STATUTORY RULES OF NORTHERN IRELAND

2003 No. 472

AGRICULTURE

Organic Farming (Conversion of Animal Housing) Scheme (Northern Ireland) 2003

Made - - - -	*5th November 2003*
Coming into operation	*17th December 2003*

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 approval of the Department of Finance and Personnel, hereby makes the following Scheme:

Citation and commencement

1. This Scheme may be cited as the Organic Farming (Conversion of Animal Housing) Scheme (Northern Ireland) 2003 and shall come into operation on 17th December 2003.

Interpretation

2. In this Scheme –

"the 1987 Order" means the Agriculture and Fisheries (Financial Assistance) (Northern Ireland) Order 1987;

"application" means an application under Article 5;

"certificate of registration" means a certificate issued by an inspection authority in respect of an organic parcel specifying the conversion period, which applies in relation to that organic parcel, or the date on which that conversion period begins; and for this purpose a certificate so issued is issued "in respect of" an organic parcel if it relates to that organic parcel, whether or not it also relates to any other organic parcel;

"conversion", in relation to an organic parcel, means the conversion of that organic parcel to being fully organic;

"conversion period", in relation to an organic parcel, means the period determined by the inspection authority as the period in which the conversion of that organic parcel is expected to be completed;

(**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)

"Council Regulation 2092/91" means Council Regulation (EEC) No. 2092/91 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs(**3**) as last amended by Commission Regulation (EC) No. 599/2003(**4**);

"designated map" means the map marked "map of less favoured farming areas in Northern Ireland", dated 8th May 1991, signed by the Secretary of State and deposited at the Offices of the Department at Dundonald House, Upper Newtownards Road, Belfast BT4 3SB;

"fully organic", in relation to an organic parcel, means that –

(a) the inspection authority is satisfied that the conversion of that organic parcel is completed; and

(b) notification having been given under Article 8 of Council Regulation 2092/91, details of such organic parcel have appeared in the list referred to in that Article;

"grant" means grant under this Scheme;

"grant-aided expenditure" means expenditure in respect of which a grant is payable under this Scheme;

"grazing year", in relation to an applicant, means any period of twelve months beginning with the date on which his application is received by the Department or any anniversary of the date on which his application is received by the Department;

"holding" means all the production units managed by an applicant;

"inspection authority", in relation to an organic farm, means –

(a) the authority designated by the Organic Products Regulations 1992(**5**) for the purposes of Article 9 of Council Regulation 2092/91, or

(b) a private inspection body approved by that authority in accordance with Article 9 of that Regulation (which concerns the inspection system to which organic farming is subject),

being the authority or private inspection body to whom the applicant has applied to carry out inspection functions in relation to that organic farm;

"land" means land which is used for agriculture;

"landlord", in relation to the tenant of a holding, means any person who either solely or jointly owns, or has a superior tenancy of, that holding and "immediate landlord" means the landlord from whose title (or, as the case may be, joint title) the tenant directly derives his title;

"less favoured areas" means all that land coloured blue or pink on the designated map;

"livestock" means any animal or fowl kept for the production of food, wool or skins or for the breeding of any animal for any such purpose;

"livestock undergoing conversion" means livestock which are identified in a plan approved by an inspection authority as being in the process of being converted into organic livestock, and which fully conform to those UKROFS standards which apply in relation to the organic farming of livestock undergoing conversion;

"organic farm" means an agricultural business that is engaged in organic farming;

"organic farming" means farming by organic farming methods;

"organic livestock" means livestock that are identified in a plan approved by an inspection authority as being livestock that fully conform to those UKROFS standards which apply in relation to the organic farming of livestock;

(**3**) O.J. No. L198, 22.7.91, p. 1
(**4**) O.J. No. L85, 2.4.2003, p. 15
(**5**) S.I. 1992/2111, the relevant amending instrument is S.I. 1994/2286

"organic parcel" means an area of land which comprises the whole or part of an organic unit and which is identified in a plan approved by an inspection authority by reference to such system of field numbering as the Department may direct;

"organic unit" means an area of land which comprises the whole or part of a holding and which has been established as an organic unit in accordance with Annex III to Council Regulation 2092/91;

"owner" means the person who owns the fee simple of the holding;

"specified period", in relation to an applicant, means the period beginning with the date of receipt of his application by the Department and ending on the expiry of the period of five years from the date on which the last payment of grant is made to him pursuant to his application;

"statutory provision" has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954(**6**);

"tenant" means an applicant who occupies a holding or part of a holding under a contract of tenancy for a fixed term of years of which at least 5 years remains unexpired at the date of his application;

"UKROFS standards" means the standards for organic farming of the United Kingdom Register of Organic Food Standards published in January 1999 by the Ministry of Agriculture, Fisheries and Food and known as the UKROFS Standards for Organic Food Production and the additional standards published in August 2000 by the Ministry of Agriculture, Fisheries and Food and known as the UKROFS Standards for Organic Food Production – Standards for Organic Livestock and Organic Livestock Products.

