STATUTORY RULES OF NORTHERN IRELAND

1999 No. 237

AGRICULTURE

Organic Farming Regulations (Northern Ireland) 1999

Made - - - -	*20th May 1999*
Coming into operation	*23rd June 1999*

The Department of Agriculture, 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 of every other power enabling it in that behalf, after obtaining the approval of the European Commission to zonal programmes submitted in draft in accordance with Article 7.1 of Council Regulation (EEC) No. 2078/92 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside(**3**), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Organic Farming Regulations (Northern Ireland) 1999 and shall come into operation on 23rd June 1999.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**4**), except sections 20(2) and (3) and 39(2), shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations—

"aid" means the payments under the Community aid scheme referred to in Article 1 of Council Regulation 2078/92 in so far as it relates to farmers who undertake to introduce organic farming methods;

"agriculture" includes horticulture, fruit growing, seed growing, dairy farming, livestock breeding and keeping and the use of land for grazing, meadow land, market gardens and nursery grounds, but does not include the use of land—

(i) as osier land; or

(**1**) S.I. 1972/1811
(**2**) 1972 c. 68
(**3**) O.J. L215, 30.7.92, p.85
(**4**) 1954 c. 33 (N.I.)

(ii) for woodlands, except where that use is ancillary to any other use of land for the purposes of agriculture;

"agri-environment scheme" means an arrangement which is—

(a) regulated by statutory rule providing for the payment of aid to persons who give an undertaking or enter into an agreement in relation to the use or management of land; and

(b) approved by the Commission of the European Communities under Article 7(3) of Council Regulation 2078/92 as part of a zonal programme drawn up pursuant to Article 3 of that Regulation;

"application" means an application for aid made in accordance with regulation 9 in respect of one or more organic parcels and "applicant" and "apply" shall be construed accordingly;

"approved" means approved by an inspection authority;

"authorised person" means a person (whether or not an officer of the Department) who is authorised by the Department, either generally or specifically, to act in matters arising under these Regulations;

"beneficiary" means—

(a) a person whose application in respect of land comprising one or more organic parcels has been accepted by the Department; or

(b) a person who occupies the whole or any part of an organic unit following a change of occupation of the holding, who has given an undertaking to comply with all the obligations assumed by its previous occupier under these Regulations, in so far as they relate to land comprised in that organic unit or the part of that organic unit occupied by him, and whose undertaking in such terms has been accepted by the Department;

"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;

"Commission Regulation" means Commission Regulation (EC) No 746/96 laying down detailed rules for the application of Council Regulation (EEC) No 2078/92(**5**) as amended by Commission Regulation (EC) No. 435/97(**6**);

"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, being a period starting—

(a) in relation to the first organic parcel, not later than the date of receipt; and

(b) in relation to any other organic parcel, not later than the fifth anniversary of the date of receipt;

"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(**7**), as last amended by Commission Regulation (EC) No. 1900/98(**8**);

"Council Regulation 2078/92" means Council Regulation (EEC) No. 2078/92 on agricultural production methods compatible with the requirements of the protection of the environment

(**5**) O.J. No. L102, 25.4.96, p. 19
(**6**) O.J. No. L67, 7.3.97, p. 2
(**7**) O.J. No. L198, 22.7.91, p. 1
(**8**) O.J. No. L247, 5.9.98, p. 6

and the maintenance of the countryside(**9**), as last amended by Commission Regulation (EC) No. 2772/95(**10**) as in turn rectified by Commission Regulation (EC) No. 1962/96(**11**);

"date of receipt", in relation to an organic parcel, means the date on which the Department received an application in accordance with regulation 9 in respect of that organic parcel;

"Department" means the Department of Agriculture for Northern Ireland;

"first organic parcel" means, of all the organic parcels comprised in an application, the organic parcel the conversion period for which begins first;

"first year" means—

(a) in relation to an organic parcel—

(i) in a case where the conversion period in respect of the organic parcel has commenced no later than the date of receipt, the year beginning with the date of receipt; and

(ii) in any other case, the year beginning with the anniversary of the date of receipt which is the first such anniversary to occur during the conversion period relating to the organic parcel in question; and

(b) in relation to an organic unit, the first year in relation to the first organic parcel to which an application relates, being the first such application relating to land comprised in that organic unit;

and any reference to any successive year is a reference to the relevant successive year following in sequence from the first year;

"fully organic" in relation to an organic parcel or organic unit means that—

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

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

"grazing year" means any period of twelve months beginning with the date of receipt or any anniversary of the date of receipt;

