STATUTORY INSTRUMENTS

2004 No. 1109 (N.I. 7)

The Agricultural Statistics (Northern Ireland) Order 2004

- - - - - - *14th April 2004*

Title and commencement

1.—(1) This Order may be cited as the Agricultural Statistics (Northern Ireland) Order 2004.

(2) This Order comes into operation on the expiration of two months from the day on which it is made.

Interpretation

2.—(1) Subject to paragraph (3), the Interpretation Act (Northern Ireland) 1954 (c.33) applies to this Order as it applies to an Act of the Assembly.

(2) In this Order—

"agricultural unit" means the aggregate of—

(a) any land owned or occupied by a person which is used for agriculture and is so used for the purposes of a trade or business; and

(b) any other land owned or occupied by that person as a single unit with land falling within paragraph (a);

"agriculture" has the same meaning as in the Agriculture Act (Northern Ireland) 1949 (c.2);

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

"livestock" includes creatures kept for any purpose;

"relevant person", in relation to any land comprised in an agricultural unit, means any of the following—

(a) the owner of the land;

(b) the occupier of the land;

(c) any person who by virtue of any contract, licence or other arrangement (whether express or implied) is entitled to use the land for his own benefit;

(d) any person who owns livestock on the land;

(e) any person who manages livestock on the land on behalf of the owner or occupier of the land.

(3) In its application to the service of notices under this Order, section 24 of the Interpretation Act (Northern Ireland) 1954 (c.33) shall have effect with the omission of the word "registering" in subsection (1).

Power to obtain agricultural statistics

3.—(1) In relation to any land comprised in an agricultural unit, the Department may by notice in writing served on any relevant person require him to furnish to the Department such information as may be specified in the notice in relation to any matter listed in paragraph (3) or any person listed in paragraph (4).

(2) Any information required by a notice under this Article must be furnished—

(a) with reference to such date or dates or such period or periods as the Department may specify in the notice;

(b) in such form and manner as the Department may so specify; and

(c) within such time as the Department may so specify.

(3) The matters referred to in paragraph (1) are—

(a) the situation, area and description of the land, the estate for which, or arrangements under which, it is held, occupied or used by the relevant person and the acquisition of any estate in the land;

(b) the crops growing or produced on the land;

(c) the livestock owned by the relevant person or kept on the land;

(d) the machinery, equipment and facilities owned by the relevant person or kept, used or operated on the land;

(e) the methods and operations used on the land;

(f) any scheme, agreement or practice which applies in relation to the land for the purpose of protecting the environment;

(g) any other commercial activities or occupation carried on on the land;

(h) the keeping of accounts by the relevant person and the accounting method used.

(4) The persons referred to paragraph (1) are—

(a) the relevant person;

(b) any other person whose main residence is on the land;

(c) any other person who works on the land.

(5) The Department may by order amend paragraph (3) or (4) by—

(a) amending the description of any matter or person;

(b) inserting any new matter or person;

(c) deleting any matter or person for the time being listed in either of those paragraphs.

(6) No order shall be made under paragraph (5) unless a draft of the order has been laid before and approved by resolution of the Assembly.

Contracting out

4.—(1) Any function of the Department under Article 3 (other than the making of an order) may be exercised by, or by employees of, any person authorised in that behalf by the Department.

(2) Articles 13 to 16 of the Deregulation and Contracting Out (Northern Ireland) Order 1996 (NI 11) apply where a person is authorised to exercise any function of the Department by virtue of this Article as they apply where a person is authorised to exercise any function of a Northern Ireland department by virtue of Part II of that Order.

Restrictions on disclosure of information

5.—(1) Subject to paragraph (2), no information relating to any particular land or person which has been obtained under this Order shall be published or otherwise disclosed without the previous consent in writing of—

(a) the person by whom the information was furnished; and

(b) any other person whose interests may in the opinion of the Department be affected by the disclosure.

(2) Nothing in paragraph (1) shall restrict the disclosure of information—

(a) to a department of the Government of the United Kingdom for purposes connected with the carrying out of any of its functions relating to agricultural statistics;

(b) to **[**[F1]an EU**]** institution in pursuance of **[**[F1]an EU**]** obligation;

(c) to the Food Standards Agency for purposes connected with the carrying out of any of its functions,

(d) to the Health and Safety Executive for Northern Ireland for purposes connected with the carrying out of any of its functions,

(e) to any person for the purposes of any criminal proceedings under Article 6 or for the purposes of any report of such proceedings;

(f) to any person for the purposes of the provision by that person of any services to the Department;

(g) to any other person to whom the Department considers that the disclosure is required in the public interest.

F1 Words in Order substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, **3**, **6**

Offences

6.—(1) Any person who without reasonable excuse fails to furnish information in compliance with a requirement under Article 3 shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) If any person—

(a) in purported compliance with a requirement under Article 3 knowingly or recklessly furnishes any information which is false in any material particular, or

(b) publishes or otherwise discloses any information in contravention of Article 5,

he shall be guilty of an offence.

(3) A person guilty of an offence under paragraph (2) shall be liable—

(a) on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding the statutory maximum, or to both, or

(b) on conviction on indictment to imprisonment for a term not exceeding 2 years or to a fine or to both.

Revocation and repeals

7.—(1) In the European Communities (Agriculture) Order (Northern Ireland) 1972 (SR 1972/351), Article 4 is revoked.

Para. (2)—Repeals

Schedule—Repeals

Changes to legislation:
There are currently no known outstanding effects for the The Agricultural Statistics (Northern Ireland) Order 2004.