STATUTORY RULES OF NORTHERN IRELAND

2004 No. 498

AGRICULTURE

Farm Nutrient Management Scheme (Northern Ireland) 2004

Made - - - - 2nd December 2004

Coming into operation 17th January 2005

The Department of Agriculture and Rural Development(**1**), in exercise of the powers conferred on it by Article 16(1) and (2) of the Agriculture and Fisheries (Financial Assistance) (Northern Ireland) Order 1987(**2**) and of every other power enabling it in that behalf, and with the consent of the Department of Finance and Personnel, hereby makes the following Scheme:

Citation and commencement

1. The Scheme may be cited as the Farm Nutrient Management Scheme (Northern Ireland) 2004 and shall come into operation on 17th January 2005.

Interpretation

2. In this Scheme –

"application" means an application for a grant under Article 3(1) 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 or 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 40 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 after 17th January 2005 but before 30th November 2006;

(**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 in aggregate exceed £85,000 for each applicant.

(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 or 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

(c) unless the requirements of Article 5 of Council Regulation (EC) No.1257/1999(**3**) are satisfied.

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