

**2021 No. 63**

**AGRICULTURE**

**The Agricultural Commodities (Coronavirus)(Income Support)  
Scheme (Northern Ireland) 2021**

*Made* - - - - *11th March 2021*

*Coming into operation* - *15th March 2021*

The Minister of Agriculture, Environment and Rural Affairs(**a**), with the approval of the Minister of Finance, makes the following Scheme in exercise of the powers conferred by sections 1(1) and 2 of the Agriculture (Temporary Assistance) Act (Northern Ireland) 1954(**b**).

**Citation and commencement**

1. This Scheme may be cited as the Agricultural Commodities (Coronavirus)(Income Support) Scheme (Northern Ireland) 2021 and comes into operation on 15th March 2021.

**Interpretation**

2. In this Scheme—

“APHIS” means the Animal and Public Health Information System operated by the Department;

“applicant” except in relation to an application for review under article 10 means a pig producer, a broiler pullet producer, a broiler hatching egg producer or an organic milk producer who makes an application;

“application” means an application for an income support payment made in accordance with article 3(4);

“business ID” means a number issued by the Department to a pig producer, a broiler pullet producer, a broiler hatching egg producer or an organic milk producer and which identifies that producer on APHIS;

“broiler hatching egg producer” means a person with a business ID who rears broiler breeder pullets from 18 weeks of age for the purpose of producing broiler hatching eggs;

“broiler pullet producer” means a person with a business ID who rears broiler breeder chicks to 18 weeks of age for the purpose of transfer to a broiler hatching egg producer;

“the Department” means the Department of Agriculture, Environment and Rural Affairs;

“first purchaser” means a person who purchases for processing a pig from a pig producer or, as the case may be, organic milk from an organic milk producer;

“income support payment” means a payment made under article 5(1), 6(1), 7(1) or 8(1);

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(a) Formerly the Department of Agriculture for Northern Ireland; see S.I. 1999/283 (N.I. 1) Article 3(4) and 2016 c. 5 (N.I.) section 1

(b) 1954 c. 31 (N.I.); the Act was amended by Article 7 of S.I. 1984/7 (N.I. 2)

“intercrop period” means the period of time between one crop of birds leaving a broiler pullet rearing farm or a broiler hatching egg laying farm and the next crop of birds arriving at the farm;

“organic milk” means organic milk from cows as produced in accordance with the rules set out in Council Regulation (EC) No. 834/2007(a) on organic production and labelling of organic products;

“organic milk producer” means a person with a business ID who produces organic milk from for the purpose of sale to a first purchaser;

“pig producer” means a person with a business ID who raises pigs for the purpose of sale as pig meat or pig meat products to a first purchaser;

“reference period” means the period beginning on 23rd March 2020 and ending on 31st January 2021 (both dates inclusive);

“slaughtered” means slaughtered at a slaughterhouse (within the meaning of point 1.16 of Annex I to Regulation (EC) No 853/2004(b) of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin and approved or conditionally approved under Article 4 of that Regulation.

### **Applications for income support payment**

**3.**—(1) The Department must publish, in such manner as it considers appropriate, a notice inviting applications for an income support payment.

(2) A notice under paragraph (1) must specify—

- (a) the conditions for an award of income support payment set out in articles 5, 6, 7 and 8;
- (b) the closing date for receipt of applications; and
- (c) the information which the applicant is required to provide in support of the application.

(3) A notice under paragraph (1) may be amended by further notice published by the Department in the same manner.

(4) An application must be made in such form or manner and be sent to such address as the Department specifies in the notice under paragraph (1) and must be received by the Department on or before the closing date specified in that notice.

(5) But the Department may accept an application received after the closing date if it is satisfied that—

- (a) the particular circumstances of the applicant render it unreasonable to expect the application to have been received by the closing date; and
- (b) the date on which the application was received is as early as can reasonably be expected in those circumstances.

### **Determination of applications**

**4.**—(1) Where the Department has received an application, it must determine whether the application—

- (a) satisfies the relevant conditions for payment of an income support payment set out in article 5, article 6, article 7 or, as the case may be article 8; and
- (b) is accompanied by the relevant supporting information specified in the notice published under article 3(1).

(2) The Department must notify the applicant in writing of its decision to approve or reject an application and—

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(a) O.J. L189, 20.07.2007

(b) O.J. L139, 30.04.2004

- (a) if an application is rejected in whole or in part, the reason for the rejection and the right of review under article 10; and
- (b) if an application is approved, the amount of the income support payment to be made.

