
STATUTORY RULES OF NORTHERN IRELAND

2015 No. 326

AGRICULTURE
RURAL DEVELOPMENT

**The Rural Development Programme
Regulations (Northern Ireland) 2015**

Made - - - - 4th September 2015

Coming into operation 5th October 2015

The Department of Agriculture and Rural Development is designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ as regards matters relating to the common agricultural policy of the European Union and matters relating to the promotion of rural development.

The Department of Agriculture and Rural Development, in exercise of the powers conferred by section 2(2) of the European Communities Act 1972, makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the Rural Development Programme Regulations (Northern Ireland) 2015 and come into operation on 5th October 2015.

Commencement Information

II [Reg. 1](#) in operation at 5.10.2015, see [reg. 1](#)

Interpretation

2.—(1) In these Regulations—

“agent” means a person, other than an authorised person, who is appointed in writing by the Department for the purposes of these Regulations;

“applicant” means any person who makes an application;

“application” means an application under regulation 5;

(1) [S.I. 2000/2812](#) to which there are amendments not relevant to the subject matter of these Regulations and [S.I. 2000/3238](#)
(2) [1972 c. 68](#)

“approved operation” means an operation approved by the Department or an agent under regulation 6;

“authorised person” means a person authorised by the Department, either generally or specifically, to act in relation to the enforcement of these Regulations;

“beneficiary” means—

- (a) a person who has applied for and been granted approval for an operation;
- (b) in relation to any time after a rural development payment has been made in connection with the operation, the person to whom the payment was made; or
- (c) any person who has undertaken to assume the conditions of an approval in place of a previous beneficiary;

“Council Regulation 73/2009” means 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(3);

“Council Regulation 1782/2003” means Council Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers(4);

“Council Regulation 1698/2005” means Council Regulation (EC) No. 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) etc(5);

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

“the European Regulations” means the instruments listed in Schedule 1;

“EU assistance” means assistance payable pursuant to the Rural Development Regulation from the European Agricultural Fund for Rural Development in accordance with the European Regulations;

“the Horizontal Implementing Regulation” means Commission Implementing Regulation (EU) No. 809/2014 laying down rules for the application of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance(6);

“operation” means an investment, plan, commitment, project or action which is the subject of an application;

“Regulation 1307/2013” means Regulation (EU) No. 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy(7);

“rural development payment” means any payment made by the Department under Regulation 3;

“the Rural Development Programme 2014-2020” means the Rural Development Programme submitted by the United Kingdom to the European Commission in accordance with the Rural

(3) O.J. No. L 30, 31.1.2009, p.16, as last amended by Commission Implementing Regulation (EU) No. 320/2014 (O.J. No. L 93, 28.3.2014, p.81) and repealed on 1st January 2015 by Article 72(2) of Regulation 1307/2013

(4) O.J. No. L 270, 21.10.2003, p.1, as last amended by Council Regulation (EC) No. 1009/2008 (O.J. No. L 276, 17.10.2008, p.1) and repealed on 1st January 2009 by Council Regulation 73/2009

(5) O.J. No. L 277, 21.10.2005, p.1 as last amended by Regulation (EU) No. 1312/2011 of the European Parliament and of the Council (O.J. No. L 339, 21.12.2011, p.1) and repealed on 1st January 2014 by Article 88 of the Rural Development Regulation

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

(7) 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)

Development Regulation, as approved by Commission Decision C(2015) 6018 of 25th August 2015⁽⁸⁾;

“the Rural Development Regulation” means Regulation (EU) No. 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development⁽⁹⁾.

(2) Other terms used in these Regulations that are also used in the European Regulations have the meaning they bear in those Regulations.

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

(4) A reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication which has been recorded and is consequently capable of being reproduced.

(5) The Interpretation Act (Northern Ireland) 1954⁽¹⁰⁾ shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Commencement Information

I2 [Reg. 2](#) in operation at 5.10.2015, see [reg. 1](#)

Assistance for rural development

3.—(1) The Department may pay financial assistance to a beneficiary towards expenditure incurred or to be incurred by him in connection with any approved operation.

(2) Where, as a direct result of carrying out any operation, a farmer forgoes income that would otherwise have accrued to him from the carrying out of agricultural activity, then in relation to that operation “expenditure incurred” includes such income foregone.

