such information, as the Department may reasonably require.

Acceptance of claims

7. Where the Department accepts a claim made under Article 6 it may attach such conditions as it sees fit to any payment of grant including conditions –

(a) specifying the period (not exceeding three years) during which any instalments of grant may be paid;

(b) for ensuring that grant is properly paid;

(c) relating to the use of any items to which the expenditure relates, and it shall notify the beneficiary of those conditions and the total amount of the grant payable to him.

Limits on amounts of grant

8. A beneficiary shall not receive a grant totalling more than £125,000 in relation to any particular proposal.

Variation of proposals

9.—(1) The Department may permit a beneficiary –

(a) to vary the proposal to which any grant relates without prejudice to any such grant paid or payable in relation thereto; or

(b) to withdraw the proposal,

on written notice of such variation or withdrawal being given to it by that person.

(2) Where a proposal is withdrawn in accordance with paragraph (1)(b), the Department shall withhold such further grant or part of a grant as would have been payable in relation thereto.

(3) Where a proposal is varied in accordance with paragraph (1)(a), the Department may attach such further conditions to any grant paid or payable in relation thereto or may vary such existing conditions as it sees fit.

Information

10. A beneficiary shall, within such reasonable time as the Department may require, give to the Department such information about any approved expenditure and the proposal to which it relates as the Department reasonably may require.

Duties on cessation of funding

11. Each beneficiary to whom grant is paid shall within six months of the date of the last payment submit to the Department –

(a) an assessment as to how the purposes of this Scheme have been met by the carrying out of the proposal to which the grant related; and

(b) a declaration that the requirements of this Scheme and the conditions (if any) attaching to the payment have been complied with.

Record keeping

12.—(1) A beneficiary shall, subject to paragraphs (2) and (3), keep any invoice, account or other document relating to approved expenditure or any item in connection with which such expenditure is incurred for a period of 7 years beginning with the day on which the last payment of grant is made to him.

(2) If in the normal course of business a beneficiary transfers to another person the original of any document he is required to keep under paragraph (1) within the period he is required to keep it under that paragraph it shall be sufficient compliance with that paragraph for him to keep a copy of that document for that period.

(3) Paragraph (1) shall not apply in any case where a document to which that paragraph relates has been removed by any person lawfully authorised to remove it.

Transfers of businesses

13. Where –

(a) a beneficiary has transferred all or part of the business to which an approval relates to another person ("the transferee");

(b) the transferee has given an undertaking to the Department to assume the conditions of grant in place of the beneficiary; and

(c) the Department has accepted that undertaking,

the beneficiary shall be released from the conditions of grant, other than in respect of any breach or other matter occurring before the acceptance by the Department of the transferee's undertaking.

Breaches of obligations

14. Where –

(a) any information furnished to the Department by the beneficiary is false or misleading;

(b) the beneficiary is in breach of any of the conditions of grant; or

(c) the beneficiary is in breach of any requirement to which he is subject under this Scheme,