**Income support payments – pig producers**

5.—(1) The Department may make an income support payment to a pig producer comprising the amount of payments calculated in accordance with paragraph (3), paragraph (4) or, as the case may be, paragraph (5) if the conditions set out in paragraph (2) are met.

(2) The conditions are that the pig producer—

- (a) had a pig slaughtered—
  - (i) by Cranswick Country Foods (Ballymena) (company registration number NI071259) during the period beginning on 4th September 2020 and ending on 7th November 2020 (both dates inclusive);
  - (ii) by Cranswick Country Foods (Ballymena) during the period specified in subparagraph (a)(i) and a pig slaughtered by William Grant and Company Limited (company registration number NI000477) during the period beginning on 21st August 2020 and ending on 4th September 2020 (both dates inclusive) but had no pig slaughtered by William Grant and Company Limited during the period beginning on 27th July 2020 and ending on 20th August 2020 (both dates inclusive); or
  - (iii) by Cranswick Country Foods (Ballymena) during the period specified in subparagraph (a)(i) and a pig slaughtered by Karro Food Group Limited (company registration number 08312502) during the period beginning on 21st August 2020 and ending on 4th September 2020 (both dates inclusive), but had no pig slaughtered by Karro Food Group Limited during the period beginning on 27th July 2020 and ending on 20th August 2020 (both dates inclusive);
- (b) at the date of slaughter was recorded on APHIS with a pig herd number linked to that pig producer’s business ID; and
- (c) has either—
  - (i) provided consent in writing for the Department to use information provided by the first purchaser to calculate the amount of income support payment, subject to confirmation by the pig producer that the information provided by the first purchaser is accurate; or
  - (ii) where the first purchaser has not provided the Department with the information necessary to calculate the amount of the income support payment, provided the Department with the details of their business ID, the number and date of the pigs sold to the first purchaser and the name of that first purchaser.

(3) A pig producer whose pigs were slaughtered by Cranswick Country Foods (Ballymena) during the period beginning on 4th September 2020 and ending on 7th November 2020 (both dates inclusive) is eligible to an income support payment of—

- (a) £15 per pig slaughtered; and
- (b) an additional payment of £16.79 per pig slaughtered where a reduction in the price per kilogramme of the cold carcass was applied for a slaughtered pig which either exceeded the contract specification for—
  - (i) weight; or
  - (ii) weight and fat level.

(4) A pig producer whose pigs were slaughtered by William Grant and Company Limited during the period beginning on 21st August 2020 and ending on 4th September 2020 (both dates inclusive) is eligible to an income support payment of £11.18 per pig slaughtered.

(5) A pig producer whose pigs were slaughtered by Karro Food Group Limited (company registration number 08312502) during the period beginning on 21st August 2020 and ending on

4th September 2020 (both dates inclusive) is eligible to an income support payment of £2.58 per pig slaughtered.

(6) An income support payment must not be made if the pig slaughtered was certified on APHIS as unfit for human consumption.

(7) In this article “pig herd number” means a number issued by the Department to record animal groupings within a business ID.

### **Income support payments – broiler pullet producers**

**6.—**(1) The Department may make an income support payment to a broiler pullet producer calculated in accordance with paragraph (3) if the conditions set out in paragraph (2) are met.

(2) The conditions are that the broiler pullet producer–

- (a) produced broiler pullets for transfer to a broiler hatching egg producer, which were placed in a broiler hatching egg flock that was subsequently culled during the reference period;
- (b) during the reference period had one or more than one intercrop period exceeding 21 days;
- (c) during the reference period was recorded on APHIS with a flock number linked to that broiler pullet producer’s business ID; and
- (d) has either–
  - (i) provided consent in writing to the Department to use information provided to the Department by Moy Park Limited (company registration number NI004842) to calculate the amount of income support payment under paragraph (3), subject to confirmation by the broiler pullet producer that the information provided by Moy Park Limited is accurate; or
  - (ii) where Moy Park Limited has not provided the Department with the information necessary to calculate the amount of the income support payment, provided the Department with details of their business ID, and the number and date of broiler pullets transferred during the reference period to a broiler hatching egg producer.

