

# **Statutory Rules of Northern Ireland 1999 No. 237**

## **Organic Farming Regulations (Northern Ireland) 1999 - *continued***

---

### **Obligation to keep records**

**13. An applicant shall keep for the duration of the specified period any correspondence or other records relating to any document mentioned in regulation 9, and any records relating to his farming of any land in accordance with his undertakings under these Regulations.**

### **Obligation to permit entry and inspection**

**14. - (1) An applicant shall permit an authorised person, accompanied by such other persons acting under his instructions as appear to that authorised person to be necessary for the purpose, at all reasonable hours and on production of evidence of his authority, if so required, to enter upon any part of the applicant's holding for the purposes of -**

**(a) inspecting any land forming part of an organic unit or any document or record in the possession or under the control of the applicant relating to, or which the authorised person may reasonably suspect relates to, any document referred to in regulation 9, with a view to verifying the accuracy of any particulars given therein, or in relation thereto; or**

**(b) ascertaining whether the applicant has duly complied with any undertaking given by him under these Regulations.**

**(2) An applicant shall render all reasonable assistance to an authorised person in relation to the matters mentioned in paragraph (1) and in particular shall -**

**(a) produce such document or record as may be required by the authorised person for inspection; and**

**(b) at the request of an authorised person, accompany him in making an inspection of any land and identify any area of land to which any application or any undertaking relates.**

**(3) Paragraphs (1) and (2) shall apply in relation to a beneficiary as they apply in relation to an applicant.**

**(4) Save in so far as is reasonably required for the purposes of inspecting a document or record as mentioned in paragraph (1)(a), paragraph (1) shall not apply in relation to any part of the holding which comprises a private dwelling.**

### **Withholding and recovery of aid, termination and exclusion**

**15. - (1) Where any person, with a view to obtaining the payment of aid to himself or any other person, makes any statement or furnishes any information which is false or misleading in a material respect, the Department may withhold the whole or any part of any aid payable to that person or to such other person and may recover the whole or any part of any such aid already paid to that person or to that other person.**

**(2) Where a beneficiary -**

- (a) fails to comply with any undertaking given by him under these Regulations,**
- (b) fails without reasonable excuse to permit entry and inspection by an authorised person or to render all reasonable assistance to such authorised person as required by regulation 14(2), or**
- (c) fails to comply with any other requirement of these Regulations,**

**the Department may withhold the whole or any part of any aid payable to that beneficiary and may recover the whole or any part of any aid already paid to him and may also require him to pay to the Department a sum not exceeding 10% of the aid paid or payable to the beneficiary.**

**(3) Where the Department takes any step specified in paragraph (1) or (2), it may also treat as terminated any entitlement of the beneficiary to the payment of aid under these Regulations.**

**(4) Where under paragraph (3) the Department treats the beneficiary's entitlement to aid as terminated it may also by notice in writing to the beneficiary disqualify him from participating in any agri-environment scheme for such period (not exceeding two years) from the date of that termination as may be specified in the notice.**

**(5) Before taking any step specified in paragraph (1), (2), (3) or (4) the Department shall -**

- (a) give to the beneficiary a written explanation of the reasons for the step proposed to be taken;**
- (b) afford the beneficiary the opportunity of appearing before and being heard by a person appointed for that purpose by the Department; and**
- (c) consider the report by the person so appointed and supply a copy of the report to the beneficiary.**

**Recovery of interest**

**16. - (1) Where a payment of aid is made to a beneficiary by the Department and, by virtue of Article 20(1) of the Commission Regulation (which provides for recovery of wrongful payments with interest) a reimbursement of all or part of the payment with interest is required, the rate of interest shall be one percentage point above LIBOR on a day to day basis.**

**(2) For the purposes of this regulation, LIBOR means the sterling three month London interbank offered rate in force during the period specified in Article 20(1) of the Commission Regulation.**

**(3) In any proceedings relating to the recovery of interest in accordance with this regulation, a certificate of the Department stating the LIBOR applicable during a 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.**

**Recovery of payments**

**17. 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 or the Commission Regulation in so far as it relates to the holding of a beneficiary, the amount shall be recoverable as a debt.

