

**2012 No. 457**

**AGRICULTURE**

**The Common Agricultural Policy Support Schemes (Review of Decisions) (Amendment) Regulations (Northern Ireland) 2012**

*Made* - - - - - *18th December 2012*

*Coming into operation* - - - - - *1st February 2013*

The Department of Agriculture and Rural Development, 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 Community and in relation to the promotion of rural development, in exercise of the powers conferred by the said by section 2(2), makes the following Regulation:

**Title and commencement**

1. These Regulations may be cited as The Common Agricultural Policy Support Schemes (Review of Decisions) (Amendment) Regulations (Northern Ireland) 2012 and shall come into operation on 1 February 2013.

**Interpretation**

2. The Interpretation Act (Northern Ireland) 1954(c) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

**Amendment of Regulations**

3. The Common Agricultural Policy Support Schemes (Review of Decisions) Regulations (Northern Ireland) 2010(d) are amended as provided for in regulation 4-6.

**Review of Determinations**

4.—(1) Regulation 4 is amended as follows.

(2) For paragraph (2) substitute—

“(2)The procedures established under paragraph (1) shall—

- (a) provide for a review of a relevant determination to be carried out on the application of the person to whom it was directed,
- (b) provide for the manner of making such application; and

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(a) S.I. 2000/2812 to which there are amendments not relevant to the subject matter of these Regulations; and S.I.  
(b) 1972 C. 68  
(c) 1954 c.33 (N.I.)  
(d) S.R. 2010 No. 220

- (c) provide for the time within which supporting evidence is to be submitted for the purposes of a review of a relevant determination.”

### Revocation and Savings

5. For regulation 5 substitute—

“5.—(1) Subject to paragraph (2)—

- (a) the Common Agricultural Policy Support Schemes (Review of Decisions) Regulations (Northern Ireland) 2004,(a)
- (b) regulation 14(4) of the Countryside Management Regulations (Northern Ireland) 2008,(b)
- (c) regulation 13(4) of the Organic Farming Regulations (Northern Ireland) 2008,(c)
- (d) regulation 11(6) of the Countryside Management Regulations (Northern Ireland) 2005,(d)
- (e) regulation 15(5) of the Organic Farming Regulations (Northern Ireland) 2001,(e)
- (f) regulation 3(5) of the Environmentally Sensitive Areas (Enforcement) Regulations (Northern Ireland) 2005, and(f)
- (g) regulation 3(5) of the Environmentally Sensitive Areas (Enforcement) Regulations (Northern Ireland) 2001,(g)
- (h) regulation 4(b) of the Farm Subsidies (Review of Decisions) Regulations (Northern Ireland) 2001(h)

are hereby revoked.

(2)The Regulations referred to in paragraph (1) continue in operation in relation to—

- (a) a review of a decision,
- (b) a decision to withhold or recover any sums or to demand the payment of an additional sum; or
- (c) any dispute

made or arising before the 1st February 2013 as if these Regulations had not been made.”

### Schedule

6. For the Schedule substitute the Schedule to these Regulations.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 18th December 2012.



*A Elliott*

A senior officer of the Department of Agriculture and Rural Development

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- (a) S.R. 2004 No. 447
  - (b) S.R. 2008 No. 174
  - (c) S.R. 2008 No. 172
  - (d) S.R. 2005 No. 268
  - (e) S.R. 2001 No. 5
  - (f) S.R. 2005 No. 277
  - (g) S.R.2001 No. 270
  - (h) S.R. 2001 No. 391

## SCHEDULE

Regulation 6

Schedule to be substituted for the Schedule to the Common Agricultural Policy Support Schemes (Review of Decisions) Regulations (Northern Ireland) 2010.

## “SCHEDULE

Regulation 3

### Community Instruments to which these Regulations apply

(1) Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, repealing Regulation (EC) No 1782/2003.(a)

(2) Commission Regulation (EC) No 1120/2009 laying down detailed rules for the implementation of the Single Payment scheme providing for in Council Regulation (EC) No 73/2009, and repealing Regulation (EC) No 795/2004; and(b)

(3) Commission Regulation (EC) No 1122/2009 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Council Regulation (EC) No 73/2009.(c)

(4) Article 36(a)(iv) of Council Regulation (EC) No. 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD).(d)

(5) Article 22 to 24 of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations.(e)”

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(a) O.J. No. L30, 31.1.2009, p.16  
(b) O.J. No. L316, 2.12.2009, p.1  
(c) O.J. No. L316, 2.12.2009, p.65  
(d) O.J. No. L277, 21.10.2005, p.1  
(e) O.J. No. 160, 26.6.1999, p80-102

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Common Agricultural Policy Support Schemes (Review of Decisions) Regulations (Northern Ireland) 2010 (the Principal Regulations) to enable the Department of Agriculture and Rural Development to incorporate other land based schemes into the review process provided for in that legislation.

Regulation 4(2) substitutes a new paragraph 4(2) of the Principal Regulations and enables the Department to provide the time within which supporting evidence must be submitted for the purposes of a review.

Regulation 5, substituting a new regulation 5 of the Principal Regulations, revokes the current review processes relating to those land based schemes sought to be incorporated. It also contains a savings provisions in relations to reviews, decisions or disputes made before 1st February 2013.

Regulation 6 substitutes the Schedule to the Principal Regulations.

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