(3) The amount of income support payment is 80% of–

- (a) £0.0048 per broiler pullet or cock reared during the rearing period preceding an intercrop period which occurred during the reference period, for each additional day in excess of the 21 days of that intercrop period, and
- (b) £0.191 per broiler pullet reared, if the flock which the pullet was a part of was transferred on to a broiler hatching egg production farm and that flock was subsequently removed from the egg production cycle at less than 60 weeks of age on the broiler hatching egg production farm during the reference period less any performance payment paid.

(4) In this article–

“flock number” means a number issued by the Department to record groupings of pullets within a business ID;

“rearing period” means the period of 18 weeks during which broiler pullets are reared;

“performance payment” means the payment made by Moy Park Limited equal to 10% of the value of the performance payment earned by the broiler hatching egg producer, returned to the broiler pullet rearing producer that produced those birds.

### **Income support payment – broiler hatching egg producers**

**7.—**(1) The Department may make an income support payment to a broiler hatching egg producer calculated in accordance with paragraph (3) if the conditions set out in paragraph (2) are met.

(2) The conditions are that the broiler hatching egg producer–

- (a) during the reference period had produced broiler hatching eggs;

- (b) during the reference period had their flock removed from the egg production cycle at less than 60 weeks;
  - (c) during the reference period had one or more than one intercrop period exceeding 28 days;
  - (d) during the reference period was recorded on APHIS with a flock number linked to that broiler hatching egg producer's business ID; and
  - (e) has either–
    - (i) provided consent in writing to the Department to use information provided to the Department by Moy Park Limited (company registration number NI004842) to calculate the amount of the income support payment under paragraph (3), subject to confirmation by the broiler hatching egg producer that the information provided by Moy Park Limited is accurate, or
    - (ii) where Moy Park Limited has not provided the Department with the information necessary to calculate the amount of the income support payment, provided the Department with details of their business ID, and the number and date on which the broiler pullets being used to lay hatching eggs were culled.
- (3) The amount of income support payment is 80% of–
- (a) £0.0113 per pullet placed in the flock during the laying period preceding an intercrop period which occurred during the reference period, for each additional day in excess of the 28 days of that intercrop period, and
  - (b) £1.0573 per pullet placed in the flock that was culled from the egg production cycle at less than 60 weeks of age during the reference period less any performance payment paid on that laying flock.
- (4) In this article–
- “flock number” means a number issued by the Department to record groupings of pullets within a business ID;
- “laying period” means the period between 18 weeks and 60 weeks of age during which broiler pullets produce eggs;
- “performance payment” means the payment made by Moy Park Limited to the broiler hatching egg producer for achieving above target levels of technical performance or output from a flock of laying birds.

**Income support payment – organic milk producers**

8.—(1) The Department may make an income support payment to an organic milk producer calculated in accordance with paragraph (3) or paragraph (4) if the conditions set out in paragraph (2) are met.

- (2) The conditions are that the organic milk producer–
- (a) during the period beginning on 1st March 2020 and ending on 30th June 2020 (both dates inclusive), produced organic milk for sale;
  - (b) during the period beginning on 1st March 2020 and ending on 30th June 2020 (both dates inclusive) was recorded on APHIS with a herd number linked to that organic milk producer's business ID; and
  - (c) has either–
    - (i) provided consent in writing for the Department to use information provided to the Department by the first purchaser to calculate the amount of the income support payment under paragraph (3) or paragraph (4), subject to confirmation by the organic milk producer that the information provided by the first purchaser is accurate; or
    - (ii) where the first purchaser has not provided the Department with the information necessary to calculate the amount of the income support payment under paragraph (3) or paragraph (4), has provided the Department with details of their business ID,

quantity of organic milk (expressed in litres) sold to the first purchaser, the date of the sale, and the name of the first purchaser.

(3) The amount of the income support payment is £0.00125 per litre of organic milk supplied to Dale Farm Limited (company registration number NI025356), excluding any organic milk not processed as it was certified by Dale Farm Limited as unfit for human consumption.

(4) The amount of the income support payment is £0.06165 per litre of organic milk supplied to Emerald Organics Limited (company registration number NI044512), excluding any organic milk not processed as it was certified by Emerald Organics Limited as unfit for human consumption.

### **Amount of income support payment**

**9.** The aggregate amount of income support payment payable by the Department to a producer under this Scheme and the Agricultural Commodities (Coronavirus)(Income Support) Scheme (Northern Ireland) 2020(a) must not exceed £106,323.