Payment of grant

3. Subject to the provisions of this Scheme, the Department may make to any applicant who satisfies the conditions of eligibility set out in Article 6, a grant towards expenditure incurred by him for the purposes of, or in connection with, the carrying on of an agricultural business, being expenditure which –

(a) has been incurred in respect of any work or facility of a kind specified in any of paragraphs 1 to 4 in column 1 of the Schedule;

(b) appears to the Department to be of a capital nature, or incurred in connection with expenditure of a capital nature; and

(c) is approved by the Department for the purposes of a grant under this Scheme.

Amount of grant

4.—(1) Subject to paragraph (4) and Article 10, the amount of any grant payable under Article 3 towards expenditure in respect of any work or facility of a kind specified in any of paragraphs 1 to 4 in column 1 of the Schedule shall –

(a) in the case of expenditure to be incurred in respect of a work or facility in a less favoured area, be the percentage of that expenditure specified in relation to that work or facility in column 2 of the Schedule; and

(b) in the case of expenditure to be incurred in respect of a work or facility outside a less favoured area, be the percentage of that expenditure specified in relation to that work or facility in column 3 of the Schedule.

(**6**) 1954 c. 33 (N.I.); section 1(f) was amended by S.I. 1999/663

(2) Subject to paragraphs (3) and (4), the Department may pay grant towards professional fees incurred by an applicant which are incidental to the carrying out of any work or the provision of any facility specified in any of paragraphs 1 to 4 in column 1 of the Schedule.

(3) The maximum amount of grant payable under paragraph (2) in respect of an agricultural business shall be an amount equal to 12% of the grant-aided expenditure in respect of that business.

(4) The maximum amount of grant payable under this Scheme in respect of an agricultural business is £30,000.

Form and content of applications for approval of expenditure and restriction on acceptance of applications

5.—(1) An application for approval of expenditure by the Department for the purposes of a grant under this Scheme shall be made in such form and manner and within such time as the Department may from time to time require and the applicant shall furnish all such particulars and information relating to an application as the Department may require.

(2) The Department shall not accept an application from an applicant who occupies his holding as a tenant unless the applicant has satisfied the Department that he has notified his immediate landlord in writing of the making of such application.

(3) The Department shall not approve expenditure for the purposes of a grant under this Scheme unless it is satisfied that the applicant's organic farm will be economically viable.

Conditions of eligibility

6.—(1) The conditions of eligibility referred to in Article 3 are that –

(a) at the date of his application, the applicant shall be the owner or tenant of the land on which his agricultural business is situated and in lawful occupation of that land; and

(b) the applicant shall give the undertakings mentioned in paragraph (2) in support of his application.

(2) The undertakings referred to in paragraph (1)(b) are –

(a) before claiming grant, to furnish to the Department a certificate of registration in respect of each of his organic parcels;

(b) for the duration of the specified period –

(i) to retain the certificates of registration in respect of each of his organic parcels;

(ii) to farm the land on which his organic livestock or livestock undergoing conversion are kept in accordance with UKROFS standards;

(iii) to ensure that no livestock other than organic livestock or livestock undergoing conversion are grazed on his organic unit for more than 120 days in each grazing year; and

(iv) to ensure that any organic livestock or livestock undergoing conversion, which are kept on his organic unit are kept in accordance with UKROFS standards.

Restrictions on payment of grant

7.—(1) The Department shall not pay grant under this Scheme in respect of any expenditure incurred by an applicant before the date on which his application is received by the Department.

(2) The Department may not make more than one grant under this Scheme in respect of an agricultural business within any period of three years but this is without prejudice to the Department's power under Article 16(4) of the 1987 Order to make any payment by way of such a grant at such time, or by such instalments at such intervals or times, as the Department may determine.