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STATUTORY RULES OF NORTHERN IRELAND

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**2021 No. 186**

**AGRICULTURE**

**The Agricultural Commodities (Coronavirus)(Income Support) Scheme No. 2 (Northern Ireland) 2021**

*Made - - - - 28th June 2021*

*Coming into operation 27th July 2021*

The Minister of Agriculture, Environment and Rural Affairs<sup>(1)</sup>, with the approval of the Minister of Finance, 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>(2)</sup>.

**Citation and commencement**

1. This Scheme may be cited as the Agricultural Commodities (Coronavirus)(Income Support) Scheme No. 2 (Northern Ireland) 2021 and comes into operation on 27th July 2021.

**Interpretation**

2. In this Scheme—

“APHIS” means the Animal and Public Health Information System operated by the Department;

“applicant” except in relation to an application for review under article 9 means a pig producer, a potato producer or a sheep producer who makes an application;

“application” means an application for an income support payment made in accordance with article 3(4);

“business ID” means a number issued by the Department to a farm business and which in the case of a pig producer, or a sheep producer identifies that producer on APHIS;

“the Department” means the Department of Agriculture, Environment and Rural Affairs;

“first purchaser” means a person who purchases for processing a pig from a pig producer or, as the case may be, wool from a sheep producer;

“income support payment” means a payment made under article 5(1), 6(1) or 7(1);

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(1) Formerly the Department of Agriculture for Northern Ireland; see [S.I. 1999/283 \(N.I. 1\)](#) Article 3(4) and [2016 c. 5 \(N.I.\)](#) section 1

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

“pig producer” means a person with a business ID who raises pigs for the purpose of sale as pig meat or pig meat products to a first purchaser;

“potato producer” means a person with a business ID who produces potatoes for sale as potatoes;

“sheep producer” means a person with a business ID who raises sheep for the purpose of sale of the animal, or its fleece for processing to a first purchaser;

“the 2019 sheep inventory” means the inventory provided by sheep producers to the Department for 2019, in accordance with the requirements of The Sheep and Goats (Records, Identification and Movements) Order (Northern Ireland) 2009(3);

“slaughtered” means slaughtered at a slaughterhouse (within the meaning of point 1.16 of Annex I to Regulation (EC) No 853/2004(4) of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin and approved or conditionally approved under Article 4 of that Regulation.

### **Applications for income support payment**

3.—(1) The Department must publish, in such manner as it considers appropriate, a notice inviting applications for an income support payment.

(2) A notice under paragraph (1) must specify—

- (a) the conditions for an award of income support payment set out in article 5, article 6, or article 7, as the case may be;
- (b) the closing date for receipt of applications; and
- (c) the information which the applicant is required to provide in support of the application.

(3) A notice under paragraph (1) may be amended by further notice published by the Department in the same manner.

(4) An application must be made in such form or manner and be sent to such address as the Department specifies in the notice under paragraph (1) and must be received by the Department on or before the closing date specified in that notice.

(5) But the Department may accept an application received after the closing date if it is satisfied that—

- (a) the particular circumstances of the applicant render it unreasonable to expect the application to have been received by the closing date; and
- (b) the date on which the application was received is as early as can reasonably be expected in those circumstances.

### **Determination of applications**

4.—(1) Where the Department has received an application, it must determine whether the application—

- (a) satisfies the relevant conditions for payment of an income support payment set out in article 5, article 6 or article 7, as the case may be, and
- (b) is accompanied by the relevant supporting information specified in the notice published under article 3(1).

(2) The Department must notify the applicant in writing of its decision to approve or reject an application and—

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(3) S.R. 2009 No. 411

(4) O.J. L139, 30.04.2004

- (a) if an application is rejected in whole or in part, the reason for the rejection and the right of review under article 9; and
- (b) if an application is approved, the amount of the income support payment to be made.

#### **Income support payments – pig producers**

5.—(1) The Department may make an income support payment, calculated in accordance with the formula specified in paragraph (3) to a pig producer if the conditions set out in paragraph (2) are met.