Commencement Information

I3 [Reg. 3](#) in operation at 5.10.2015, see [reg. 1](#)

Payment

4.—(1) The Department may make a rural development payment in the form of a single lump sum or by instalments.

(2) Rural development payments may be made—

- (a) at such time or times as the Department thinks fit; and
- (b) subject to such conditions as the Department reasonably may determine.

Commencement Information

I4 [Reg. 4](#) in operation at 5.10.2015, see [reg. 1](#)

⁽⁸⁾ CCI No. 2014UK06RDRP002. Copies of the Northern Ireland Rural Development Programme may be downloaded from <http://www.dardni.gov.uk/2014-2020-rdp-version-1.2.pdf>

⁽⁹⁾ O.J. No. L 347, 20.12.2013, p.487, 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)

⁽¹⁰⁾ 1954 c. 33 (N.I.)

Applications for approval of operations

5.—(1) An application for the approval of an operation shall be made to the Department or, in such circumstances as the Department may determine and publish in writing, to an agent.

(2) Such an application shall be made in such form and contain such information as the Department or its agent, as appropriate, may require.

Commencement Information

I5 [Reg. 5](#) in operation at 5.10.2015, see [reg. 1](#)

Approval of operations

6.—(1) The Department or its agent may, on application made to it, approve any operation for the purposes of Regulation 3 and may do so—

- (a) in whole or in part; or
- (b) unconditionally or subject to such conditions as it may determine,

but shall not do so except in accordance with paragraph (2).

(2) The Department or its agent shall not approve an operation unless it is satisfied that—

- (a) the operation is in accordance with the Rural Development Programme 2014-2020; and
- (b) the operation is eligible for EU assistance.

(3) The Department or its agent may vary any approval given by it.

(4) The variation of an approval under paragraph (3) may include—

- (a) the variation of any condition to which the approval is subject;
- (b) the addition of new conditions; or
- (c) the removal of any existing conditions.

(5) Before the Department or its agent decides to vary an approval under paragraph (3) it shall—

- (a) give the beneficiary notice in writing of its proposed decision with a statement of its reasons;
- (b) give that beneficiary an opportunity to make written representations within such time as the Department or, as the case may be, the agent considers reasonable; and
- (c) consider any such representations.

(6) An approval or variation under this regulation shall be in writing.

(7) In exercising its powers under paragraphs (1) and (3), the Department or its agent will take into account the need for approved operations to contribute towards achieving the objectives described in Article 4 of the Rural Development Regulation.

Commencement Information

I6 [Reg. 6](#) in operation at 5.10.2015, see [reg. 1](#)

Claims

7. A claim for a rural development payment shall be made at such time and in such form and be accompanied by such information as the Department or its agent reasonably may require.

Commencement Information

17 [Reg. 7](#) in operation at 5.10.2015, see [reg. 1](#)

Provision of information

8.—(1) A beneficiary shall supply the Department or its agent with such information about an approved operation as the Department or its agent reasonably may require.

(2) Where the Department or its agent requires such information, the beneficiary shall supply the Department or its agent with the information within such period as the Department or its agent reasonably may determine.

Commencement Information

18 [Reg. 8](#) in operation at 5.10.2015, see [reg. 1](#)

Powers of entry

9.—(1) An authorised person may exercise any of the powers specified in this regulation for the purposes of enforcing these Regulations or the European Regulations.

(2) An authorised person may at all reasonable times, on producing, if so required, some duly authenticated document showing his authority, enter any land or premises, other than premises used solely for the purpose of a dwelling-house—

- (a) to which an application or approved operation relates; or
- (b) on which he has reasonable grounds to believe that documents or equipment relating to an application or approved operation are being kept.

(3) An authorised person entering any land or premises by virtue of this regulation may be accompanied by—

- (a) any representative of the European Commission; and
- (b) such other persons as the authorised person considers necessary for any purpose mentioned in paragraph (1).

(4) An authorised person who enters any unoccupied premises must leave them as effectively secured as they were before entry.

