

2015 No. 318

AGRICULTURE

**The Common Agricultural Policy (Review of Decisions)
Regulations (Northern Ireland) 2015**

Made - - - - - *31st July 2015*

Coming into operation - *7th August 2015*

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 on it by the said section 2(2), hereby makes the following Regulations.

Title and commencement

1. These Regulations may be cited as the Common Agricultural Policy (Review of Decisions) Regulations (Northern Ireland) 2015 and shall come into operation on 7th August 2015.

Interpretation

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

(2) In these Regulations—

“application” means an application for a review of a relevant determination made under regulation 4(2) and “applicant” shall be construed accordingly;

“Department” means the Department of Agriculture and Rural Development; and

“relevant determination” means a determination to which these Regulations apply.

(3) Any reference in these Regulations to a Community instrument is a reference to that instrument as amended on the date these Regulations are made.

Application

3. These Regulations shall apply in relation to any initial determination made by or on behalf of the Department—

(a) in connection with any Community instrument listed in the Schedule; or

(b) in connection with any statutory provision implementing or supplementing any such Community instrument.

(a) S.I.2000/2812 to which there are amendments not relevant to the subject matter of these Regulations and S.I.2000/3228.
(b) 1972 c.68.
(c) 1954 c.33 (NI).

Review of Determinations

4.—(1) The Department may establish such procedure as it thinks appropriate for the review by it or on its behalf of a relevant determination.

(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 any such application; and
- (c) provide for the time within which supporting evidence is to be submitted for the purposes of a review of the relevant determination.

(3) Any such procedure so established may, in particular, provide for consideration of the initial determination by such persons (not exceeding three) as the Department may appoint for that purpose, with a view to their making a report of their conclusions in relation to the initial determination and a recommendation as to the manner in which the matter should be finally determined.

(4) Where the Department establishes any such procedure as is mentioned in paragraph (3), it may—

- (a) pay to the persons so appointed such reasonable remuneration in respect of their functions under that procedure, and such travelling and other allowances, as it may determine; and
- (b) charge any applicant whose application is considered under the procedure so established such fee (not exceeding £100) as the Department may determine in respect of the costs incurred by it by virtue of the operation of that procedure in relation to the review in question.

(5) Any procedure such as is mentioned in paragraph (3) may provide that, where the Department decides to charge fees under paragraph (4)(b), a review in respect of which a fee is payable shall not proceed unless the application for that review is accompanied by the fee.

(6) Where, in pursuance of any such procedure as is mentioned in paragraph (3), a relevant determination is—

- (a) amended, altered or modified; or
- (b) revoked or substituted by another determination,

any fee payable by a person under paragraph (4)(b) in respect of the review shall be refunded to that person.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 21st July 2015.



David Small
A senior officer of the
Department of Agriculture and Rural Development

SCHEDULE

Regulation 3

Community Instruments to which these Regulations apply

Regulation (EU) No. 1307/2013 of the European Parliament and of the Council ('the Direct Payments Regulation') establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy(**a**);

Commission Delegated Regulation (EU) No. 639/2014 (**b**) ('the Direct Payments Delegated Regulation') supplementing Regulation (EU) No. 1307/2013;

Commission Implementing Regulation (EU) No. 641/2014 (**c**) ('the Direct Payments Implementing Regulation') supplementing Regulation (EU) No. 1307/2013;

Regulation (EU) No. 1306/2013 ('the Horizontal Regulation') on the financing, management and monitoring of the common agricultural policy(**d**);

Commission Delegated Regulation (EU) No. 640/2014 (**e**) ('the Horizontal Delegated Regulation') supplementing Regulation (EU) No. 1306/2013;

Commission Implementing Regulation (EU) No. 809/2014 (**f**) ('the Horizontal Implementing Regulation') supplementing Regulation No. 1306/2013

Commission Implementing Regulation (EU) No. 908/2014 (**g**) ('the Horizontal Finance Implementing Regulation') supplementing Regulation No. 1306/2013

Regulation (EU) No. 1305/2013 of the European Parliament and of the Council ('the Rural Development Regulation') on support for rural development by the European Agricultural Fund for Rural Development(**h**);

Commission Delegated Regulation (EU) No. 807/2014 (**i**) ('the Rural Development Delegated Regulation') supplementing Regulation (EU) No. 1305/2013;

Commission Implementing Regulation (EU) No. 808/2014 (**j**) ('the Rural Development Implementing Regulation') supplementing Regulation (EU) No. 1305/2013;

Regulation (EU) No. 1303/2013 of the European Parliament and of the Council ('the Common Provisions Regulation') laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund etc(**k**).

(a) O.J. No. L 347, 20.12.2013, p.608, as amended by Regulation (EU) No. 1310/2013 of the European Parliament and of the Council (O.J. No. L 347, 20.12.2013, p.865).

(b) O.J. No. L 181, 20.6.2014, p.1.

(c) O.J. No. L 181, 20.6.2014, p.74.

(d) O.J. No. L 347, 20.12.2013, p.549, amended by Regulation (EU) No. 1310/2013 of the European Parliament and of the Council (O.J. No. L 347, 20.12.2013, p.865).

(e) O.J. No. L 181, 20.6.2014, p.48.

(f) O.J. No. L 227, 31.7.2014, p.69.

(g) O.J. No. L 227, 31.7.2014, p.69.

(h) O.J. No. L 347, 20.12.2013, p.487, amended by Regulation (EU) No. 1310/2013 of the European Parliament and of the Council (O.J. No. L 347, 20.12.2013, p.865).

(i) O.J. No. L 227, 31.7.2014, p. 1.

(j) O.J. No. L 227, 31.7.2014, p. 18.

(k) O.J. No. L 347, 20.12.2013, p. 320.

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations enable the Department to establish procedures for the review of a relevant determination made by the Department under any of the Community instruments listed in the Schedule to the Regulations, or any statutory provision which implements or supplements those Community instruments in Northern Ireland.

These instruments relate to both direct payments to farmers under support schemes within the framework of the Common Agricultural Policy of the European Union and rural development payments made in pursuance of schemes within the framework of the Northern Ireland Rural Development Programme 2014-2020.

The procedures to be established under these Regulations may include consideration by persons appointed by the Department with a view to their making a recommendation as to how the matter should ultimately be determined.

The Regulations confer power to pay remuneration and allowances to any such persons appointed, and to charge a fee in respect of the costs of the procedures.

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£4.25

N6754 07/2015 456754T 19585

ISBN 978-0-337-99853-9



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