

**2015 No. 17**

**AGRICULTURE**

**The Transitional Payment to Disadvantaged Area Scheme  
(Northern Ireland) 2015**

*Made* - - - - - *27th January 2015*

*Coming into operation* - *3rd February 2015*

The Minister of Agriculture and Rural Development<sup>(a)</sup> 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<sup>(b)</sup> and with the approval of the Minister of Finance and Personnel.

**Citation and commencement**

1. This Scheme may be cited as The Transitional Payment to Disadvantaged Area Scheme (Northern Ireland) 2015, and shall come into operation on 3rd February 2015.

**Interpretation**

2. In this Scheme—

“applicant” means any person who has applied for a transitional payment;

“application” means an application for the transitional payment made in accordance with Article 5;

“authorised officer” means a person authorised by the Department for the purposes of this Scheme;

“Council Regulation 1257/1999” means Council Regulation (EC) No. 1257/1999<sup>(c)</sup> on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations;

“Council Regulation 1698/2005” means Council Regulation (EC) No. 1698/2005<sup>(d)</sup> on support for rural development by the European Agricultural Fund for Rural Development (EAFRD);

“deer” means deer of the Red, Fallow or Sika species managed on a holding enclosed by a deer-proof barrier and kept by way of business for the primary purpose of the production of meat;

“the Department” means the Department of Agriculture and Rural Development;

“designated map” means the map marked “Map of less-favoured farming areas in Northern Ireland”, dated 8th May 1991, signed by the Secretary of State and deposited at the Offices of

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

(b) 1954 c. 31 (N.I.); the Act was amended by Article 7 of S.I. 1984/702 (N.I. 2)

(c) O.J. No. L160, 26.06.1999, p.80 as last amended by Council Regulation (EC) No. 1698/2005 (O.J. No. L277, 21.10.2005, p.1)

(d) O.J. No. L277, 21.10.2005, p.1 as last amended by Council Regulation (EC) No. 147/2012 (O.J. No L48, 21.02.2012, p.7)

the Department at Dundonald House, Upper Newtownards Road, Ballymiscaw, Belfast BT4 3SB;

“disadvantaged land” (except in the expression “severely disadvantaged land”) means the land shown coloured blue on the designated map;

“eligible producer” means a producer who falls within Article 4;

“ewe” means any female of the ovine species having lambed at least once or at least one year old;

“goat” means any goat (of any species) which is kept by way of business for the primary purpose of the production of milk or fibre;

“heifer” means a female bovine animal from the age of eight months which has not yet calved;

“less favoured area compensatory allowance” means the compensatory allowance payable in accordance with the Less Favoured Area Compensatory Allowances Regulations (Northern Ireland) 2015<sup>(a)</sup>, Article 36(a)(ii) of Council Regulation 1698/2005 and Chapter V of Title II of Council Regulation 1257/1999 and Articles 1 and 3 of Regulation 1310/2013;

“Regulation (EU) No 1310/2013” means 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 by the European Agricultural Fund for Rural Development (EAFRD), amending Regulation (EU) No 1305/2013 of the European Parliament and of the Council as regards resources and their distribution in respect of year 2014 and amending Council Regulation (EC) No 73/2009 and Regulations (EU) No 1307/2013, (EU) No 1306/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards their application in the year 2014<sup>(b)</sup>;

“severely disadvantaged land” means the land shown coloured pink on the designated map;

“single application” means the application for direct payments in respect of the single payment scheme and other area-related aid schemes;

“suckler cow” means a cow belonging to a meat breed or born of a cross with a meat breed, and belonging to a herd intended for rearing calves for meat production;

“transitional payment” means a payment by the Department under Article 3.

### **Transitional Payments**

3. The Department shall pay a transitional payment to any applicant who is eligible under Article 4.

### **Eligibility for payment**

4. An applicant is eligible under this Article where he —

- (a) engaged in rearing suckler cows, heifers, ewes, breeding female deer or breeding female goats on disadvantaged land in 2014; and
- (b) submitted a single application in 2014 and was entitled to a less favoured area compensatory allowance payment in respect of the disadvantaged land in respect of that application; and
- (c) submits an application for the transitional payment by 13th March 2015.

### **Applications**

5.—(1) An application for the transitional payment shall be made in such form or manner and shall be delivered to such address as the Department may specify and shall be received by the Department before the date specified in Article 4 (c).

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(a) S.R.2015 No. 16

(b) OJ No L 347, 20.12.2013, p. 865–883

(2) An applicant shall furnish all such information relating to the application as the Department may specify or from time to time require in writing.

