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STATUTORY RULES OF NORTHERN IRELAND

2013 No. 144

AGRICULTURE

The Agriculture (Hardship Payment) Scheme (Northern Ireland) 2013

Made - - - -	*22nd May 2013*
Coming into operation	*24th May 2013*

The Minister of Agriculture and Rural Development(**1**) makes the following Scheme in exercise of the powers conferred by sections 1(1) and 2 of the Agriculture (Temporary Assistance) Act (Northern Ireland) 1954(**2**) and with the approval of the Minister for Finance and Personnel.

Citation and commencement

1. This Scheme may be cited as the Agriculture (Hardship Payment) Scheme (Northern Ireland) 2013, and shall come into operation on 24th May 2013.

Interpretation

2.—(1) In this Scheme—

"application" means an application for a hardship payment made in accordance with Article 5;

"authorised officer" means a person authorised by the Department for the purposes of this Scheme;

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

"eligible producer" means a producer who falls within Article 4;

"hardship payment" means a payment by the Department under and for the purposes of Article 3;

"livestock" means any sheep, cattle, goats, or poultry kept for the production of food, wool or skin and "animal" shall be construed accordingly.

(2) For the purposes of this Scheme a person's economic loss in respect of each animal shall be—

(a) in the case of any sheep under 12 months, £30 per animal;

(b) in the case of any sheep of 12 months or more, £110 per animal;

(c) in the case of any dairy cattle under 3 months, £45 per animal;

(**1**) Formerly the Department of Agriculture for Northern Ireland; see S.I. 1999/283 (N.I.1), Article 3(4)
(**2**) 1954 c. 31 (N.I.); the Act was amended by Article 7 of S.I. 1984/702 (N.I. 2)

(d) in the case of any beef cattle under 3 months, £200 per animal;

(e) in the case of any dairy or beef cattle of 3 months or more, but under 6 months, £380 per animal;

(f) in the case of any dairy or beef cattle of 6 months or more, but under 12 months, £700 per animal;

(g) in the case of any dairy or beef cattle of 12 months or more, but under 18 months with no progeny, £880 per animal;

(h) in the case of any dairy or beef cattle of 18 months or more, but under 48 months with no progeny, £1,140 per animal;

(i) in the case of any dairy or beef cattle of 48 months or more with no progeny, £740 per animal;

(j) in the case of any dairy cattle of 12 months or more, but under 48 months with progeny, £1,290 per animal;

(k) in the case of any beef cattle of 12 months or more, but under 96 months with progeny, £900 per animal;

(l) in the case of any dairy cattle of 48 months or more with progeny, £740 per animal;

(m) in the case of any beef cattle of 96 months or more with progeny, £740 per animal;

(n) in the case of any goats under 12 months, £30 per animal;

(o) in the case of any goats of 12 months or more, £110 per animal; and

(p) in the case of any poultry £2.50 per animal.

Hardship Payments

3. The Department may, under and in accordance with the following provisions, pay any producer a hardship payment in respect of hardship suffered as a consequence of snowfall from 21st March 2013 – 24th March 2013.

Eligibility for payment

4.—(1) An eligible producer for the purposes of Article 3 is a person who in March 2013 was engaged in the production of livestock and who—

(a) lost one or more animals within the meaning of paragraph (2);

(b) as a direct result suffered an economic loss;

(c) has had that economic loss verified by an inspection and report of an authorised officer.

(2) An eligible producer loses an animal within the meaning of this paragraph if—

(a) the animal died on his holding as a direct result of the snowfall referred to in Article 3;

(b) it was collected and disposed of by a person approved by the Department for that purpose between 25th March 2013 and 3rd May 2013.

Application for payment

5.—(1) The Department shall publish, in such manner as it considers appropriate, a notice inviting applications for a hardship payment.

(2) A notice under paragraph (1) shall specify the closing date for such applications.

(3) A notice under paragraph (1) may be amended by further notice published by the Department in the same manner.

(4) An application for a hardship payment shall be made in such form or manner and shall be delivered to such address as the Department may specify in the notice under paragraph (1) and shall be received by the Department before the closing date specified in that notice.

(5) An applicant shall furnish all such information relating to the application as the Department may specify in the notice under paragraph (1) or from time to time require in writing.

Calculation of hardship payment

6.—(1) In the case of any eligible producer, the hardship payment shall be the economic loss suffered by him as direct result of the loss of animals within the meaning of Article 4(2).

(2) Hardship payments to any eligible producer shall not exceed £6,417.75 in aggregate.

