

SCHEDULES

SCHEDULE 6

Section 48

PROVISION RELATING TO NORTHERN IRELAND

PART 1

FINANCIAL SUPPORT AFTER EU EXIT

Direct payments after EU Exit: interpretation

- 1 (1) This paragraph defines or explains expressions used in this paragraph and paragraphs 2 to 4.
- (2) The “basic payment scheme” is the Basic Payment Scheme under the Direct Payments Regulation (see Title III of that Regulation), as it operates in relation to Northern Ireland, including the arrangements relating to each of the following elements of direct payments under the scheme—
 - (a) a basic payment for farmers (see Chapter 1 of Title III),
 - (b) a greening payment (see Chapter 3 of Title III),
 - (c) a young farmers payment (see article 50 of that Regulation),
 - (d) if a decision to make such payments is taken, a redistributive payment (see Chapter 2 of Title III), and
 - (e) if provision under paragraph 2(1)(b) is made, a payment for areas with natural constraints.
- (3) The “coupled support scheme” is the voluntary coupled support scheme under the Direct Payments Regulation as the Regulation applies in relation to Northern Ireland (see Chapter 1 of Title IV of the Regulation).
- (4) The “legislation governing the basic payment scheme” is—
 - (a) the following retained direct EU legislation—
 - (i) the Direct Payments Regulation;
 - (ii) any Council Delegated Regulation, or Commission Delegated Regulation, made under the Direct Payments Regulation;
 - (iii) any other retained direct EU legislation which relates to the operation of the basic payment scheme; and
 - (b) any subordinate legislation relating to retained direct EU legislation falling within paragraph (a).
- (5) The “legislation governing the coupled support scheme” is—
 - (a) the following retained direct EU legislation—
 - (i) the Direct Payments Regulation so far as relating to the coupled support scheme,

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- (ii) any Council Delegated Regulation, or Commission Delegated Regulation, made under the Direct Payments Regulation and so far as relating to the coupled support scheme,
 - (iii) any other retained direct EU legislation which relates to the coupled support scheme, and
 - (b) any subordinate legislation relating to retained direct EU legislation falling within paragraph (a).
- (6) The “Direct Payments Regulation” is [Regulation \(EU\) No 1307/2013](#) of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy.

Power to modify legislation governing the basic payment scheme

- 2 (1) DAERA may by regulations modify legislation governing the basic payment scheme for or in connection with—
- (a) making changes DAERA considers will simplify or improve the scheme (so far as it operates in relation to Northern Ireland);
 - (b) making provision, including provision corresponding to that made in Chapter 4 of Title III of the Direct Payments Regulation as it has effect in EU law immediately before exit day, for the elements of a direct payment under the scheme as it operates in relation to Northern Ireland to include a payment for areas with natural constraints.
- (2) The provision which may be made under sub-paragraph (1)(a) includes provision made for or in connection with terminating either or both of greening payments and young farmers payments in relation to Northern Ireland.
- (3) Regulations under this paragraph are subject to affirmative resolution procedure.

Power to provide for the continuation of the basic payment scheme beyond 2020

- 3 (1) DAERA may by regulations modify legislation governing the basic payment scheme to make provision for or in connection with securing that the basic payment scheme continues to operate in relation to Northern Ireland for one or more years beyond 2020.
- (2) The power conferred by sub-paragraph (1) includes power to provide for the direct payments ceiling for Northern Ireland for any relevant year to be determined, in a specified manner, by DAERA.
- (3) Provision made by virtue of sub-paragraph (2)—
- (a) must require a determination in respect of a relevant year to be published as soon as practicable after it has been made, and
 - (b) may confer functions on any person in connection with, or with the making of, a determination in respect of a relevant year.
- (4) In this paragraph—
- “the direct payments ceiling for Northern Ireland” is the national ceiling of the kind referred to in Article 6 of the Direct Payments Regulation that is applicable in relation to Northern Ireland for any relevant year;

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“relevant year” means a year in respect of which direct payments under the basic payment scheme fall, as a result of provision under sub-paragraph (1), to be made in relation to Northern Ireland;

“specified” means specified in regulations under this paragraph.