**False statements**

**18.** If any person, for the purposes of obtaining any aid for himself or any other person, knowingly or recklessly makes a statement which is false in a material particular, that person shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

**Offences by bodies corporate**

**19. - (1)** Where a body corporate is guilty of an offence under regulation 18 and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of -

- (a) any director, manager, secretary or other similar officer of the body corporate, or
- (b) any person who was purporting to act in any such capacity,

he, as well as the body corporate, shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of paragraph (1), "director", in relation to a body corporate whose affairs are managed by its members, means a member of that body corporate.

**Closure of the organic aid scheme under the Organic Farming Aid Regulations (Northern Ireland) 1995**

**20.** The Department shall not accept any application made under the Organic Farming Aid Regulations (Northern Ireland) 1995[13] unless such application is received before 23rd June 1999.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on

***L.S.***

***Liam McKibben***  
Assistant Secretary

**20th May 1999.**

**SCHEDULE 1**

**Regulation 4(2)**

**Calculation of Aid**

**PART I**

**PAYMENT IN RESPECT OF AN ORGANIC PARCEL**

**1. AAPS eligible land and permanent crops:**

- (a) in the first year £225 per hectare**
- (b) in the second year £135 per hectare**
- (c) in the third year £50 per hectare**
- (d) in the fourth year £20 per hectare**
- (e) in the fifth year £20 per hectare**

**2. Other improved land:**

- (a) in the first year £175 per hectare**
- (b) in the second year £105 per hectare**
- (c) in the third year £40 per hectare**
- (d) in the fourth year £15 per hectare**
- (e) in the fifth year £15 per hectare**

**3. Unimproved land:**

- (a) in the first year £25 per hectare**
- (b) in the second year £10 per hectare**
- (c) in the third year £5 per hectare**
- (d) in the fourth year £5 per hectare**
- (e) in the fifth year £5 per hectare**

**In Part I of this Schedule -**

**"AAPS eligible land" means land which is "eligible land" within the meaning of the Arable Area Payments Regulations (Northern Ireland) 1997[14];**

**"heath" means an area of grass, shrubs or trees on acidic, sandy soil;**

**"the maximum quantities", in relation to inorganic fertilisers, means, in the case of nitrogen, 75 kilograms per hectare, in the case of the phosphate fertiliser P<sub>2</sub>O<sub>5</sub>, 35 kilograms per hectare, and, in the case of the potassium fertiliser K<sub>2</sub>O, 35 kilograms per hectare, and, in relation to organic fertilisers, means 25 tonnes per hectare;**

**"moorland" means land covered by semi-natural upland vegetation;**

**"other improved land" means any land other than AAPS eligible land, land planted to permanent crops or unimproved land;**

**"permanent crops" means any crops which occupy the soil for a period of five years or more and yield crops over several years; and**

**"unimproved land" means -**

**(a) moorland and heath; and**

**(b) other land used for grazing which in the five years preceding 23rd June 1999 has received total applications of less than the respective maximum quantities of inorganic fertilisers and less than the maximum quantities of organic fertilisers, and which is not AAPS eligible land.**

## **PART II**

### **PAYMENT IN RESPECT OF THE ORGANIC UNIT AS A WHOLE**

**in the first year £300 per organic unit**

**in the second year £200 per organic unit**

**in the third year £100 per organic unit**

## **SCHEDULE 2**

**Regulation 5(2)(b)(ii) and (v)**

### **Standards to be observed**

**1. The beneficiary shall not plough, reseed or improve, by use of drainage, manures or liming agents, any heathland, grassland of conservation value, including species-rich grassland, or rough grazing. The beneficiary shall not graze any such semi-natural habitats so as to cause poaching, over-grazing or under-grazing affecting the conservation value of such habitats.**

**2. The beneficiary shall avoid localised heavy stocking in the nesting season on areas of semi-natural vegetation, including heathland, species-rich grassland and rough grazing.**

**3. The beneficiary shall not carry out field operations, such as harrowing and rolling, on species-rich grassland or rough grazing during the nesting season.**

**4. The beneficiary shall not cultivate or apply fertilisers to the land within 1 metre of any boundary features, such as fences, hedges or walls.**

**5. The beneficiary shall retain traditional farm boundary features, for example hedges and walls. He shall carry out hedge-trimming in rotation, but not between 1st March and 31st August. The beneficiary shall maintain any stockproof boundaries, using traditional methods and materials.**

