STATUTORY RULES OF NORTHERN IRELAND

1996 No. 196

AGRICULTURE
EUROPEAN COMMUNITIES

Agricultural Processing and Marketing Grant Regulations (Northern Ireland) 1996

Made - - - -	*14th May 1996*
Coming into operation	*24th June 1996*

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 that section and of every other power enabling it in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Agricultural Processing and Marketing Grant Regulations (Northern Ireland) 1996, and shall come into operation on 24th June 1996.

Interpretation

2.—(1) In these Regulations—

"applicant", in relation to the approval of expenditure for the purposes of Community aid or of a grant under these Regulations, means the person who is making or has made the application for that approval;

"the Department" means the Department of Agriculture;

"approval" means approval by the Department in writing;

"authorised officer" means an officer authorised by the Department for the purposes of these Regulations;

"the Commission" means the Commission of the European Communities;

"Community aid" means aid from the Guidance Section of the European Agricultural Guidance and Guarantee Fund payable in accordance with the Council Regulation;

(**1**) S.I.1972/1811
(**2**) 1972 c. 68; section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.R. 1984 No. 253

"the Council Regulation" means Council Regulation (EEC) No. 866/90 on improving the processing and marketing conditions for agricultural products(**3**), as amended by Council Regulation (EC) No. 3669/93(**4**);

"eligible expenditure" means, in relation to any operation, expenditure which the Department has approved for the receipt of Community aid; and

"operation" means an investment or project in Northern Ireland in respect of which Community aid is claimed or paid.

(2) Other expressions used in these Regulations have, insofar as the context admits, the same meanings as in the Council Regulation.

(3) The Interpretation Act (Northern Ireland) 1954(**5**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Grants in respect of the processing and marketing of agricultural products

3.—(1) The Department may make to any applicant a grant towards eligible expenditure incurred in connection with an operation.

(2) The amount of any such grant shall be 5 per cent of the eligible expenditure or such other sum which when added to any other grant payable from United Kingdom public funds in relation to the eligible expenditure equals 5 per cent of such expenditure.

(3) The maximum amount of grant payable under this regulation shall be £143,000 in respect of each operation.

Approval of expenditure and payment of grant

4.—(1) Applications for approval of expenditure for the purposes of Community aid and for the purposes of a grant under these Regulations shall be made in such form and manner and at such time as the Department may from time to time require and the applicant shall furnish all such particulars and information relating to the application as the Department may require.

(2) The Department may either refuse to approve expenditure, or approve it in whole or in part, for the purposes of Community aid or for the purposes of a grant under these Regulations and any such approval may be given, or any payments made by way of Community aid and of grant made, subject to such conditions as it thinks fit.

(3) Approval of expenditure for the purposes of Community aid and for the purposes of a grant under these Regulations may be varied by the Department with the applicant's written consent.

(4) Payments by way of Community aid and of a grant under these Regulations may be made at such time, or by such instalments at such intervals or times, as the Department may determine.

Records

5. An applicant shall retain invoices, accounts and any other relevant documents as proof of expenditure incurred in connection with an operation for three years from the last payment of Community aid or of grant under these Regulations in respect of that operation and shall produce them for inspection if so required by an authorised officer.

Powers of entry

6.—(1) For the purposes of ascertaining whether in respect of any operation—

(**3**) O.J. No. L91, 6.4.90, p. 1
(**4**) O.J. No. L338, 31.12.93, p. 26
(**5**) 1954 c. 33 (N.I.)