(5) Regulations under this paragraph are subject to affirmative resolution procedure.

Power to modify legislation governing the coupled support scheme

4 (1) DAERA may by regulations modify legislation governing the coupled support scheme for or in connection with—

- (a) making provision for the continuation, in relation to Northern Ireland, of the option to make payments under the scheme after any time at which, without the provision, the option would terminate;
- (b) making changes DAERA considers will simplify or improve the scheme so far as it operates, or could be operated, in relation to Northern Ireland.

(2) Regulations under this paragraph are subject to affirmative resolution procedure.

General provision connected with payments to farmers and other beneficiaries: modification in relation to Northern Ireland

5 (1) DAERA may by regulations modify any of the following legislation—

- (a) retained direct EU legislation relating to the financing, management and monitoring of the common agricultural policy, and
- (b) subordinate legislation relating to that legislation.

(2) Regulations under this paragraph may only be made for the purpose of—

- (a) securing that any provision of legislation referred to in sub-paragraph (1) ceases to have effect in relation to Northern Ireland, or
- (b) simplifying or improving the operation of any provision of such legislation in relation to Northern Ireland.

(3) In this paragraph “retained direct EU legislation relating to the financing, management and monitoring of the common agricultural policy” includes—

- (a) [Regulation \(EU\) No 1306/2013](#) of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy;
- (b) retained direct EU legislation made under that Regulation.

(4) Regulations under this paragraph are subject to negative resolution procedure (unless section 50(5) applies).

Apiculture

6 (1) DAERA may by regulations modify any of the following legislation so far as it has effect in relation to Northern Ireland—

- (a) retained direct EU legislation relating to apiculture, and
- (b) subordinate legislation relating to that legislation.

(2) In this paragraph “retained direct EU legislation relating to apiculture” includes in particular—

- (a) Articles 55 to 57 of the CMO Regulation, and

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- (b) retained direct EU legislation made under that legislation.
- (3) Regulations under this paragraph are subject to negative resolution procedure (unless section 50(5) applies).

Support for rural development: modification of legislation in relation to Northern Ireland

- 7 (1) DAERA may by regulations modify any of the following legislation so far as it has effect in relation to Northern Ireland—
- (a) retained direct EU legislation relating to support for rural development, and
 - (b) subordinate legislation relating to that legislation.
- (2) In this paragraph “retained direct EU legislation relating to support for rural development” includes in particular—
- (a) [Regulation \(EU\) No 1305/2013](#) of the European Parliament and of the Council of 17 December 2013 on support for rural development,
 - (b) [Regulation \(EU\) No 1310/2013](#) of the European Parliament and of the Council of 17 December 2013 laying down certain transitional provisions on support for rural development,
 - (c) Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development,
 - (d) so far as it relates to support for rural development, [Regulation \(EU\) No 1303/2013](#) of the European Parliament and of the Council of 17 December 2013 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,
 - (e) Council Regulation (EC) No 1257/99 of 17 May 1999 on support for rural development,
 - (f) [Council Regulation \(EEC\) No 2080/92](#) of 30 June 1992 instituting a Community aid scheme for forestry measures in agriculture,
 - (g) [Council Regulation \(EEC\) No 2078/92](#) of 30 June 1992 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside, and
 - (h) retained direct EU legislation made under the retained direct EU legislation in paragraphs (a) to (g).
- (3) Regulations under this paragraph are subject to affirmative resolution procedure.

PART 2

INTERVENTION IN AGRICULTURAL MARKETS

Exceptional market conditions: powers available to DAERA

- 8 (1) Where DAERA considers that—
- (a) there is a severe disturbance in agricultural markets or a serious threat of a severe disturbance in agricultural markets, and
 - (b) the disturbance or threatened disturbance has, or is likely to have, a significant adverse effect on agricultural producers in Northern Ireland in terms of the prices achievable for one or more agricultural products,

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DAERA may give, or agree to give, financial assistance to agricultural producers in Northern Ireland whose incomes are being, or are likely to be, adversely affected by the disturbance in agricultural markets.