### **Review of decision**

**10.**—(1) Where the Department rejects an application under article 4, a person may apply to the Department for a review of the decision in accordance with this article if that person is—

- (a) a person whose application has been rejected in whole or in part; or
- (b) any other person who believes they are eligible for an income support payment under this Scheme in respect of pigs, broiler pullets or organic milk specified in the application that has been rejected in whole or in part.

(2) A person must apply to the Department in writing for a review no later than 28 days from the date of the notification of the decision to be reviewed and specify—

- (a) the name and address of the applicant;
- (b) the decision of the Department in respect of which the applicant seeks a review and the date of that decision; and
- (c) full particulars of the grounds upon which the review of the decision is sought.

(3) Where an applicant applies for a review under this article the Department must review the decision specified.

(4) In reviewing the decision the Department may—

- (a) consider any document or other evidence produced by the applicant (whether or not that document was available at the time of the decision);
- (b) invite the applicant to provide such further information relevant to the review as it considers appropriate; and
- (c) give the applicant or his representative an opportunity to make representations orally or in writing.

(5) Following a review of the decision the Department may—

- (a) confirm the decision; or
- (b) substitute for it a new decision.

(6) As soon as reasonably practicable after reviewing the decision, the Department must notify the applicant in writing of its decision under paragraph (5) and the reasons for it.

### **Withholding and recovery of payment**

**11.**—(1) This Article applies where, having approved an application (whether under article 4 or following a successful review under article 10) it appears to the Department that—

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- (a) the applicant was not eligible to make the application;
  - (b) any condition specified in the notice published under article 3(1), or under article 5(2), 6(2), 7(2) or 8(2) has not been complied with; or
  - (c) the applicant knowingly or recklessly provided materially false or misleading information or any document which is false in a material particular in relation to the application.
- (2) Subject to paragraph (3), the Department may–
- (a) revoke the approval of the application; and
  - (b) where payment has not been made withhold any income support payment, or any part of it, to be made under article 5(1), 6(1), 7(1) or 8(1); or
  - (c) where payment of any income support payment has already been made, recover on demand from the applicant an amount equal to the whole or any part of the payment as a civil debt.
- (3) Before exercising the power under paragraph (2) the Department must–
- (a) give the applicant a written explanation of the reasons for the proposed action;
  - (b) afford the applicant the opportunity to make written representation within a reasonable time specified by the Department; and
  - (c) consider any such representations made.

11th March 2021

*Edwin Poots*  
Minister of Agriculture, Environment and Rural Affairs

The Minister of Finance approves this Scheme

11th March 2021

*Conor Murphy*  
Minister of Finance

### **EXPLANATORY NOTE**

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

This Scheme provides for income support payments to be made by the Department of Agriculture, Environment and Rural Affairs to pig producers, broiler pullet producers, broiler hatching egg producers and organic milk producers who have suffered a financial loss as a consequence of a disturbance to the agricultural markets caused by the Covid-19 coronavirus pandemic.

The Scheme–

- (a) specifies the manner in which applications are to be made (article 3);
- (b) specifies the eligibility criteria and rates of payment (article 5 to 8);
- (c) specifies the total amount of income support payment which may be made to a producer (article 9);
- (d) provides for the review of a decision to reject an application (article 10);
- (e) provides for the Department to withhold payment in any case where false or misleading information has been provided or where a person fails to cooperate with an authorised officer and to recover any undue payment (article 11).

Under section 4(1) of the Agriculture (Temporary Assistance) Act (Northern Ireland) 1954, any person who, being required or authorised under or by virtue of this Scheme to furnish any

information, record or document, furnishes any information, record or document which, to his knowledge, is false in a material particular shall be guilty of an offence and shall, without prejudice to Article 10 of the Perjury (Northern Ireland) Order 1979 (S.I. 1979/No. 1714 (N.I. 19)), to be liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment not exceeding 12 months or to both such fine and such imprisonment.

Under section 4(2) of that Act any person—

- (a) who acts in contravention of, or neglects or fails to comply with any provision contained in the Scheme; or
- (b) obstructs or impeded an authorised officer in the exerciser of any power under this Scheme, shall be liable on summary conviction to a fine not exceeding level 3 of the standard scale.

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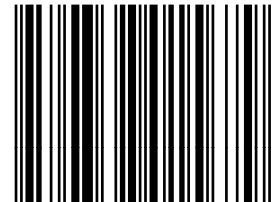
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