STATUTORY INSTRUMENTS

1993 No. 2665

The Agriculture (Northern Ireland) Order 1993

PART III N.I.

GRANTS FOR MARKETING

Grants N.I.

26.—(1) The Department may, by a scheme made with the approval of the Department of Finance and Personnel, make provision for the payment by the Department of grants towards expenditure which has been, or is to be, incurred in carrying out proposals to which this Article applies.

(2) This Article applies to proposals for the organisation, promotion, encouragement, development, co-ordination or facilitation of the marketing in Northern Ireland or elsewhere of—

(a) the produce of agriculture (including horticulture);

(b) the produce of fish farming;

(c) the produce of an activity specified for the purposes of this paragraph by order made by the Department; or

(d) anything derived from produce falling within any of sub-paragraphs (a) to (c).

(3) Without prejudice to the generality of paragraph (1), a scheme under this Article may—

(a) provide for the payment of grant by reference to proposals which have been approved by the Department after submission to and recommendation by such person as may be specified in the scheme;

(b) authorise the approval of proposals to be varied or withdrawn with the written consent of the person making the proposals;

(c) authorise the reduction or withholding of grant where assistance in respect of expenditure for which the grant is made is given under any statutory provision other than this Article;

(d) confer a discretion on the Department as to the payment of grant, as to the manner and timing of payment of grant and as to the amount of grant;

(e) make the payment of grant subject to such conditions as may be specified in or determined under the scheme;

(f) provide for functions in connection with the administration of the scheme to be carried out, subject to such conditions as may be specified in the scheme, by such person as may be so specified;

(g) provide for any discretion conferred by or under the scheme to be exercisable in such circumstances and by reference to such matters as may be specified in or determined under the scheme; and

(h) contain such supplementary and consequential provision as the Department thinks fit.

(4) A scheme under this Article may, in relation to any discretion under the scheme, include provision for such person as may be specified in the scheme to be, to such extent and subject to such conditions as may be so specified, the delegate of the Department.

(5) If at any time after the approval of proposals under a scheme under this Article (and whether before or after the proposals have been fully carried out) it appears to the Department—

(a) that any condition imposed under the scheme in relation to the proposals has not been complied with; or

(b) that in connection with the submission of the proposals the person submitting them gave information on any matter which was false or misleading in a material respect,

the Department may, subject to paragraph (6), on demand recover any grant or any part of a grant paid with reference to the proposals, and may revoke the approval in whole or in part.

(6) The Department may not make a demand or revoke an approval under paragraph (5) unless it has given at least 30 days' written notice of the reasons for the proposed action to any person to whom any payment by way of a grant in relation to the proposals would be payable, or from whom any such payment would be recoverable.

(7) Where a scheme under this Article provides for functions under the scheme to be carried out by any body created by a statutory provision, the Department may, after consultation with the body, by regulations modify or add to its constitution or powers for the purpose of enabling it to carry them out.

(8) A scheme under this Article shall be subject to negative resolution.

(9) In this Article—

"agriculture" has the meaning given in section 43(1) of the Agriculture Act (Northern Ireland) 1949[F1] and includes the use of land as osier land;

"fish farming" means the breeding, rearing or cultivating of fish (including shellfish) whether or not for the purpose of producing food for human consumption;

"shellfish" includes crustaceans and molluscs of any kind.

(10) In Schedule 2 to the Statutory Rules (Northern Ireland) Order 1979[F2] (schemes which are statutory rules), at the end there shall be added the following entry—

"The Agriculture (Northern Ireland) Order 1993, Article 26.	Grants for marketing agricultural produce, etc."

F1 1949 c. 7 (N.I.)
F2 1979 NI 12

False statements to obtain payments N.I.

27. Any person who, for the purpose of obtaining a payment under a scheme under Article 26 for himself or another, knowingly or recklessly makes a statement which is false or misleading in a material respect shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.

Time limit for prosecutions N.I.

28.—(1) Notwithstanding anything in any other statutory provision, proceedings for an offence under this Part may, subject to paragraph (2), be commenced within the period of 6 months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge.

(2) No such proceedings shall be commenced by virtue of this Article more than 3 years after the commission of the offence.

(3) For the purposes of this Article, a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient in his opinion to warrant the proceedings came to his knowledge shall be conclusive evidence of that fact.

(4) A certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

Changes to legislation:
There are currently no known outstanding effects for the The Agriculture (Northern Ireland) Order 1993, PART III.