- (2) DAERA may also make such use as DAERA considers appropriate of any available powers under retained direct EU legislation which provides for the operation of public intervention and aid for private storage mechanisms, as an alternative to, or in conjunction with, financial assistance under sub-paragraph (1).
- (3) Financial assistance under sub-paragraph (1) may be given by way of grant, loan or guarantee or in any other form.
- (4) The financial assistance may be given subject to such conditions as DAERA considers appropriate.
- (5) The conditions may (among other things) include provision under which the financial assistance is to be repaid or otherwise made good (with or without interest).
- (6) In this paragraph a reference to agricultural markets, agricultural products or agricultural producers includes horticultural markets, horticultural products or horticultural producers (as the case may be).

Power to modify retained direct EU legislation relating to public market intervention and private storage aid

- 9 (1) DAERA may by regulations modify retained direct EU legislation relating to public market intervention or aid for private storage, for either or both of the following purposes—
 - (a) securing that provisions of such legislation cease to have effect in relation to Northern Ireland;
 - (b) altering the operation of provisions of such legislation, so far as they have effect in relation to Northern Ireland (pending the achievement of the purpose in paragraph (a) in relation to those provisions).
- (2) The power conferred by sub-paragraph (1) includes power to change the agricultural products that are eligible for public market intervention or aid for private storage.
- (3) Regulations under this paragraph are subject to affirmative resolution procedure.
- (4) In this paragraph “retained direct EU legislation relating to public market intervention or aid for private storage” includes—
 - (a) Articles 8 to 18 of the CMO Regulation;
 - (b) [Council Regulation \(EU\) No 1370/2013](#) of 16 December 2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products (so far as relating to public market intervention and aid for private storage);
 - (c) the following Commission Regulations (so far as relating to public market intervention and aid for private storage)—
 - (i) [Commission Delegated Regulation \(EU\) 2016/1238](#) of 18 May 2016 supplementing the CMO Regulation with regard to public intervention and aid for private storage;
 - (ii) [Commission Implementing Regulation \(EU\) 2016/1240](#) of 18 May 2016 laying down rules for the application of the CMO Regulation with regard to public intervention and aid for private storage;

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- (iii) [Commission Delegated Regulation \(EU\) 2017/1182](#) of 20 April 2017 supplementing the CMO Regulation as regards the Union scales for the classification of beef, pig and sheep carcasses and as regards the reporting of market prices of certain categories of carcasses and live animals.

PART 3

COLLECTION AND SHARING OF DATA

Agri-food supply chains: requirement to provide information

- 10 (1) DAERA may require a person in, or closely connected with, an agri-food supply chain to provide information about matters connected with any of the person's activities connected with the supply chain so far as the activities are in Northern Ireland.
- (2) DAERA may make regulations requiring a person in, or closely connected with, an agri-food supply chain to provide information about matters connected with any of the person's activities connected with the supply chain so far as the activities are in Northern Ireland.
- (3) See paragraph 11 for provision about—
- (a) the meaning of “agri-food supply chain”,
 - (b) who is in such a supply chain, and
 - (c) who is closely connected with such a supply chain.
- (4) Sub-paragraphs (1) and (2) do not apply in relation to individuals in a supply chain so far as they are in the supply chain by reason of them, or members of their households, being the ultimate consumers (see paragraph 11).
- (5) A requirement imposed on a person under sub-paragraph (1) or (2) does not apply to so much of the information as the person would in legal proceedings be entitled to refuse to provide on grounds of legal privilege.
- (6) A requirement under sub-paragraph (1) must be in writing.
- (7) Sub-paragraph (1) binds the Crown.
- (8) Regulations under sub-paragraph (2) are subject to affirmative resolution procedure.

