STATUTORY RULES OF NORTHERN IRELAND

# 2004 No. 151

# AGRICULTURE

## Non-IACS Farm Support (Review of Decisions) Regulations (Northern Ireland) 2004

| | |
|---|---|
| *Made - - - -* | *30th March 2004* |
| *Coming into operation* | *1st April 2004* |

The Department of Agriculture and Rural Development, being 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 in exercise of the powers conferred on it by the said section 2(2) and every other power enabling it in that behalf, hereby makes the following Regulations:

### Citation and commencement

**1.** These Regulations may be cited as the Non-IACS Farm Support (Review of Decisions) Regulations (Northern Ireland) 2004 and shall come into operation on 1st April 2004.

### Interpretation

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

(2) In these Regulations –

"application" means an application for a review of a relevant determination made under regulation 4(2) and "applicant" shall be construed accordingly;

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

"relevant determination" means a determination to which these Regulations apply.

### Application

**3.** These Regulations shall apply in relation to any initial determination made by or on behalf of the Department –

(a) in connection with the administration of any Scheme listed in the Schedule;

(**1**) S.I.2002/2812 and S.I. 2000/3238
(**2**) 1972 c. 68
(**3**) 1954 c. 33 (N.I.)

(b) relating to any person whose trading address or, where there is more than one such address, whose principal trading address was in Northern Ireland at the date of the determination.

**Review of Determinations**

**4.**—(1) The Department may establish such procedure as it thinks appropriate for the review by it or on its behalf of a relevant determination.

(2) The procedures established under paragraph (1) shall –

(a) provide for a review of a relevant determination to be carried out on the application of the person to whom it was directed; and

(b) provide for the manner of making any such application.

(3) Any such procedure so established may, in particular, provide for consideration of the initial determination by such persons (not exceeding three) as the Department may appoint for that purpose, with a view to their making a report of their conclusions in relation to the initial determination and a recommendation as to the manner in which the matter should be finally determined.

(4) Where the Department establishes any such procedure as is mentioned in paragraph (3), it may –

(a) pay to the persons so appointed such reasonable remuneration in respect of their functions under that procedure, and such travelling and other allowances, as it may determine; and

(b) charge any applicant whose application is considered under the procedure so established such fee (not exceeding £100) as the Department may determine in respect of the costs incurred by it by virtue of the operation of that procedure in relation to the review in question.

(5) Any procedure such as is mentioned in paragraph (3) may provide that, where the Department decides to charge fees under paragraph (4)(b), a review in respect of which a fee is payable shall not proceed unless the application for that review is accompanied by the fee.

(6) Where, in pursuance of any such procedure as is mentioned in paragraph (3), a relevant decision is –

(a) amended, altered or modified; or

(b) revoked or substituted by another decision,

any fee payable by a person under paragraph (4)(b) in respect of the review shall be refunded to that person.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 30th March 2004.

*R. Jordan*
A senior officer of the
Department of Agriculture and Rural
Development

## SCHEDULE

Regulations 2 and 4(1)

## SCHEMES IN RESPECT OF WHICH THE SECRETARY OF STATE MAY ESTABLISH AN APPEALS PROCEDURE

| *Scheme* | *Council Regulation establishing the Scheme* |
|---|---|
| GENERAL | |
| Aid for Concentrated Grape Must | (EC) No. 1493/1999(**4**) on the common organisation of the market in wine (Article 34) |
| Aid for Dehydrated Fodder | (EC) No. 1786/2003(**5**) on the common organisation of the market in dried fodder |
| Apple Consumption Aid | (EC) No. 2826/2000(**6**) on information and promotion actions for agricultural products on the internal market |
| Beef Information Programme | (EC) No. 2826/2000(**7**) on information and promotion actions for agricultural products on the internal market (Articles 1 and 2) |
| Butter for Manufacture | (EC) No. 1255/1999(**8**) on the common organisation of the market in milk and milk products (Article 13(1)(c) – (d)) |
| Butter for Non-Profit Making Organisations | (EC) No. 1255/1999(**9**) on the common organisation of the market in milk andmilk products (Article 13(1)(a)) |
| Control of Casein in Cheese Making | (EC) No. 1255/1999(**10**) on the common organisation of the market in milk andmilk products (Article 12)<br><br>(EEC) No. 2204/90(**11**) laying down additional general rules on the common organisation of the market in milk and milk products as regards cheese as last amended by (EC) No. 2583/2001(**12**) |
| Casein Production Subsidy | (EC) No. 1255/1999(**13**) on the common organisation of the market in milk and milk products (Article 12) |
| Citrus Processing Aid | (EC) No. 2202/96(**14**) introducing a Community aid scheme for producers of certain citrus fruits (Article 1) |

