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STATUTORY RULES OF NORTHERN IRELAND

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**2010 No. 41**

**The Less Favoured Area Compensatory Allowances Regulations (Northern Ireland) 2010**

**Eligibility for less favoured area compensatory allowance**

4.—(1) Subject to Article 51 of Council Regulation 1698/2005 (reduction or cancellation of payments) and regulation 5, a claimant shall be eligible for less favoured area compensatory allowance if, and only if—

- (a) his claim is made on a single application submitted in the year 2009;
- (b) the claimed forage area entered in that single application complies with one of the conditions specified in paragraph (3); and
- (c) subject to paragraph (4), the notional livestock density is not less than 0.2.

(2) Article 21 of Commission Regulation 796/2004 (late submission) shall apply to a claim made in a single application made after 15th May 2009.

(3) The conditions are that—

- (a) the claimed forage area lying within the less favoured area is not less than three hectares; or
- (b) where the claimed forage area lying within the less favoured area is not less than one hectare but is less than three hectares, the total claimed forage area includes land situated in a related less favoured area which is eligible for related less favoured area allowance.

(4) The Department may determine that a notional livestock density of less than 0.2 is sufficient for the purposes of paragraph (1)(c) if it is reasonably satisfied that it is appropriate to do so in all the circumstances of the case, having regard, in particular, to the sensitivity of the land in question to a stocking density of more than 0.2 and any obligation of the claimant under or in pursuance of any statutory provision in relation to the maintenance of a stocking density of less than 0.2.

(5) A claimant shall provide such information as the Department may reasonably require to enable it to make a determination under paragraph (4).