Meaning of “agri-food supply chain”

- 11 (1) This paragraph has effect for the purposes of this Part.
- (2) An “agri-food supply chain” is a supply chain for providing individuals with items of food or drink for personal consumption where the items consist of or include, or have been produced using (directly or indirectly, and whether or not exclusively), the whole or part of—
- (a) anything grown or otherwise produced in carrying on agriculture,
 - (b) any creature kept in carrying on agriculture, or
 - (c) any creature or other thing taken from the wild.
- (3) The persons in an agri-food supply chain are—

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- (a) those individuals (“the ultimate consumers”),
 - (b) the persons carrying on the agriculture or (as the case may be) taking things from the wild, and
 - (c) anybody in the supply chain between those persons and the ultimate consumers.
- (4) The persons “closely connected” with an agri-food supply chain are—
- (a) anybody supplying seeds, stock, equipment, feed, fertiliser, pesticides, medicines or similar items to the persons within sub-paragraph (3)(b) for use in the agriculture or taking,
 - (b) anybody providing, to persons within sub-paragraph (3)(b) or (c), services related to—
 - (i) the health of creatures, or plants, involved in the supply chain, or
 - (ii) the safety or quality of the food or drink to be provided to the ultimate consumers,
 - (c) any person carrying on activities capable of affecting a matter mentioned in sub-paragraph (i) or (ii) of paragraph (b), and
 - (d) bodies representing persons within any of paragraphs (b) and (c) of sub-paragraph (3) and paragraphs (a), (b) and (c) of this sub-paragraph.
- (5) Activities of the kind mentioned in sub-paragraph (4)(c) are to be treated for the purposes of paragraph 10(1) and (2) as connected with the supply chain, but this is not to be read as limiting the generality of “connected” in paragraph 10(1) and (2).
- (6) In this paragraph—
- “agriculture” includes any growing of plants, and any keeping of creatures, for the production of food or drink;
 - “plants” includes fungi;
 - “seeds” includes bulbs and other things from which plants grow.

Requirement must specify purposes for which information may be processed

- 12 (1) This paragraph applies to a requirement imposed under paragraph 10(1) or (2).
- (2) The requirement must specify the purposes for which the information may be processed.
- (3) Each purpose specified must be in, or covered by, the list of purposes in sub-paragraph (4).
- (4) The list of purposes is as follows—
- (a) helping persons in agri-food supply chains to—
 - (i) increase productivity,
 - (ii) manage risks (including, but not limited to, financial risks, non-financial trading risks, climatic risks, and risks of or from disease or pollution), or
 - (iii) manage market volatility;
 - (b) promoting transparency or fairness in agri-food supply chains;
 - (c) promoting the health, welfare or traceability of creatures of a kind kept for the production of food, drink, fibres or leathers;
 - (d) promoting the health or quality of plants, fungi or soil;

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- (e) minimising adverse environmental effects of activities connected with agri-food supply chains;
 - (f) minimising waste arising from activities connected with agri-food supply chains;
 - (g) monitoring, or analysing, markets connected with agri-food supply chains.
- (5) For the meaning of “agri-food supply chain” (and “person in” such a chain) see paragraph 11.

Requirements under paragraph 10(1): duty to publish draft requirement

- 13 (1) Before a particular requirement is imposed under paragraph 10(1), DAERA must have—
- (a) published—
 - (i) a draft of the requirement,
 - (ii) a description of the persons on whom it is proposed that the requirement may be imposed, and
 - (iii) the deadline for making comments on the draft, which must not be earlier than 4 weeks after the date of publication, and
 - (b) decided, in the light of comments received before the deadline (and any other relevant matters), whether the requirement should be imposed in the terms of the draft or in revised terms.
- (2) A requirement in the decided form may be imposed on a person at any times after the decision when the person is within the published description.

Provision of required information and limitations on its processing

- 14 (1) This paragraph applies to a requirement imposed under paragraph 10(1) or (2).
- (2) Information provided in response to the requirement may be processed for, but only for, purposes specified in the requirement (see paragraph 12).
- (3) Sub-paragraph (2) applies—
- (a) to the person to whom the information is provided, and
 - (b) to a person to whom the information is disclosed,
- but, in the case of a person within paragraph (b), sub-paragraph (2) does not authorise processing contrary to the terms on which disclosure is made.
- (4) Sub-paragraphs (2) and (3) are subject to sub-paragraphs (7) to (9).
- (5) The requirement may specify how and when the required information is to be provided, including (in particular)—
- (a) the person to whom the information is to be provided (who may be a person other than DAERA);
 - (b) the form in which the information is to be provided;
 - (c) the means by which it is to be provided;
 - (d) the time or times at which, or by when, it is to be provided.
- (6) The requirement must specify—
- (a) the types of processing to which the information may be subjected, and