Commencement Information

19 [Reg. 9](#) in operation at 5.10.2015, see [reg. 1](#)

Powers of an authorised person

10.—(1) An authorised person who has entered any land or premises under regulation 9 may—

- (a) inspect the land, premises, buildings and any document, record or equipment thereon which he reasonably believes relates to an application, approved operation or claim;
- (b) require the applicant or beneficiary, or any employee or agent of such applicant or beneficiary, to produce, or secure the production of, any document or record or supply any additional information in his possession or under his control relating to the application, approved operation or claim;

- (c) where any document, record or information referred to in sub-paragraph (b) is kept by means of a computer, have access to and inspect any computer and any associated apparatus or material which is or has been used in connection with that document, record or information;
 - (d) require copies of, or extracts from, any document, record or information relating to the application, approved operation or claim to be produced;
 - (e) remove and retain for a reasonable period any document, record or information relating to the application, approved operation or claim which he has reason to believe may be required as evidence in proceedings under these Regulations and, where any such document, record or information is kept by means of a computer, require it to be produced in a form in which it may be taken away and in which it is visible and legible;
 - (f) if necessary for the purposes of enforcing these Regulations or the European Regulations—
 - (i) inspect and count livestock on the land and premises, and
 - (ii) require the applicant or beneficiary, or any employee, servant or agent of such beneficiary, to arrange for the collection, penning and securing of such livestock.
 - (g) require an applicant or beneficiary, or any employee, servant or agent of such applicant or beneficiary, to give an authorised person all reasonable assistance in relation to the matters mentioned in this regulation.
- (2) Paragraph (1) applies in relation to a person referred to in regulation 9(3)(b) when such a person is acting under the instructions of an authorised person, as if such person were an authorised person.

Commencement Information

I10 [Reg. 10](#) in operation at 5.10.2015, see [reg. 1](#)

Record keeping

11.—(1) Save as provided in paragraphs (2) and (3), a beneficiary must retain any invoice, account or other document relating to an approved operation for such a period as the Department or its agent reasonably may determine.

(2) If the beneficiary transfers the original of any such document to another person in the normal course of business, he must instead keep a copy of that document for that period.

(3) Paragraph (1) does not apply in relation to any document removed by any person lawfully authorised to remove it.

Commencement Information

I11 [Reg. 11](#) in operation at 5.10.2015, see [reg. 1](#)

Transfers of holdings

12. For the purposes of Article 8(3)(a) of the Horizontal Implementing Regulation, the period within which the transferee must inform the Department of the transfer and request payment of the aid or support, or both, is 90 days beginning with the first day after the date of the transfer.

Commencement Information

I12 [Reg. 12](#) in operation at 5.10.2015, see [reg. 1](#)

Definition of Agricultural Land

13. The Department shall publish in such manner as it thinks appropriate a definition of agricultural land for the purposes of Article 28(2) of the Rural Development Regulation.

Commencement Information

I13 [Reg. 13](#) in operation at 5.10.2015, see [reg. 1](#)

Determinations relating to operations

14.—(1) The Department or its agent may determine that, in relation to any claim or application made to it, or an operation approved by it—

- (a) the beneficiary has furnished false or misleading information to that body;
- (b) the beneficiary is in breach of any of the conditions of a rural development payment;
- (c) the beneficiary is in breach of any of the conditions of an approval under regulation 6;
- (d) the beneficiary is in breach of an undertaking given under regulation 21;
- (e) the beneficiary is in breach of any requirement to which that beneficiary is subject under these Regulations or under the European regulations;
- (f) the whole or any part of the sum paid or payable in relation to an operation duplicates assistance provided or to be provided out of monies made available by—
 - (i) any statutory provision;
 - (ii) the European Union; or
 - (iii) a body exercising public functions within the United Kingdom;
- (g) there has been a material change in the nature, scale, costs or timing of the approved operation; or
- (h) the approved operation has been or is being delayed, or is unlikely to be completed.

(2) Before a body makes a determination under paragraph (1), it must—

- (a) give the beneficiary a written explanation of the reasons for proposing to make the determination;
- (b) afford that beneficiary the opportunity of making written representations within such period as the Department or its agent considers reasonable; and
- (c) consider any such representations in deciding whether to make any determination.

Commencement Information

I14 [Reg. 14](#) in operation at 5.10.2015, see [reg. 1](#)

Powers of recovery etc in relation to rural development payments

15.—(1) Where the Department or its agent makes a determination under regulation 14(1), the Department may—

- (a) withhold the whole or part of any rural development payment payable to the beneficiary to which the determination relates; and
- (b) recover on demand the whole or part of any such rural development payment already paid to the beneficiary.

(2) Where the Department takes any step specified in paragraph (1) in relation to an approved operation, the body which gave the approval may suspend or terminate that approval.

