STATUTORY RULES OF NORTHERN IRELAND

2001 No. 5

Organic Farming Regulations (Northern Ireland) 2001

Withholding and recovery of aid, termination and exclusion

15.—(1) Where any person, with a view to obtaining the payment of aid to himself or any other person, makes any statement or furnishes any information which is false or misleading in a material respect, the Department may withhold the whole or any part of any aid payable to that person or to that other person and may recover the whole or any part of any such aid already paid to that person or to that other person.

(2) Where a beneficiary—

(a) fails to comply with any undertaking given by him under these Regulations,

(b) fails without reasonable excuse to permit entry and inspection by an authorised person or to render all reasonable assistance to such authorised person as required by regulation 14(2), or

(c) fails to comply with any other requirement of these Regulations,

the Department may withhold the whole or any part of any aid payable to that beneficiary and may recover the whole or any part of any aid already paid to him and may also require him to pay to the Department a sum not exceeding 10% of the aid paid or payable to the beneficiary.

(3) Where the Department takes any step specified in paragraph (1) or (2), it may also treat as terminated any entitlement of the beneficiary to the payment of aid under these Regulations.

(4) Where under paragraph (3) the Department treats the beneficiary's entitlement to aid as terminated it may also by notice in writing to the beneficiary disqualify him from participating in any agri-environment scheme for such period from the date of that termination as may be specified in the notice which period shall not exceed the period beginning with the date of termination and ending on the last day of the calendar year following that in which the termination occurs.

(5) Any dispute between the Department and an applicant, beneficiary or other person in relation to a matter arising under these Regulations shall be referred to and determined by a single arbitrator to be agreed between the parties or in default of such agreement to be appointed by the Chairman for the time being of the Northern Ireland Branch of the Royal Institution of Chartered Surveyors and in accordance with the provisions of the Arbitration Act 1996(**1**) or any statutory modification or re-enactment thereof for the time being in force.

(**1**) 1996 c. 23