

EXPLANATORY MEMORANDUM TO

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

2012 No. 457

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. An amendment is needed to The Common Agricultural Policy Support Schemes (Review of Decisions) Regulations (Northern Ireland) 2010 to enable the Department of Agriculture and Rural Development to incorporate other land based schemes into the review process provided for in that legislation.
- 2.2. The amending Regulations would apply to scheme decisions made after 1 February 2013 and amend Statutory Rules No 220, the Common Agricultural Policy Support Schemes (Review of Decisions) Regulations (Northern Ireland) 2010. All decisions prior to this date will continue under the current review procedures for each scheme.
- 2.3. The Regulations revokes The Common Agricultural Policy Support Schemes (Review of Decisions) Regulations (Northern Ireland) 2004 and references to other review processes specifically regulation 14(4) of the Countryside Management Regulations (Northern Ireland) 2008, regulation 13(4) of the Organic Farming Regulations (Northern Ireland) 2008, regulation 11(6) of the Countryside Management Regulations (Northern Ireland) 2005, regulation 15(5) of the Organic Farming Regulations (Northern Ireland) 2001, regulation 3(5) of the Environmentally Sensitive Areas (Enforcement) Regulations (Northern Ireland) 2005, regulation 3(5) of the Environmentally Sensitive Areas (Enforcement) Regulations (Northern Ireland) 2001 and regulation 4(b) of the Farm Subsidies (Review of Decisions) Regulations (Northern Ireland) 2001.

3. Background

- 3.1. The objective of the policy is to enable the Department of Agriculture and Rural Development to deal with challenges to decisions made by it under any of the Community Instruments listed in the Schedule to the Regulations.
- 3.2. The procedure allows for a review of the initial decision by the Department in respect of any direct support schemes for farmers under the Common Agricultural Policy and other farm subsidy and land based schemes.

- 3.3. It is intended to provide all farmers in Northern Ireland with a fair, impartial and transparent assessment of the Department's decision against the framework of the EU Regulations. Any farmer who feels the Department did not reach the correct decision in respect of their direct support scheme, farm subsidy or land based scheme has the right to request a formal review.

4. Consultation

- 4.1. As the amendments are of a technical nature and implement policy already decided, no additional consultation was required. The Department will engage with the farming unions to explain the changes.
- 4.2. The amendment is required to incorporate the direct support and land based schemes into the existing process covered in Statutory Rules No 220, the Common Agricultural Policy Support Schemes (Review of Decisions) Regulations (Northern Ireland) 2010.
- 4.3. The amendment is required to amend the 2010 Regulations and to revoke The Common Agricultural Policy Support Schemes (Review of Decisions) Regulations (Northern Ireland) 2004 and references in regulation 14(4) of the Countryside Management Regulations (Northern Ireland) 2008, regulation 13(4) of the Organic Farming Regulations (Northern Ireland) 2008, regulation 11(6) of the Countryside Management Regulations (Northern Ireland) 2005, regulation 15(5) of the Organic Farming Regulations (Northern Ireland) 2001, regulation 3(5) of the Environmentally Sensitive Areas (Enforcement) Regulations (Northern Ireland) 2005, regulation 3(5) of the Environmentally Sensitive Areas (Enforcement) Regulations (Northern Ireland) 2001 and regulation 4(b) of the Farm Subsidies (Review of Decisions) Regulations (Northern Ireland) 2001.
- 4.4. The amendment does not change the existing policy.

5. Equality Impact

- 5.1. These amendments have been screened using DARD's Equality and Human Rights Screening procedure. As we are satisfied that these amendments have no impact on equality or human rights, an Equality Impact Assessment is not required. The amendments to the legislation are of a technical nature and will not have any practical effect on current farming practices.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment has not been prepared for these Regulations as they have no impact in terms of costs on business, charities or voluntary bodies.

7. Financial Implications

- 7.1. There are no significant financial or resource implications involved in the making of these Regulations. The Department has engaged additional staff resources to deal with expected increases in Reviews over the coming months.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Regulations deal with the Common Agricultural Policy Support Schemes Review of Decisions and do not have any human rights implications, nor are they incompatible with EU law. The Regulations are therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. Not applicable.

11. Additional Information

- 11.1. Not applicable.