(3) Where an approved operation has been terminated under paragraph (2), the Department may also prohibit the beneficiary from making any new application for the approval of expenditure in connection with an operation under the same measure, for such period (not exceeding two years) from the date of the termination as the Department may specify.

(4) The powers conferred by this regulation are exercisable by a notice served by the body exercising the power on the beneficiary in question.

Commencement Information

I15 [Reg. 15](#) in operation at 5.10.2015, see [reg. 1](#)

Recovery of payments

16. In any case where an amount falls to be paid to the Department by virtue of (or by virtue of action taken under) these Regulations, the amount falling to be paid shall be recoverable as a debt.

Commencement Information

I16 [Reg. 16](#) in operation at 5.10.2015, see [reg. 1](#)

Recovery of interest

17.—(1) Where the Department exercises the power conferred by regulation 15(1)(b), it may also recover, on demand, interest on the sum to be recovered in respect of each day of the period referred to in Article 7(2) of the Horizontal Implementing Regulation, and the rate of interest applicable on any day is one percentage point above the Bank of England base rate.

(2) In this regulation, “Bank of England base rate” means—

- (a) except where sub-paragraph (b) applies, the rate announced from time to time by the Monetary Policy Committee of the Bank of England as the official dealing rate, being the rate at which the Bank is willing to enter into transactions for providing short-term liquidity in the money markets; or
- (b) if an order under section 19 (reserve powers) of the Bank of England Act 1998⁽¹¹⁾ is in force, any equivalent rate determined by the Treasury under that section.

(3) For the purposes of this regulation, interest shall be charged from the payment deadline as recorded in the recovery notice issued by the Department.

(4) For the purposes of paragraph (3), the payment deadline shall be set at 60 days from the date of the recovery notice issued by the Department.

(11) 1998 c. 11

(5) In any proceedings relating to this regulation, a certificate of the Department stating the Bank of England base rate applicable during the period specified in the certificate shall be conclusive evidence of the rate applicable in the specified period if the certificate also states that the Bank of England notified the Department of that rate.

Commencement Information

I17 Reg. 17 in operation at 5.10.2015, see [reg. 1](#)

Set-off

18. The amount of —

- (a) any sum payable by the Department or its agent under Title IV of Council Regulation 1698/2005;
- (b) any sum payable by the Department or its agent under Title III of Regulation 1307/2013;
- (c) any sum payable by the Department under Council Regulation 73/2009 or Council Regulation 1782/2003; or
- (d) any sum payable under these Regulations,
may be set off against the amount of any sum recoverable by the Department under Regulation 16 or 17.

Commencement Information

I18 Reg. 18 in operation at 5.10.2015, see [reg. 1](#)

Offences and penalties

19.—(1) It is an offence for any person to—

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, proof of which lies with that person, fail to give any person acting in the execution of these Regulations any assistance or information that that person may reasonably require under these Regulations; or
- (c) knowingly or recklessly furnish to any person acting in the execution of these Regulations any information that is false or misleading in any material particular.

(2) A person guilty of an offence under paragraph (1)(a) or (b) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) A person guilty of an offence under paragraph (1)(c) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine.

(4) Subject to paragraph (5), for an offence under paragraph (1) proceedings must be brought within the period of six months from the date on which evidence sufficient in the opinion of the prosecutor to justify proceedings came to the prosecutor's knowledge.

(5) No proceedings for an offence under paragraph (1) may begin more than two years after the date of the commission of the offence.

(6) For the purposes of this regulation, a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient, in the opinion of the prosecutor, to justify the proceedings came to their knowledge is conclusive of that fact.

Commencement Information

I19 Reg. 19 in operation at 5.10.2015, see **reg. 1**

Offences by bodies corporate, partnerships or unincorporated associations

20.—(1) Proceedings for an offence under regulation 19 alleged to have been committed by a partnership or an unincorporated association may be brought against the partnership or association in the name of the partnership or association.

(2) For the purposes of such proceedings—

- (a) rules of court relating to the service of documents have effect as if the partnership or association were a body corporate, and
- (b) section 18 of the Criminal Justice Act (Northern Ireland) 1945⁽¹²⁾ and Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981⁽¹³⁾ apply in relation to the partnership or association as they apply in relation to a body corporate.

(3) A fine imposed on a partnership or association on its conviction of an offence under these Regulations is to be paid out of the funds of the partnership or association.