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- (b) if the types of processing specified include disclosure of any kind, the forms in which the information may be disclosed.
- (7) Information provided in response to the requirement—
- (a) may not be subjected to types of processing other than those specified in the requirement, and
 - (b) may not be disclosed in any form other than those specified in the requirement,
except in circumstances specified in the requirement.
- (8) Sub-paragraph (9) applies if—
- (a) information is provided in response to the requirement, and
 - (b) a person (“P”) proposes to make a disclosure of the information that is permitted by sub-paragraph (7).
- (9) Where P proposes that the disclosure should be of the information otherwise than in anonymised form—
- (a) P must consider whether the disclosure (if made in the form proposed) would, or might, prejudice the commercial interests of any person, and
 - (b) if P considers that it would or might do so, the disclosure (if made) must be of the information in anonymised form unless DAERA considers that it is in the public interest for the disclosure to be of the information in some other form permitted by sub-paragraph (7) (in which event the disclosure may be of the information in that other form).
- (10) In this Part “processing”, in relation to information, means an operation or set of operations which is performed on information, or on sets of information, such as—
- (a) collection, recording, organisation, structuring or storage,
 - (b) adaptation or alteration,
 - (c) retrieval, consultation or use,
 - (d) disclosure by transmission, dissemination or otherwise making available,
 - (e) alignment or combination, or
 - (f) restriction, erasure or destruction.

Enforcement of information requirements

- 15 (1) DAERA may by regulations make provision for enforcement of a requirement imposed under paragraph 10(1) or (2).
- (2) In the following provisions of this paragraph “specified” means specified in regulations under sub-paragraph (1).
- (3) In sub-paragraph (1) “enforcement” includes (in particular)—
- (a) monitoring compliance,
 - (b) investigating non-compliance, and
 - (c) dealing with non-compliance.
- (4) The provision that may be made by regulations under sub-paragraph (1) includes (in particular)—
- (a) provision for the imposition of monetary penalties for non-compliance with requirements, whether penalties—
 - (i) of a specified amount,

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- (ii) of an amount calculated in a specified manner,
 - (iii) of an amount, not exceeding a specified maximum or a maximum calculated in a specified manner, decided by a specified person or a person of a specified description, or
 - (iv) by way of suspending, or withholding, payment of any amounts;
 - (b) provision for recovery of amounts due in respect of monetary penalties, including provision for any of interest, set-off and security for payment;
 - (c) provision about the giving of advice or warnings;
 - (d) provision for the acceptance of undertakings to take, or refrain from taking, particular actions;
 - (e) provision giving persons functions in connection with enforcement of requirements;
 - (f) provision about review of, or appeals against, things done (including decisions made) in connection with enforcement of requirements.
- (5) In sub-paragraph (4)(a) “specified manner” includes (in particular) a manner framed by reference to a specified matter such as a person’s profits, income or turnover.
- (6) Regulations under sub-paragraph (1) are subject to affirmative resolution procedure.

PART 4

MARKETING STANDARDS AND CARCASS CLASSIFICATION

Marketing standards

- 16 (1) DAERA may by regulations, in relation to agricultural products that—
- (a) are listed in paragraph 17(1), and
 - (b) are marketed in Northern Ireland,
- make provision about the standards with which those products must conform (“marketing standards”).
- (2) The regulations may cover matters such as—
- (a) technical definitions, designation and sales descriptions;
 - (b) classification criteria such as grading into classes, weight, sizing, age and category;
 - (c) the species, plant variety or animal breed or the commercial type;
 - (d) the presentation, labelling, packaging, rules to be applied in relation to packaging centres, marking, years of harvesting and use of specific terms;
 - (e) criteria such as appearance, consistency, conformation, product characteristics and the percentage of water content;
 - (f) specific substances used in production, or components or constituents, including their quantitative content, purity and identification;
 - (g) the type of farming and production method, including oenological practices;
 - (h) coupage of must and wine (including definitions of those terms), blending and restrictions thereof;
 - (i) the frequency of collection, delivery, preservation and handling, the conservation method and temperature, storage and transport;
 - (j) the place of farming or origin, excluding live poultry and poultrymeat;