"holding" means all the production units managed by a producer situated within the same member State's territory;

"inspection authority", in relation to an organic unit or organic parcel, means—

(a) the authority designated by the Organic Products Regulations 1992(**12**) 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 unit or organic parcel;

"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;

"last organic parcel" means, of all the organic parcels which are the subject of an application, the organic parcel the conversion period for which begins last;

(**9**) O.J. No. L215, 30.7.92, p. 85
(**10**) O.J. No. L288, 1.12.95, p. 35
(**11**) O.J. No. L259, 12.10.96, p. 7
(**12**) S.I. 1992/2111, the relevant amending instrument is S.I. 1994/2286

"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 an approved plan 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 farming" means farming by organic farming methods;

"organic farming methods" has the same meaning as in Article 2(1)(a) of Council Regulation 2078/92;

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

"organic parcel" means an area of land which comprises the whole or part of an organic unit and which is identified in an approved plan 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 (which concerns the delineation of the organic unit by any inspection authority in a report countersigned by the producer);

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

"plan" means a schedule in writing specifying, in relation to an organic unit—

(a) those parcels which have been registered by the inspection authority;

(b) those parcels which it is intended to register in the future;

(c) the dates on which such organic parcels have been or (as the case may be) are to be registered; and

(d) where the plan relates to land on which livestock are kept, the livestock that are undergoing conversion or are organic livestock;

"specified period", in relation to an application, means the period beginning with the date of receipt and ending on the expiry of the period of five years from the date on which the first payment becomes payable in respect of the last organic parcel which is the subject of that application;

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

"tenant" means a person 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 remain unexpired at the commencement of the specified period;

"UKROFS standards" means the production 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.

Aid for organic farming

3.—(1) Subject to the provisions of regulations 6 and 7 the Department may make payments of aid in accordance with these Regulations—

(a) in respect of an organic parcel, to any person who is a beneficiary in respect of that organic parcel; and

(b) in respect of an organic unit, to any person who is a beneficiary in respect of an organic parcel comprised in that organic unit,

provided that, in relation to any payment in respect of any given year, the beneficiary has made a claim for payment in respect of that year in accordance with regulation 9, and has supplied such further information and evidence in relation to that claim as the Department reasonably may direct to be supplied.

(2) If, following the receipt of an application made in accordance with regulation 9 and such information and evidence as the Department reasonably may direct to be supplied, it appears to the Department that the applicant satisfies the conditions of eligibility specified in regulation 5 in respect of all, some or any one of the organic parcels that are the subject of that application ("the eligible organic parcels"), the Department shall, subject to regulations 6, 7 and 8, accept the application with respect of the eligible organic parcel or parcels and notify the applicant in writing of the acceptance and the date from which aid shall become payable in respect of the eligible organic parcel or parcels.

(3) An application may be withdrawn by a notice in writing given by the applicant at any time before the application is accepted by the Department.

(4) A claim for the payment of aid shall be made at such time as the Department may reasonably direct.

(5) A payment of aid made by the Department to a beneficiary pursuant to these Regulations may be made at any time during the year in respect of which the payment in question is to be made.

Determinations of amount of aid and periods for which aid is paid

4.—(1) Subject to the provisions of these Regulations, where a beneficiary is entitled to the payment of aid, the aid shall be paid in respect of the following periods—

(a) in respect of an organic parcel, five years—

(i) in the case of the first organic parcel, beginning with the date of receipt; and

(ii) in any other case, beginning with the anniversary of the date of receipt which is the first such anniversary to occur during the conversion period relating to the organic parcel in question; and

(b) in respect of an organic unit, three years beginning with the date of receipt of the first application relating to land comprised in that organic unit.

(2) The amount of aid payable under paragraph (1)(a) shall be determined in accordance with Part I of Schedule 1; the amount of aid payable under paragraph (1)(b) shall be determined in accordance with Part II of Schedule 1.

Conditions of eligibility

5.—(1) The conditions of eligibility referred to in regulation 3(2) are that—

(a) the application shall be made in respect of not less than one hectare of land;

(b) at the date of his application, the applicant—

(i) shall be the owner or tenant of the land which is the subject of his application and in lawful occupation of that land; and

(ii) shall not be disqualified from eligibility to participating in an agri-environment scheme either by application of a penalty consequent upon Article 20(2) of the Commission Regulation (which requires member States to determine a system of penalties for breaches of undertakings) or by application of Article 20(3) of the Commission Regulation (which requires a person who, intentionally or by reason of