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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations have effect in relation to holdings (whether wholly in Northern Ireland or partly in Northern Ireland and partly elsewhere in the United Kingdom) which are administered by the Department of Agriculture and Rural Development (the “Department”) in accordance with the Integrated Administration and Control System Regulations 1993. They introduce legal rights to seek a review of certain decisions of the Department in relation to payment of certain farm subsidies.

The kind of decisions which can be reviewed are set out in regulation 4. They are decisions to refuse, reduce or recover, in whole or in part, payments under an IACS Scheme (as defined in regulation 2(2)) for the IACS year 2001 or any IACS year thereafter or under the Less Favoured Areas Compensatory Allowances Regulations (Northern Ireland) 2001.

Procedure for first review is by application made to the Department no later than 60 days following the date of the decision to be reviewed or, in the case of decisions made before the coming into operation of these Regulations, within 60 days of the date of the coming into operation of the Regulations (regulation 5). Where an applicant is dissatisfied with a decision on first review, he may apply to the Department for a second review (regulation 8). The first and second reviews will be conducted by the Department and its officials. Certain powers are given to the Department in relation to such reviews (regulations 6(2) and 9(2)). The Department shall, following a review, give its decision in a form specified by regulation 7 or, as the case may be, regulation 10.

Where an applicant is dissatisfied with a decision on second review, he may apply to the Department to have its decision reviewed by persons appointed by it (regulation 11(1)). A fee of £100 is payable in respect of such an application (regulation 11(3)). The Department may appoint such persons as it considers appropriate to conduct this stage of the review (regulation 12(1)). Persons appointed under regulation 12 shall review the decision of the Department and have certain powers to consider additional information or to invite representations from the applicant and the Department (regulation 12(2)). Following their review of the decision the persons appointed by the Department shall report their findings of fact and recommendations to the Department (regulation 12(3)).

The Department is required to make a decision having regard to the findings and recommendations reported to it by the persons appointed (regulation 12(4) and (5)). The Department is required to give its decision in writing and to give full details of the facts and reasons for its decision (regulation 12(6)). Where the Department decides that an applicant has been successful in whole or in part in the review it shall refund the fee of £100 (regulation 12(7)).

The Department may make payments to persons appointed by it under regulation 12(1) (regulation 12(8)).

Decisions shall be notified in accordance with regulation 13.

Consequential amendments are made in the Less Favoured Area Compensatory Allowances Regulations (Northern Ireland) 2001 and the Slaughter Premium Regulations (Northern Ireland) 2001 (regulation 14).