(2) The conditions are that the pig producer—

- (a) had a sow exported from Northern Ireland for direct slaughter during the period beginning on 1st May 2020 and ending on 31st March 2021 (both dates inclusive);
- (b) was recorded on APHIS with a pig herd number linked to that pig producer’s business ID; and
- (c) provides consent in writing for the Department to use information belonging the applicant and held on APHIS which is reasonable and necessary for the Department to calculate the amount of income support payment under paragraph (3), subject to confirmation by the applicant that the information used is accurate.

(3) The amount of income support payment is £73 per sow exported from Northern Ireland for direct slaughter.

(4) In this article “pig herd number” means a number issued by the Department to record animal groupings within a business ID.

(5) This article is subject to article 8.

#### **Income support payments – sheep producers**

6.—(1) The Department may make an income support payment, calculated in accordance with the formula specified in paragraph (3) to a sheep producer if the conditions in paragraph (2) are met.

(2) The conditions are that the sheep producer—

- (a) had completed the 2019 sheep inventory and recorded sheep or ewes;
- (b) was recorded on APHIS with an ovine flock number linked to that sheep producer’s business ID; and
- (c) provides consent in writing for the Department to use information belonging to the applicant and held on APHIS which is reasonable and necessary for the Department to calculate the amount of income support payment under paragraph (3), subject to confirmation by the applicant that the information used is accurate.

(3) The amount of income support payment is £1.40 per ewe registered to the sheep producer in the 2019 sheep inventory.

(4) In this article “ovine flock number” means a number issued by the Department to record animal groupings within a business ID.

(5) This article is subject to article 8.

#### **Income support payments – potato producers**

7.—(1) The Department may make an income support payment, calculated in accordance with the formula specified in paragraph (2), to each potato producer who provides evidence of—

- (a) supplying potatoes for processing in any one year during the period beginning on 1st September 2017 to 31st July 2021 (both dates inclusive) and any combination of heads (i) to (iii)—

- (i) selling eligible potatoes for stock feed, to an anaerobic digestion facility or to a starch production facility during the period beginning on 1st March 2021 and ending on 31st July 2021 (both dates inclusive) verified by evidence or;
  - (ii) eligible potatoes stored at ambient temperature which were unsold, as verified by the Department on inspection during the period beginning on 26th May 2021 and ending on 21st June 2021 (both dates inclusive) or
  - (iii) eligible potatoes stored in cold storage which were unsold, as verified by the Department on inspection during the period beginning on 14th July 2021 and ending on 31st July 2021 (both dates inclusive); or
  - (b) being listed on the 2020 Potato Crop Register and producing eligible seed potatoes which were unsold, as verified by the Department on inspection during the period beginning on 26th May 2021 and ending on 21st June 2021 (both dates inclusive).
- (2) The amount of the income support payment is—
- (a) £147 per tonne minus the price per tonne obtained for eligible potatoes or eligible seed potatoes sold for stock feed, to an anaerobic digestion facility or to a starch production facility prior to inspection by the Department subject to a maximum of £127 per tonne;
  - (b) £127 per tonne for unsold eligible potatoes or eligible seed potatoes inspected by the Department.
- (3) In this article—
- “eligible potatoes” means potatoes grown in Northern Ireland in 2020 intended for the potato processing market;
- “eligible seed potatoes” means seed potatoes of the varieties Cara, Endeavour, Edison, Lilly, Maris Piper, Miranda, Opal, Peela, Red Cara, Rose Garden, or Up-to-Date;
- “processing” in relation to potatoes, means the preparation of convenience potato products which are primarily made by washing, peeling, size reduction and the removal of defective matter. Subsequent steps may involve a wide combination of heat treatments, cooling processes, dehydration steps, frying systems or freezing stages;
- “2020 Potato Crop Register” means a register maintained by the Department in relation to seed potatoes planted in 2020.
- (4) This article is subject to article 8.

