

1988 No. 253

AGRICULTURE

**Agricultural Development in Less-Favoured Areas
Regulations (Northern Ireland) 1988**

Made : 11th July 1988

Coming into operation : 14th July 1988

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 the said section 2(2) 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 Development in Less-Favoured Areas Regulations (Northern Ireland) 1988 and shall come into operation on 14th July 1988.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(c) shall apply to these regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these regulations—

“the Council Regulation” means Council Regulation (EEC) No. 1942/81(d) for the stimulation of agricultural development in the less-favoured areas of Northern Ireland as amended by Council Regulation (EEC) No. 3156/87(e);

“the Department” means the Department of Agriculture for Northern Ireland;

“the Programme” means the Programme referred to in Articles 1(4) and 2 of the Council Regulation as approved in its amended form, in accordance with Articles 1(4) and 3 of the Council Regulation, by Commission Decision of 1st July 1988(f) approving an amendment to the agricultural development programme for less-favoured areas of Northern Ireland pursuant to Regulation (EEC) No. 1942/81;

“grant” means a grant payable under or by virtue of the Council Regulation and the Programme;

(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

(c) 1954 c. 33 (N.I.)

(d) O.J. No. L197, 20.7.81, p. 17

(e) O.J. No. L301, 24.10.87, p. 1

(f) O.J. No. L221, 12.8.88, p. 55

“special premium” means the special annual premium referred to in Article 11(2) of the Council Regulation;

Claims for grant and special premium

3. Any claim for a grant or special premium shall be made in such form and manner and at such time as the Department may require and the claimant shall furnish all such particulars and information relating to the claim as the Department may require.

Payment of grant and special premium

4.—(1) The Department may make the payment of grant subject to such conditions arising out of or related to the Council Regulation and the Programme as the Department thinks fit; and such payment shall be made at such time as the Department may determine.

(2) Any payment of special premium made by the Department shall be subject to such conditions arising out of or related to the Council Regulation and the Programme as the Department thinks fit; and such payment shall be made at such time as the Department may determine.

Standard costs

5. Subject to such conditions as the Department may from time to time determine, the cost of any work, facility or transaction shall, if the claimant so elects, be taken, for the purpose of determining the amount of any grant payable, to be such standard cost or amount as the Department may from time to time determine.

Recovery of grant and special premium

6. If at any time after the Department has paid a grant or special premium it appears to the Department that—

- (a) any condition subject to which the grant or special premium has been paid has not been complied with; or
- (b) the person by whom the application for the payment of grant or special premium was made gave information on any matter relevant to the making of the payment which was false or misleading in a material respect,

the Department may recover on demand an amount equal to the payment which has been made or such part thereof as the Department may specify.

False statements

7. If any person, for the purposes of obtaining for himself or any other person any grant or special premium, knowingly or recklessly makes a false statement, he shall be liable on summary conviction to a fine not exceeding £2,000.

Revocation

8. The Agricultural Development in Less-Favoured Areas Regulations (Northern Ireland) 1981(a) are hereby revoked.

(a) S.R. 1981 No. 399

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 11th July 1988.

(L.S.)

N. E. Morrison

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

Council Regulation (EEC) No. 1942/81 (O.J. No. 197, 20.7.81, p. 17) as amended by Council Regulation (EEC) No. 3156/87 (O.J. No. L301, 24.10.87, p. 1) provides for an agricultural development programme for the less-favoured areas of Northern Ireland and lays down rules governing the granting of aid under the programme. The programme originally approved by Commission Decision 81/940/EEC (O.J. No. L338, 25.11.81, p. 32) ("the original programme") has been amended as approved by Commission Decision of 1st July 1988 pursuant to Regulation (EEC) No. 1942/81.

The less-favoured areas of Northern Ireland are as defined in Council Directive 84/169/EEC (O.J. No. L82, 26.3.84, p. 67).

The original programme included measures relating to the improvement of farm roads, land improvement and the introduction of a specific development action aimed at the orientation of farm production. Council Regulation (EEC) 3156/87 discontinues the last provision (except for improvement plans approved before 1st July 1987) but the amended programme includes measures relating to the improvement of winter feeding of animals and environmental protection as well as the improvement of farm roads and land improvement.

The present regulations replace with amendments the Agricultural Development in Less-Favoured Areas Regulations (Northern Ireland) 1981 ("the 1981 regulations") which made provision for the implementation of Council Regulation (EEC) No. 1942/81 in Northern Ireland. They allow the Department of Agriculture to attach conditions to the payment of grant and the special premium referred to in Article 11(2) of Council Regulation (EEC) No. 1942/81, provide for the form and manner in which the claims for grant and special premium will be made and allow the Department of Agriculture to require the furnishing of particulars and information relating to claims.

The regulations provide for standard costs, give the Department of Agriculture the power to recover payments in certain circumstances and create an offence, punishable on summary conviction with a maximum fine of £2,000, of knowingly or recklessly making a false statement to obtain grant or special premium.

The main changes of substance compared to the 1981 regulations are:—

- (a) changes in the definitions of “the Council Regulation” and “the Programme” to take account respectively of Council Regulation (EEC) No. 3156/87 and the amended Programme;
- (b) the inclusion of a provision enabling the formulation of conditions for the payment of grant; and
- (c) the inclusion of a provision creating an offence of knowingly or recklessly making a false statement for the purpose of obtaining grant or special premium.

Extracts of the relevant sections of the original and amended programmes, copies of the relevant Community Legislation and an explanatory leaflet on the programme can be obtained on application from the Department of Agriculture at Magnet House, 81-93 York Street, Belfast BT15 1AD.