1992 No. 266

AGRICULTURE

SEA FISHERIES

FISHERIES

COMMON AGRICULTURAL POLICY

Agricultural, Fishery and Aquaculture Products (Improvement Grant) Regulations (Northern Ireland) 1992

Made	*10th June 1992*
Coming into operation	*11th July 1992*

The Department of Agriculture, being a Department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to the common agricultural policy of the European Economic 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, Fishery and Aquaculture Products (Improvement Grant) Regulations (Northern Ireland) 1992 and shall come into operation on 11th July 1992.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

"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;

"approved" means approved by the Department of Agriculture 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;

(a) S.I. 1972/1811

(b) 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

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

"the Council Regulations" means Council Regulation (EEC) No 866/90 on improving the processing and marketing conditions of agricultural products(**a**), Council Regulation (EEC) No 4028/86 on community measures to improve and adapt structures in the fisheries and aquaculture sector(**b**), and Council Regulation (EEC) No 4042/89 on the improvement of the conditions under which fishery and aquaculture products are processed and marketed(**c**);

"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 Regulations.

(3) The Interpretation Act (Northern Ireland) 1954(**d**) shall apply to the interpretation of these regulations as it applies to the interpretation of a measure of the Northern Ireland Assembly.

Improvement grants in respect of the processing and marketing of agricultural, fishery and aquaculture products and the provision of facilities at fishing ports.

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.

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 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 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 may be varied by the Department with the applicant's written consent.

(**a**) OJ No L91, 6.4.90 p. 1
(**b**) OJ No L376, 31.12.86 p. 7
(**c**) OJ No L388, 30.12.89 p. 1
(**d**) 1954 c. 33 (NI)