#### **Amount of Transitional Payment**

6. In the case of any eligible producer the payment per hectare will be £14.40 for each hectare of disadvantaged land in respect of which the applicant was entitled to receive a less favoured area compensatory allowance payment pursuant to his single application in 2014.

#### **Reduction of Aid Payment**

7. Any payments made to an eligible producer or to any other person for the eligible applicant's benefit as *de minimis* aid, for any purpose, in the last 3 years under the conditions of Commission Regulation (EU) No 1408/2013(a) of 18 December 2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid in the agriculture sector shall be deducted from any amount that would otherwise be payable to him under this Scheme.

#### **Withholding of payment**

8.—(1) Where a person, with a view to obtaining a transitional payment for himself or any other person, makes any statement or furnishes any information which is false or misleading, or refuses to cooperate with an authorised officer exercising powers under this Scheme, the Department may withhold an amount equal to the whole or part of any amount payable to that person or such other person and may recover the whole or part of any payment already paid to that person or such other person.

(2) Before withholding the whole or any part of any payment or recovering any amount equal to the payment or part of the payment which has been made under the provisions of paragraph (1), the Department shall—

- (a) give to the person to whom any transitional payment would be payable, or from whom any such amount would be recoverable, a written notification of the reasons for the action proposed to be taken;
- (b) afford that person an opportunity of appearing before and being heard by a person appointed for the purpose by the Department; and
- (c) consider the report of a person so appointed and supply a copy of the report to the person mentioned in subparagraph (a).

#### **Recovery of payment**

9. Where an amount falls to be paid to the Department by virtue of this Scheme, the amount or any part of it shall be recoverable as a civil debt.

#### **Powers of authorised officers**

10.—(1) An authorised officer may at all reasonable times, after giving the occupier or other person in charge of the premises reasonable notice of his intention and upon production, if so required, of his authority, enter any land or premises, other than a building used solely as a dwelling house, for the purposes of exercising powers specified under this Scheme.

(2) An authorised officer may—

- (a) inspect any land specified by the applicant in his application;
- (b) require an applicant or any employee, servant or agent of an applicant to provide any relevant record or documentation, or extracts there from, and to supply such additional

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(a) O.J. No. L 352 24.12.2013 p9

information as is in that person's possession or under his control relating to an application under this Scheme;

- (c) have access to, and inspect and copy any relevant records or documents (in whatever form they are held) or remove such records or documents to enable them to be copied;
- (d) have access to, inspect and check the operation of, any computer and any associated apparatus which is or has been in use in connection with the relevant records or documents; and for this purpose may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford him such assistance as he may reasonably require and, where a record is kept by means of a computer, may require the records to be produced in a form in which they may be taken away;
- (e) seize and retain any relevant record or document which he has reason to believe may be required as evidence in proceedings under this Scheme; and
- (f) in so far as may be necessary for the purposes of verifying the accuracy of any information provided by an applicant, inspect and count livestock on the land and may, for this purpose, require the applicant, or any employee, servant or agent of such applicant, to arrange for the collection, penning and securing of such livestock.

(3) An authorised person entering on any land under paragraph (1) may be accompanied by such other persons as he considers necessary for any of the purposes mentioned in paragraph (2) and these paragraphs shall apply in relation to any person referred to in sub-paragraph (b), when acting under the instructions of an authorised person, as if he were an authorised person.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 27th January 2015



*Michelle O'Neill*  
Minister of the Department of Agriculture and Rural Development

The Department of Finance and Personnel hereby approves the foregoing Scheme.

Sealed with the Official Seal of the Department of Finance and Personnel on 27th January 2015



*Simon Hamilton*  
Minister of the Department of Finance and Personnel

## EXPLANATORY NOTE

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

This Scheme provides for a final transitional payment to be made by the Department of Agriculture and Rural Development to applicants from land designated as disadvantaged who have ceased to be eligible for future payments under Areas of Natural Constraint Regulations.

The Scheme—

- (a) establishes eligibility criteria (Article 4);
- (b) specifies the manner in which applications are to be made (Article 5);
- (c) specifies the rate of payment (Article 6);
- (d) enables the Department to reduce any payment due or paid if a previous *de minimis* aid payment has been made to the applicant in the past three years, for any purpose (Article 7)
- (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 (Article 8);
- (f) provide for the recovery of payments made under the Scheme (Article 9); and
- (g) enables an authorised officer to exercise powers of entry and have access to relevant records and documents (Article 10).

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), be liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment not exceeding twelve months or to both such fine and such imprisonment.

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

- (h) who acts in contravention of, or neglects or fails to comply with any provision contained in this Scheme; or
- (i) obstructs or impedes an authorised officer in the exercise of any power under this Scheme,

shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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