Reduction of Aid Payment

7.—(1) Where any eligible producer is entitled to receive a payment under any contract of insurance which becomes payable to him as a result of the loss of one or more animals within the meaning of Article 4(2), the amount of any such payments—

(a) shall be deducted from the amount that would otherwise be payable to him under this Scheme; or

(b) where the amount has been paid without the deduction referred to in sub-paragraph (a), shall be recoverable by the Department.

(2) Any payments made to an eligible producer or to any other person for the eligible producer's benefit as de minimis aid, for any purpose, in the last 3 years under the conditions of Commission Regulation EC 1535/2007 shall be deducted from any amount that would otherwise be payable to him under this Scheme.

Withholding of payment

8.—(1) Where a person, with a view to obtaining a hardship payment for himself or any other person, makes any statement or furnishes any information which is false or misleading, or refuses to cooperate with an authorised officer exercising powers under this Scheme, the Department may withhold an amount equal to the whole or part of any amount payable to that person or such other person and may recover the whole or part of any payment already paid to that person or such other person.

(2) Before withholding the whole or any part of any payment or recovering any amount equal to the payment or part of the payment which has been made under the provisions of paragraph (1), the Department shall—

(a) give to the person to whom any hardship payment would be payable, or from whom any such amount would be recoverable, a written notification of the reasons for the action proposed to be taken;

(b) afford that person an opportunity of appearing before and being heard by a person appointed for the purpose by the Department; and

(c) consider the report of a person so appointed and supply a copy of the report to the person mentioned in subparagraph (a).

Recovery of payment

9. Where an amount falls to be repaid to the Department by virtue of this Scheme, that amount or any part of it shall be recoverable as a civil debt.

Powers of authorised officers

10.—(1) An authorised officer may, after giving the occupier or other person in charge of the premises reasonable notice of his intention and upon production, if so required, of his authority, enter any land or premises for the purposes of exercising powers specified under this Scheme.

(2) An authorised officer may—

(a) inspect any land to which an application relates;

(b) require an applicant or any employee, servant or agent of an applicant to provide any relevant record or documentation, or extracts therefrom, and to supply such additional information as is in that person's possession or under his control relating to an application;

(c) have access to, and inspect and copy any relevant records or documents (in whatever form they are held) or remove such records or documents to enable them to be copied;

(d) have access to, inspect and check the operation of, any computer and any associated apparatus which is or has been in use in connection with the relevant records or documents; and for this purpose may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford him such assistance as he may reasonably require and, where a record is kept by means of a computer, may require the records to be produced in a form in which they may be taken away; and

(e) seize and retain any relevant record or document which he has reason to believe may be required as evidence in proceedings under this Scheme.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 22nd May 2013.

L.S.

Michelle O'Neill
Minister of the Department of Agriculture and Rural Development

The Department of Finance and Personnel hereby approves the foregoing Scheme.
Sealed with the Official Seal of the Department of Finance and Personnel on 22nd May 2013

L.S.

Sammy Wilson
Minister for the Department of Finance and Personnel

EXPLANATORY NOTE

(This note is not part of the Scheme)

This Scheme provides for hardship payments to be made by the Department of Agriculture and Rural Development to producers who suffered financial loss as a direct result of the snowfall in March 2013.

The Scheme—

(a) establishes eligibility criteria (Article 4);

(b) specifies the manner in which applications are to be made (Article 5);

(c) specifies the method of determining the rates of payment (Article 6);

(d) enables the Department to reduce any payment due or paid if a previous *de minimis* aid payment has been made to the applicant in the past three years, for any purpose, or if an insurance payment has been received or a claim made in respect of the same financial loss claimed under the Scheme (Article 7);

(e) provides for the Department to withhold payment in any case where false or misleading information has been provided or where a person fails to cooperate with an authorised officer (Article 8);

(f) provides for the recovery of payments made under the Scheme (Article 9); and

(g) enables an authorised officer to exercise powers of entry and have access to relevant records and documents (Article 10).

Under Section 4(1) of the Agriculture (Temporary Assistance) Act (Northern Ireland) 1954, any person who, being required or authorised under or by virtue of this scheme to furnish any information, record or document, furnishes any information, record or document which, to his knowledge, is false in a material particular shall be guilty of an offence and shall, without prejudice to Article 10 of the Perjury (Northern Ireland) Order 1979 (S.I.) 1979/No. 1714 (N.I. 19), be liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment not exceeding twelve months or to both such fine and such imprisonment.

Under Section 4(2) of that Act any person—

(h) who acts in contravention of, or neglects or fails to comply with any provision contained in this Scheme; or

(i) obstructs or impedes an authorised officer in the exercise of any power under this Scheme,

shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.