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- (k) restrictions as regards the use of certain substances and practices;
 - (l) specific use of products;
 - (m) the conditions governing the disposal, the holding, circulation and use of products not in conformity with the marketing standards, and the disposal of by-products;
 - (n) the use of terms communicating value-added characteristics or attributes.
- (3) Regulations under sub-paragraph (1) may include provision about enforcement, which may (among other things) include provision—
- (a) about the provision of information;
 - (b) conferring powers of entry;
 - (c) conferring powers of inspection, search and seizure;
 - (d) about the keeping of records;
 - (e) imposing monetary penalties;
 - (f) creating summary offences punishable with a fine not exceeding the amount specified in the regulations, which must not exceed level 5 on the standard scale;
 - (g) about appeals;
 - (h) conferring functions (including functions involving the exercise of a discretion) on a person.
- (4) Regulations under this paragraph may not authorise entry to a private dwelling without a warrant issued by a lay magistrate.
- (5) Regulations under this paragraph are subject to affirmative resolution procedure.

Agricultural products

- 17 (1) The agricultural products mentioned in paragraph 16(1) are products falling within any of the following—
- (a) the table in Part XV of Annex 1 of the CMO Regulation, but excluding any entry in the table for live animals (beef and veal);
 - (b) the table in Part XX of Annex 1 of the CMO Regulation, including any entry in the table for live poultry (poultry and poultrymeat);
 - (c) the table in Part XIX of Annex 1 of the CMO Regulation, including any entry in the table for eggs (eggs and egg products);
 - (d) the table in any of Parts IX to XI of Annex 1 of the CMO Regulation (fruit and vegetables other than olives);
 - (e) the table in Part VII of Annex 1 of the CMO Regulation (olive oil and table olives);
 - (f) the table in Part VI of Annex 1 of the CMO Regulation (hops);
 - (g) the table in Part XII of Annex 1 of the CMO Regulation (wine);
 - (h) the definition of “aromatised wine products” in Article 3 of the Aromatised Wine Regulation (aromatised wine).
- (2) In sub-paragraph (1)—
- (a) references to the CMO Regulation are to that Regulation as amended from time to time before IP completion day, and
 - (b) “the Aromatised Wine Regulation” means [Regulation \(EU\) No 251/2014](#) of the European Parliament and of the Council of 26 February 2014 on

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the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products as amended from time to time before IP completion day.

- (3) DAERA may by regulations amend this paragraph and paragraph 16 for or in connection with the purpose of—
- (a) adding or removing an agricultural product from sub-paragraph (1);
 - (b) altering the description of an agricultural product in sub-paragraph (1).
- (4) Regulations under this paragraph are subject to affirmative resolution procedure.

Carcass classification

- 18 (1) DAERA may by regulations make provision about the classification, identification and presentation of bovine, pig and sheep carcasses by slaughterhouses in Northern Ireland.
- (2) Regulations under sub-paragraph (1) may include provision about enforcement, which may (among other things) include provision—
- (a) about the provision of information;
 - (b) conferring powers of entry;
 - (c) conferring powers of inspection, search and seizure;
 - (d) about the keeping of records;
 - (e) imposing monetary penalties;
 - (f) creating summary offences punishable with a fine not exceeding the amount specified in the regulations, which must not exceed level 5 on the standard scale;
 - (g) about appeals;
 - (h) conferring functions (including functions involving the exercise of a discretion) on a person.
- (3) Regulations under this paragraph may not authorise entry to a private dwelling without a warrant issued by a lay magistrate.
- (4) Regulations under this paragraph are subject to affirmative resolution procedure.

PART 5

DATA PROTECTION

- 19 (1) This paragraph applies to a duty or power to disclose or use information where the duty or power is imposed or conferred by or under any provision of this Schedule.
- (2) A duty or power to which this paragraph applies does not operate to require or authorise the disclosure or use of information which would contravene the data protection legislation (but the duty or power is to be taken into account in determining whether the disclosure or use would contravene that legislation).
- (3) In this paragraph “data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).