(**4**) O.J. No. L179, 14.7.1999, p. 1
(**5**) O.J. No. L270, 21.10.2003, p. 114
(**6**) O.J. No. L328, 23.12.2000, p. 2
(**7**) O.J. No. L328, 23.12.2000, p. 2
(**8**) O.J. No. L160, 26.6.1999, p. 48
(**9**) O.J. No. L160, 26.6.1999, p. 48
(**10**) O.J. No. L160, 26.6.1999, p. 48
(**11**) O.J. No. L201, 31.7.90, p. 7
(**12**) O.J. No. L345, 29.12.2001, p. 6
(**13**) O.J. No. L160, 26.6.1999, p. 48
(**14**) O.J. No. L297, 21.11.96, p. 49

| *Scheme* | *Council Regulation establishing the Scheme* |
|---|---|
| Concentrated Butter for Direct Consumption | (EC) No. 1255/1999(**15**) on the common organisation of the market in milk and milk products (Article 13(1)(e)) |
| End Use Control of Certain Fruit and Vegetables | (EC) No. 2202/96(**16**) introducing a Community aid scheme for producers ofcertain citrus fruits (Article 30) |
| Fibres Processing Aid | (EC) No. 1673/2000(**17**) on the common organisation of the markets in flax and hemp grown for fibre as last amended by (EC) No. 1782/2003(**18**) |
| Fish Carry-Over Aid | (EC) No. 104/2000(**19**) on the common organisation of the markets in fishery and aquaculture products (Article 23) |
| Fish Flat-Rate Aid | (EC) No. 104/2000(**20**) on the common organisation of the markets in fishery and aquaculture products (Article 24) |
| Fish Flat-Rate Premium | (EC) No. 104/2000(**21**) on the common organisation of the markets in fishery and aquaculture products (Article 24) |
| Fish Private Storage Aid | (EC) No. 104/2000(**22**) on the common organisation of the markets in fishery and aquaculture products (Article 25) |
| Fish Withdrawals Compensation | (EC) No. 104/2000(**23**) on the common organisation of the markets in fishery and aquaculture products (Article 21) |
| Fresh Fruit and Vegetables Withdrawals | (EC) No. 2200/96(**24**) on the common organisation of the market in fruit and vegetables (Articles 23 and 24) as last amended by (EC) No. 2699/2000(**25**) |
| Fruit and Vegetable Operational Programme | (EC) No. 2200/96(**26**) on the common organisation of the market in fruit and vegetables (Articles 15 and 16) as last amended by (EC) No. 2699/2000(**27**) |
| Fruit and Vegetable Producer Organisation Recognition | (EC) No. 2200/96(**28**) on the common organisation of the market in fruit and |

(**15**) O.J. No. L160, 26.6.1999, p. 48
(**16**) O.J. No. L297, 21.11.96, p. 49
(**17**) O.J. No. L193, 29.7.2000, p. 16
(**18**) O.J. No. L270, 21.10.2003, p. 1
(**19**) O.J. No. L17, 21.1.2000, p. 22
(**20**) O.J. No. L17, 21.1.2000, p. 22
(**21**) O.J. No. L17, 21.1.2000, p. 22
(**22**) O.J. No. L17, 21.1.2000, p. 22
(**23**) O.J. No. L17, 21.1.2000, p. 22
(**24**) O.J. No. L297, 21.11.96, p. 1
(**25**) O.J. No. L311, 12.12.2000, p. 9
(**26**) O.J. No. L297, 21.11.96, p. 1
(**27**) O.J. No. L311, 12.12.2000, p. 9
(**28**) O.J. No. L297, 21.11.96, p. 1

| *Scheme* | *Council Regulation establishing the Scheme* |
|---|---|
| | vegetables (Articles 11 – 14) as last amended by (EC) No. 1881/2002(**29**) |
| Grape Juice Aid | (EC) No. 1493/1999(**30**) on the common organisation of the market in wine (Article 35) as last amended by (EC) No. 2826/2000(**31**) |
| Herbage Seed Production Aid | (EEC) No. 2358/71(**32**) of the Council on the common organisation of the market in seeds (Article 1) as last amended by (EEC) No. 3695/92(**33**)<br><br>(EEC) No. 1674/72(**34**) of the Council laying down general rules for granting and financing aid for seed (Article 1) as last amended by (EEC) No. 3795/85(**35**) |
| Milk Quotas | (EC) No. 1788/2003(**36**) establishing a levy in the milk and milk products sector Scheme |
| Over Thirty Month Scheme | (EC) No. 1254/1999(**37**) on the common organisation of the market in beef and veal (Article 39) |
| Promotions to Internal Market | (EC) No. 2826/2000(**38**) on information and promotion actions for agricultural products on the internal market (Article 1) |
| Promotions to Third Countries | (EC) No. 2702/1999(**39**) on measures to provide information on, and to promote, agricultural products in third countries |
| School Milk Scheme | (EC) No. 1255/1999(**40**) on the common organisation of the market in milk and milk products (Article 14) as last amended by (EC) No. 1787/2003(**41**) |
| Selective Cull Scheme | (EC) No. 1254/1999(**42**) on the common organisation of the market in beef and veal (Article 39) |

(**29**) O.J. No. L285, 23.10.2002, p. 13
(**30**) O.J. No. L179, 14.7.1999, p. 1
(**31**) O.J. No. L328, 23.12.2000, p. 2
(**32**) O.J. No. L246, 5.11.71, p. 1
(**33**) O.J. No. L374, 22.12.1999, p. 40
(**34**) O.J. No.L177, 4.8.72, p. 1
(**35**) O.J. No. L367, 31.12.85, p. 21
(**36**) O.J. No. L270, 21.10.2003, p 123
(**37**) O.J. No. L160, 26.6.1999, p. 21
(**38**) O.J. No. L325, 23.12.2000, p. 2
(**39**) O.J. No. L327, 21.12.1999, p. 7
(**40**) O.J. No. L160, 26.6.1999, p. 48
(**41**) O.J. No. L270, 21.10.2003, p. 121
(**42**) O.J. No. L160, 26.6.1999, p. 21