
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 450

AGRICULTURE

**Rural Regeneration and Cross-Border
Development Regulations (Northern Ireland) 1996**

Made - - - - 24th September 1996

Coming into operation 24th October 1996

The Department of Agriculture, being a Department designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to the common agricultural policy of the European 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 Rural Regeneration and Cross-Border Development Regulations (Northern Ireland) 1996 and shall come into operation on 24th October 1996.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(3) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations—

“the Council Regulations” means Council Regulation (EEC) No. 4253/88(4) as amended by Council Regulation (EEC) No. 2082/93(5) and Council Regulation (EC) No. 3193/94(6) laying down provisions for implementing Council Regulation (EEC) No. 2052/88(7) as regards co-ordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments; and Council Regulation (EEC) No. 4256/88(8) as amended by Council Regulation (EEC) No. 2085/93(9) laying down provisions for implementing Regulation (EEC) No. 2052/88 as regards the EAGGF Guidance Section:

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

(1) S.I.1972/1811

(2) 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.I. 1994/2795 (N.I. 9)

(3) 1954 c. 33 (N.I.)

(4) O.J. No. L374, 31.12.88, p. 1

(5) O.J. No. L193, 31.7.93, p. 20

(6) O.J. No. L337, 24.12.94, p. 11

(7) O.J. No. L185, 15.7.88, p. 9

(8) O.J. No. L374, 31.12.88, p. 25

(9) O.J. No. L193, 31.7.93, p. 44

“grant” means a grant payable under or by virtue of the Council Regulations and the Sub-Programmes;

“payment” means a payment payable under or by virtue of the Council Regulations and the Sub-Programmes;

“the Single Programming Document” means the operational programme document under the Community initiative in the framework of the special support programme for peace and reconciliation in Northern Ireland and the border counties of Ireland adopted by Commission Decision C(95) 1789 of 28th July 1995⁽¹⁰⁾;

“the Sub-Programmes” means Sub-Programme 2(B) relating to rural regeneration and Measure 3 of Sub-Programme 3 relating to cross-border development of the Single Programming Document.

Claims for payment or grant

3. Any claim for payment or grant 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.

Payments or grants

4. The Department may make the payments or grants subject to such conditions arising out of or related to the Council Regulations and the Sub-Programmes 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 payments or grant

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

- (a) any condition referred to in regulation 4 has not been complied with; or
- (b) the person by whom the application for payment of grant or payment 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 as a civil debt an amount equal to the payment which has been made or such part thereof as the Department may determine.

False statements

7. If any person, for the purposes of obtaining for himself or any other person any payment or grant, knowingly or recklessly makes a false statement, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

⁽¹⁰⁾ Not published in the Official Journal of the European Community

Rights of entry

8. For the purposes of the Council Regulations and the Sub-Programmes and, in particular, for the purpose of securing that grants or payments are made in proper cases only, any person duly authorised in that behalf by the Department accompanied by such other person acting under his instruction as appears to that authorised person to be necessary for that purpose may, upon production if so required of his appointment or authority, at all reasonable times enter upon and inspect any land, and inspect any premises, plant, or equipment in respect of which grants or payments have been made or claimed.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 24th
September 1996

Liam McKibben
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

Under Article 5(2) of Council Regulation (EEC) No. 2052/88 (O.J. No. L185, 15.7.88, p. 9) assistance from the Structural Funds may take the form of part-financing of operational programmes and operations may be undertaken on the Commission's initiative. On 16th May 1995 the European Commission decided to establish a Community initiative in the framework of the special support programme for peace and reconciliation in Northern Ireland and the border counties of Ireland, within the meaning of Article 11 of Council Regulation (EEC) No. 4253/88 (O.J. No. L374, 31.12.88, p. 1) as amended by Regulation (EEC) No. 2082/93 (O.J. No. L193, 31.7.93, p. 20) and Article 3 of Regulation (EEC) No. 4254/88 (O.J. No. L374, 31.12.1988, p. 15) as amended by Council Regulation (EEC) No. 2083/93 (O.J. No. L193, 31.7.1993, p. 34). The Commission, in its Notice 95/C186/04 (O.J. No. C186/4, 20.7.95, p. 4) laid down the guidelines for the special support programme. These guidelines provided that a single operational programme should be prepared by the Governments of the Republic of Ireland and the United Kingdom. This single operational programme was submitted to the Commission on 9th June 1995 and adopted by Commission Decision C(95) 1789 of 28th July 1995.

Council Regulation (EEC) No. 4253/88 as amended by Council Regulation (EEC) No. 2082/93 and Council Regulation (EC) No. 3193/94 (O.J. No. L337, 24.12.1994, p. 11) lays down provision for implementing Council Regulation (EEC) No. 2052/88 as regards co-ordination of activities of the different Structural Funds between themselves and with the operation of the European Investment Bank and the other existing financial instruments.

Council Regulation (EEC) No. 4256/88 (O.J. No. L374, 31.12.88, p. 25) lays down provisions for implementing Regulation (EEC) No. 2052/88 as regards the EAGGF Guidance Section.

The present Regulations make provision for the implementation of Regulation (EEC) No. 4253/88 and Regulation (EEC) No. 4256/88 in Northern Ireland insofar as Sub-Programme 2(B) relating to rural regeneration and Measure 3 of Sub-Programme 3 relating to cross-border development of the Single Programming Document is concerned.

They allow the Department of Agriculture to formulate conditions for making payments and paying grants and to attach conditions for the payment of grant and making of payments, provide for the form and manner in which claims for grant and payments 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 fine at level 5 on the standard scale (currently £5,000), of providing or recklessly making a false statement to obtain grant or payment. The Regulations also confer powers of entry and inspection on authorised persons and provide that an authorised person may take with him such other persons as he considers necessary.

Extracts of the relevant section of Sub-Programmes 2(B) and Measure 3 of Sub-Programme 3 of the Single Programming Document and explanatory leaflets on those Sub-Programmes can be obtained on application from the Department of Agriculture at Dundonald House, Upper Newtownards Road, Belfast BT4 3SB.

A copy of Commission Decision C(95) 1789 approving the Single Programming Document may be obtained from the Department of Agriculture at the above address.