**6. Ditch maintenance shall be carried out in rotation, but not between 1st March**

**and 31st August.**

**7. The beneficiary shall maintain streams, ponds and wetland areas.**

**8. The beneficiary shall retain any copses, farm woodlands or groups of trees.**

**9. The beneficiary shall ensure that in farming the land he does not damage, destroy or remove any feature of historical or archaeological interest, including areas of ridge and furrow.**

**10. The beneficiary shall abide by the Codes of Good Agricultural Practice for the protection of Soil, Air and Water published by the Department<sup>[15]</sup>.**

---

## **EXPLANATORY NOTE**

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

**These Regulations provide for the payment of aid to farmers who undertake to introduce organic farming methods and comply with certain environmental management conditions, pursuant to Article 2(1)(a) and (d) of Council Regulation (EEC) No. 2078/92 (O.J. No. L215, 30.7.92, p. 85) ("the Agri-environment Regulation"). Such aid is part of the zonal programme relating to Northern Ireland submitted by the United Kingdom to the European Commission pursuant to Article 3 of the Council Regulation.**

**These Regulations implement certain provisions of Commission Regulation (EC) No. 746/96 (O.J. No. L102, 25.4.96, p. 19) ("the Commission Regulation"), as amended by Commission Regulation (EC) No. 435/97 (O.J. No. L67, 7.3.97, p. 2), laying down detailed rules for the application of the Agri-environment Regulation, in particular Article 11(3)(b) (which concerns the extension, during the currency of an undertaking, of the area subject to that undertaking) and Article 20 (which provides for recovery of wrongful payments with interest, a penalty system and exclusion for false declarations).**

**The powers which are conferred by these Regulations are exercisable subject to the terms of certain other provisions of the Commission Regulation, in particular Article 10 (which restricts duplication of aid payments), Article 11 (which governs transfers of holdings which are subject to agreements or undertakings under the Agri-environment Regulation), Article 12 (force majeure) and Article 14 (which governs undertakings and procedures).**

**The Regulations -**

**(a) enable the Department of Agriculture ("the Department") to make payments of aid, subject to specified conditions, and specify the rate of aid (regulations 3 and 4);**

**(b) specify the conditions of eligibility to be satisfied by applicants for aid (regulation 5), certain procedural and formal preconditions for the acceptance of applications for aid (regulations 6 and 9), and certain restrictions on the payment of aid (regulation 7); and permit the Department to refuse applications for aid in the event that financial resources available for aid under the Regulations are insufficient (regulation 8);**

- (c) provide for variations of undertakings given by applicants for aid and amendments to conversion plans (regulations 10 and 11);**
- (d) provide for the payment of aid to a new occupant where there has been a change in the occupation of an organic unit or part of an organic unit due to the death of a beneficiary or otherwise (regulation 12);**
- (e) impose obligations in respect of the keeping of records and confer powers of entry and inspection (regulations 13 and 14);**
- (f) provide for the withholding or recovery of aid and the recovery of interest (regulations 15, 16 and 17);**
- (g) provide for an offence of making a false statement, and make provision in relation to any such offence committed by a corporation (regulations 18 and 19); and**
- (h) close the scheme established by the Organic Farming Aid Regulations (Northern Ireland) 1995 to further applications (regulation 20).**

**The UKROFS standards are published by and copies are available from the Office of the Secretary to UKROFS, Room G47, Nobel House, 17 Smith Square, London SW1P 3JR.**

**Copies of the Codes of Good Agricultural Practice for the protection of Soil, Air and Water (referred to in paragraph 10 of Schedule 2) are available free of charge from the Department of Agriculture, Annex D, Dundonald House, Upper Newtownards Road, Belfast BT4 3SB.**

---

***Notes:***

**[13] S.R. 1995 No. 116 amended by S.R. 1996 No. 610[back](#)**

**[14] S.R. 1997 No. 477 amended by S.R. 1998 No. 308 and S.R. 1999 No. 120[back](#)**

**[15] Soil, 1995 ISBN 1 85527 159 1; Air 1995 ISBN 1 85527 160 5, 1995 ISBN 1 85527 161 3; Water 1991 ISBN 1 85527 057 9, 1991 ISBN 1 85527 059 5, 1993 ISBN 1 85527 112 5, 1993 ISBN 1 85527 115, 1994 ISBN 1 85527 114 1, 1996 ISBN 1 85527 246 6, 1999 ISBN 1 85527 351 9, 1999 ISBN 1 85527 361 6[back](#)**

---

**ISBN 0 337 93494 0**