
STATUTORY INSTRUMENTS

1987 No. 166

The Agriculture and Fisheries (Financial Assistance) (Northern Ireland) Order 1987

PART V

FARM CAPITAL GRANTS

Farm capital grants

16.—(1) The Department may, with the approval of the Department of Finance and Personnel, by scheme provide for the making, subject to such exceptions or restrictions as may be provided for by the scheme, of grants of amounts determined in such manner as may be provided for by or under the scheme towards expenditure incurred or to be incurred for the purposes of, or in connection with, the carrying on or establishment of an agricultural business, being expenditure which—

- (a) has been or is to be incurred in respect of any such matters as may be specified in the scheme, or in respect of works or facilities certified under Article 9(4); and
- (b) appears to the Department to be of a capital nature or incurred in connection with expenditure of a capital nature; and
- (c) is approved by the Department for the purposes of a grant under the scheme.

(2) Any scheme under this Article shall come into operation on such date as is specified in the scheme and shall be laid before the Assembly as soon as may be after it is made, but shall cease to have effect upon the expiration of a period of 40 days beginning with the date on which it came into operation unless, before the expiration of that period, it is approved by a resolution of the Assembly.

(3) The duration of a scheme under this Article (that is to say, the period within which expenditure must qualify in accordance with the provisions of the scheme for consideration for a grant thereunder) shall be a period not exceeding seven years, but that period may from time to time be extended by further schemes under this Article for periods not exceeding seven years at a time.

(4) Any grant under such a scheme may be made, and any approval under such a scheme may be given, subject to such conditions as the Department thinks fit; and any payment by way of such a grant shall be made by the Department at such time, or by such instalments at such intervals or times, as the Department may determine.

(5) A condition imposed under paragraph (4) may require the recipient of the grant to make such repayments to the Department in such circumstances as may be specified in the conditions.

(6) If at any time after the Department has approved any expenditure for the purposes of a grant under such a scheme it appears to the Department—

- (a) that any condition subject to which the approval was given or the grant has been made has not been complied with; or
- (b) that any work in respect of expenditure on which the approval was given has been badly done, or has been or is being unreasonably delayed, or is unlikely to be completed; or

- (c) that the person by whom the application for that approval or for the making of any payment was made gave information on any matter relevant to the giving of the approval or the making of the payment which was false or misleading in a material respect,

the Department may, subject to paragraph (7), revoke the approval in respect of the whole or part of the expenditure and, where in pursuance of paragraph (4) any payment has been made by the Department by way of grant, the Department may on demand recover an amount equal to the payment which has been so made or such part thereof as the Department may specify.

(7) Before revoking an approval in whole or in part under paragraph (6) the Department—

- (a) shall give to the person to whom any payment by way of grant 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 by the Department;
- (b) shall afford that person an opportunity of appearing before and being heard by a person appointed for the purpose by the Department; and
- (c) shall consider the report by a person so appointed and supply a copy of the report to the person mentioned in sub-paragraph (a).

(8) If any person, for the purpose of obtaining for himself or any other person any grant under such a scheme, knowingly or recklessly makes a false statement, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(9) The provisions of the Settled Land Act 1882 relating to improvements authorised by that Act shall, if it is so provided by regulations made by the Department with the approval of the Department of Finance and Personnel, have effect as if such as may be specified in the regulations of the matters in respect of which expenditure may be approved for grant under a scheme made under this Article were included in section 25 of that Act (which sets out the improvements so authorised).

(10) In this Article “agricultural business” means a business consisting in, or such part of any business as consists in, the pursuit of agriculture, and includes any other business, of a kind for the time being specified by an order made by the Department, which is carried on by a person also carrying on a business consisting in or partly in the pursuit of agriculture and is carried on on the same or adjacent land.

(11) Regulations under paragraph (9) and an order under paragraph (10) shall be subject to negative resolution.

Changes to legislation:

There are currently no known outstanding effects for the The Agriculture and Fisheries (Financial Assistance) (Northern Ireland) Order 1987, Section 16.