(4) If an offence under regulation 19 committed by a body corporate is proved—

- (a) to have been committed with the consent or connivance of an officer; or
- (b) to be attributable to the negligence of an officer,
the officer, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) If the affairs of a body corporate are managed by its members, paragraph (4) applies to the acts and omissions of a member in connection with the member's functions of management as it applies to an officer of a body corporate.

(6) If an offence under regulation 19 committed by a partnership is proved—

- (a) to have been committed with the consent or connivance of a partner; or
- (b) to be attributable to the negligence of a partner,
that partner, as well as the partnership, is guilty of the offence and liable to be proceeded against and punished accordingly.

(7) If an offence under regulation 19 committed by an unincorporated association is proved—

- (a) to have been committed with the consent or connivance of an officer or member of the governing body of the association or other person having management responsibilities in respect of the association; or
- (b) to be attributable to the negligence of that officer, member or other person,
that officer, member or other person, as well as the association, is guilty of the offence and liable to be proceeded against and punished accordingly.

⁽¹²⁾ 1945 c. 15 (N.I.); section 18 was amended by the Magistrates' Courts Act (Northern Ireland) 1964 (c. 21) (N.I.) and by the Justice (Northern Ireland) Act 2002 (c. 26), Schedule 12

⁽¹³⁾ S.I. 1981/1675 (N.I. 26) (as amended)

Commencement Information

I20 [Reg. 20](#) in operation at 5.10.2015, see [reg. 1](#)

Undertakings

21. A beneficiary may be required by the Department to give such undertakings as the Department considers appropriate in relation to any rural development payment or any approved operation.

Commencement Information

I21 [Reg. 21](#) in operation at 5.10.2015, see [reg. 1](#)

Revocations

22.—(1) Subject to the following paragraphs the Regulations listed in Schedule 2 are revoked.

(2) The revocations made by paragraph (1) shall not affect the operation of—

- (a) the Agricultural and Forestry Marketing Development Grant Regulations (Northern Ireland) 2007(**14**); or
- (b) the Agricultural and Forestry Processing and Marketing Grant Regulations (Northern Ireland) 2007(**15**),

insofar as they relate to any application for the approval of expenditure made under those Regulations before 5th October 2015 or any expenditure approved under those Regulations.

(3) The revocations made by paragraph (1) shall not affect the operation of—

- (a) the Countryside Management Regulations (Northern Ireland) 2008(**16**);
- (b) the Rural Development (Financial Assistance) Regulations (Northern Ireland) 2008(**17**);
- (c) the Vocational Training and Information Actions Grant Regulations (Northern Ireland) 2008(**18**);
- (d) the Farm Modernisation Programme Regulations (Northern Ireland) 2008(**19**);
- (e) the Supply Chain Development Programme Grant Regulations (Northern Ireland) 2008(**20**),

insofar as they relate to any application for the approval of an operation made under those Regulations before 5th October 2015 or any operation approved under those Regulations.

(4) The revocations made by paragraph (1) shall not affect the operation of the Organic Farming Regulations (Northern Ireland) 2008(**21**) insofar as they relate to any application to enter into an agreement made under those Regulations before 5th October 2015 or any agreement entered into under those Regulations.

(14) S.R. 2007 No. 417

(15) S.R. 2007 No. 418

(16) S.R. 2008 No. 174

(17) S.R. 2008 No. 380

(18) S.R. 2008 No. 297

(19) S.R. 2008 No. 295

(20) S.R. 2008 No. 296

(21) S.R. 2008 No. 172

Changes to legislation: There are currently no known outstanding effects for the The Rural Development Programme Regulations (Northern Ireland) 2015. (See end of Document for details)

Commencement Information

I22 [Reg. 22](#) in operation at 5.10.2015, see [reg. 1](#)

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 4th September 2015



Colette McMaster
A senior officer of the
Department of Agriculture and Rural
Development

SCHEDULE 1

Regulation 2(1)

MEANING OF “EUROPEAN REGULATIONS”

Commencement Information

I23 Sch. 1 in operation at 5.10.2015, see **reg. 1**

Regulation (EU) No. 1303/2013 of the Council 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, known as the Common Provisions Regulation⁽²²⁾;

Regulation (EU) No. 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy, known as the Horizontal Regulation⁽²³⁾;

Commission Delegated Regulation (EU) No. 640/2014 supplementing Regulation (EU) No. 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance, known as the Horizontal Delegated Regulation⁽²⁴⁾;

Commission Implementing Regulation (EU) No. 908/2014 laying down rules for the application of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, rules on checks, securities and transparency, known as the Horizontal Finance Implementing Regulation⁽²⁵⁾;

Commission Implementing Regulation (EU) No. 809/2014 laying down rules for the application of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance, known as the Horizontal Implementing Regulation;

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

Commission Delegated Regulation (EU) No. 807/2014 supplementing the Rural Development Regulation, known as the Rural Development Delegated Regulation⁽²⁶⁾;

Commission Implementing Regulation (EU) No. 808/2014 laying down rules for the application of the Rural Development Regulation, known as the Rural Development Implementing Regulation⁽²⁷⁾.