### **Amount of income support payment**

**8.** The aggregate amount of income support payment payable by the Department to a producer under this Scheme, the Agricultural Commodities (Coronavirus)(Income Support) Scheme (Northern Ireland) 2020<sup>(5)</sup> and the Agricultural Commodities (Coronavirus)(Income Support) Scheme (Northern Ireland) 2021<sup>(6)</sup> must not exceed £210,124.

### **Review of decision**

**9.—(1)** Where the Department rejects an application under article 4, a person may apply to the Department for a review of the decision in accordance with this article if that person is—

- (a) a person whose application has been rejected in whole or in part; or

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(5) [SR 2020 No. 191](#)

(6) [SR 2021 No. 63](#)

- (b) any other person who believes they are eligible for an income support payment under this Scheme in respect of pigs, sheep or potatoes, as the case may be, specified in the application that has been rejected in whole or in part.
- (2) A person must apply to the Department in writing for a review no later than 28 days beginning with the date of the notification of the decision and specify–
- (a) the name and address of the applicant;
  - (b) the decision of the Department in respect of which the applicant seeks a review and the date of that decision; and
  - (c) full particulars of the grounds upon which the review of the decision is sought.
- (3) Where an applicant applies for a review under this article the Department must review the decision specified.
- (4) In reviewing the decision the Department may–
- (a) consider any document or other evidence produced by the applicant (whether or not that document was available at the time of the decision);
  - (b) invite the applicant to provide such further information relevant to the review as it considers appropriate; and
  - (c) give the applicant or his representative an opportunity to make representations orally or in writing.
- (5) Following a review of the decision the Department may–
- (a) confirm the decision; or
  - (b) substitute for it a new decision.
- (6) As soon as reasonably practicable after reviewing the decision, the Department must notify the applicant in writing of its decision under paragraph (5) and the reasons for it.

### **Withholding and recovery of payment**

- 10.**—(1) This Article applies where, having approved an application (whether under article 4 or following a successful review under article 9(5)) it appears to the Department that–
- (a) the applicant was not eligible to make the application;
  - (b) any condition specified in the notice published under article 3(1), or under article 5(2), article 6(2), or article 7(1), as the case may be, has not been complied with; or
  - (c) the applicant knowingly or recklessly provided materially false or misleading information or any document which is false in a material particular in relation to the application.
- (2) Subject to paragraph (3), the Department may–
- (a) revoke the approval of the application; and
  - (b) where payment has not been made withhold any income support payment, or any part of it, to be made under article 5, article 6, or article 7, as the case may be; or
  - (c) where payment of any income support payment has already been made, recover on demand from the applicant an amount equal to the whole or any part of the payment as a civil debt.
- (3) Before exercising the power under paragraph (2) the Department must–
- (a) give the applicant a written explanation of the reasons for the proposed action;
  - (b) afford the applicant the opportunity to make written representations within a reasonable time specified by the Department; and
  - (c) consider any such representations made.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 28th June 2021



*Edwin Poots*  
Minister of Agriculture, Environment and Rural Affairs

The Minister of Finance hereby approves the foregoing Scheme  
Sealed with the Official Seal of the Department of Finance on 28th June 2021



*Conor Murphy*  
Minister of Finance

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## EXPLANATORY NOTE

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

This Scheme provides for income support payments to be made by the Department of Agriculture, Environment and Rural Affairs to pig producers, sheep producers, and certain potato producers who have suffered a financial loss as a consequence of a disturbance to the agricultural markets caused by the Covid-19 coronavirus pandemic.

The Scheme—

- (a) specifies the manner in which applications are to be made (article 3);
- (b) specifies the eligibility criteria and rates of payment (articles 5, 6 and 7);
- (c) specifies the maximum total amount of income support payment which may be made to a producer (article 8);
- (d) provides for the review of a decision to reject an application (article 9);
- (e) provides for the Department to withhold payment in any case where false or misleading information has been and to recover any undue payment (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 12 months or to both such fine and such imprisonment.

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

- (a) who acts in contravention of, or neglects or fails to comply with any provision contained in the Scheme; or
- (b) obstructs or impeded an authorised officer in the exerciser of any power under this Scheme, shall be liable on summary conviction to a fine not exceeding level 3 of the standard scale.