STATUTORY RULES OF NORTHERN IRELAND

2001 No. 391

AGRICULTURE

Farm Subsidies (Review of Decisions) Regulations (Northern Ireland) 2001

Made - - - -	*23rd October 2001*
Coming into operation	*14th November 2001*

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 and in relation to matters relating to the promotion of rural development, 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 Farm Subsidies (Review of Decisions) Regulations (Northern Ireland) 2001 and shall come into operation on 14th November 2001.

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—

"applicant" means a person who makes an application under regulation 5 or, as the case may be, regulation 8 or regulation 11;

"Commission Regulation 3887/92" means Commission Regulation (EEC) No. 3887/92 laying down rules for applying the integrated administration and control system for certain Community aid schemes(**4**) as amended by Commission Regulation (EC) No. 229/95(**5**), Commission Regulation (EC) No. 1648/95(**6**), Commission Regulation (EC) No. 2015/95(**7**),

(**1**) S.I.2000/2812 and S.I. 2000/3238
(**2**) 1972 c. 68
(**3**) 1954 c. 33 (N.I.)
(**4**) O.J. No. L391, 31.12.1992, p. 36
(**5**) O.J. No. L27, 4.2.1995, p. 3
(**6**) O.J. No. L156, 7.7.1995, p. 27
(**7**) O.J. No. L197, 22.8.1995, p. 2

Commission Regulation (EC) No. 613/97(**8**), Commission Regulation (EC) No. 1678/98(**9**), Commission Regulation (EC) No. 2801/1999(**10**) and Commission Regulation (EC) No. 2721/2000(**11**);

"Council Regulation 3508/92" means Council Regulation (EEC) No. 3508/92 establishing an integrated administration and control system for certain Community aid schemes(**12**) as amended by Council Regulation (EC) No. 165/94(**13**), Council Regulation (EC) No. 3233/94(**14**), Council Regulation (EC) No. 3235/1994(**15**), Council Regulation (EC) No. 3072/1995(**16**), Council Regulation (EC) No. 1577/96(**17**), Council Regulation (EC) No. 2466/96(**18**), Commission Regulation (EC) No. 613/97(**19**), Council Regulation (EC) No. 820/97(**20**), Council Regulation (EC) No. 1036/1999(**21**), Council Regulation (EC) No. 1593/2000(**22**) and Commission Regulation (EC) No. 495/2001(**23**) ;

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

"holding" has the same meaning as in Council Regulation No. 3508/92;

"IACS scheme" means one of the Community schemes set out in Article 1.1 of Council Regulation 3508/92; and

"IACS year" means a period of 12 months commencing on 16th May and "IACS year 2001" means such a period commencing on 16th May 2001.

(3) Any reference in these Regulations to a person to whom a decision is directed or an applicant for review includes a reference to any successor, executor, trustee in bankruptcy, receiver or liquidator of such a person or applicant.

Application

3. These Regulations apply to decisions of the Department of the kind referred to in regulation 4 in relation to holdings which are administered by the Department in accordance with the Integrated Administration and Control System Regulations 1993(**24**).

Decisions amenable to review

4. The following decisions may be reviewed in accordance with the following provisions of these Regulations—

(a) a decision, under or in accordance with Commission Regulation 3887/92 (including anything done in accordance with Article 11.1 of the Regulation), by the Department to refuse, reduce or recover (in whole or in part) payment under an IACS scheme for the IACS year 2001 or any IACS year thereafter; and

(**8**) O.J. No. L94, 9.4.97, p. 1
(**9**) O.J. No. L212, 30.7.1998, p. 23
(**10**) O.J. No. L340, 31.12.1999, p. 29
(**11**) O.J. No. L314, 14.12.2000, p. 8
(**12**) O.J. No. L355, 5.12.1992, p. 1
(**13**) O.J. No. L24, 29.1.1994, p. 6
(**14**) O.J. No. L338, 28.12.1994, p. 13
(**15**) O.J. No. L338, 28.12.1994, p. 16
(**16**) O.J. No. L329, 30.12.1995, p. 18
(**17**) O.J. No. L206, 16.8.1996, p. 4
(**18**) O.J. No. L335, 24.12.1996, p. 1
(**19**) O.J. No. L94, 9.4.1997, p. 1
(**20**) O.J. No. L117, 7.5.1997, p. 1
(**21**) O.J. No. L127, 21.5.1999, p. 4
(**22**) O.J. No. L182, 21.7.2000, p. 4
(**23**) O.J. No. L72, 14.3.2001, p.6
(**24**) S.I. 1993/1317 amended by S.I. 1994/1134, S.I. 1997/1148, S.I. 1999/1820 and S.I. 2000/2573

(b) a decision by the Department to refuse, reduce or recover (in whole or in part) payment of less favoured area compensatory allowance under the Less Favoured Areas Compensatory Allowances Regulations (Northern Ireland) 2001(**25**).

First review by the Department

5.—(1) Subject to paragraph (2), a person to whom a decision referred to in regulation 4 is directed, may apply, no later than 60 days following the date of the decision to be reviewed, to the Department for a review of that decision.

(2) Where a decision referred to regulation 4 was made before the date of the coming into operation of these Regulations, the person to whom the decision was directed, may apply, no later than 60 days following the date of the coming into operation of these Regulations, to the Department for a review of that decision.

(3) An application for a review under this regulation must be in writing and specify—

(a) the name and address of the applicant;

(b) the subsidy scheme in relation to which the review is sought and the IACS year to which the decision referred;

(c) the decision of the Department which is to be reviewed and its date; and

(d) full details of the grounds upon which the review is sought.

(4) An application under this regulation is to be treated as made if it is received by the Department at its offices at Orchard House, 40 Foyle Street, Londonderry BT48 6AT marked "for the attention of the DARD Grants and Subsidies Appeals Branch".

6.—(1) Where an application is made under regulation 5, the Department shall review the decision which is the subject of the application.

(2) In reviewing a decision in accordance with this regulation the Department may consider any document or other evidence produced by the applicant (whether or not that document or evidence was available at the time of the decision).

Decision following first review

7.—(1) Following review of a decision in accordance with regulation 6, the Department may—

(a) confirm its decision;

(b) amend or alter its decision in any respect which it considers appropriate; or

(c) revoke its decision in its entirety and substitute a new decision.

(2) The Department shall give its decision under paragraph (1) as soon as practicable in writing, setting out the facts upon which its decision is based and the reasons for its decision.

Further review by the Department

8.—(1) An applicant who is dissatisfied with a decision under regulation 7 may, no later than 30 days following the date of that decision, apply in writing to the Department for a review of that decision.

(2) An application for a review of a decision under regulation 7 must be in writing and specify—

(a) the name and address of the applicant;

(**25**) S.R. No. 2001 No. 71