⁽²²⁾ O.J. No. L 347, 20.12.2013, p.320

⁽²³⁾ 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. 347, 20.12.2013, p.865)

⁽²⁴⁾ O.J. No. L 181, 20.6.2014, p.48

⁽²⁵⁾ O.J. No. L 255, 28.8.2014, p.59

⁽²⁶⁾ O.J. No. L 227, 31.7.2014, p.1

⁽²⁷⁾ O.J. No. L 227, 31.7.2014, p.18

SCHEDULE 2

Regulation 22

Revocations

Commencement Information**I24** Sch. 2 in operation at 5.10.2015, see **reg. 1**

The Agricultural and Forestry Marketing Development Grant Regulations (Northern Ireland) 2007

The Agricultural and Forestry Processing and Marketing Grant Regulations (Northern Ireland) 2007

The Countryside Management Regulations (Northern Ireland) 2008

The Rural Development (Financial Assistance) Regulations (Northern Ireland) 2008

The Vocational Training and Information Actions Grant Regulations (Northern Ireland) 2008

The Farm Modernisation Programme Regulations (Northern Ireland) 2008

The Supply Chain Development Programme Grant Regulations (Northern Ireland) 2008

The Organic Farming Regulations (Northern Ireland) 2008

The Organic Farming (Amendment) Regulations (Northern Ireland) 2010**(28)**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the implementation in Northern Ireland of the European Regulations (as defined in Schedule 1) relating to the administration of the Rural Development Programme. The Rural Development Programme 2014 - 2020 was approved by European Commission Decision C(2015) 6018 of 25th August 2015 and can be downloaded from <http://www.dardni.gov.uk/2014-2020-rdp-version-1.2.pdf>. The provisions in the EU legislation are directly applicable and have direct effect in a member state. These Regulations provide a domestic legal framework for the operation of the EU Regulations in Northern Ireland.

Regulations 3 and 4 provide the Department of Agriculture and Rural Development ('the Department') with the power to pay financial assistance in respect of expenditure incurred or income foregone by a beneficiary.

Regulations 5 and 7 provide the Department with the power to determine the form of a Rural Development application or claim. Regulation 6 allows the Department to approve or reject operations for the receipt of financial assistance and sets out the process to be followed when approvals are to be varied.

Regulation 8 and 11 impose obligations concerning the provision of information and record-keeping.

Regulation 9 provides powers of entry to land and premises for the purposes of enforcing these regulations to persons authorised by the Department. Regulation 10 sets out the powers of such authorised persons.

Regulation 12 sets the maximum time (90 days) which beneficiaries have to notify the Department of a request for payment following a transfer of land. Regulation 13 obliges the Department to publish a definition of agricultural land for the purposes of Agri-environment-climate schemes.

Regulation 14 confers on the Department the power to determine that a rural development beneficiary has breached the terms of a commitment or other requirement. Regulation 15 confers powers of recovery and other powers on the Department where there has been such a determination.

Regulation 16 allows for payments due to the Department from beneficiaries to be treated by the Department as debt. Regulation 17 sets out how interest to be charged on amounts owed to the Department as debt will be calculated.

Regulation 18 provides for debts owed to the Department to be deducted from future payments to that beneficiary.

Regulations 19 and 20 make it an offence to obstruct, fail to provide information without reasonable cause or furnish false or misleading information to a person acting to implement these Regulations and establishes the penalties which may be imposed.

Regulation 21 provides the Department with the power to require a beneficiary to give an undertaking. Regulation 22 revokes, with savings, a number of Statutory Rules relating to the Northern Ireland Rural Development Programme 2007 – 2013.

Changes to legislation:

There are currently no known outstanding effects for the The Rural Development Programme Regulations (Northern Ireland) 2015.