

**2005 No. 69**

**AGRICULTURE**

**Financial Assistance for Young Farmers Scheme Order  
(Northern Ireland) 2005**

*Made* - - - - - *3rd March 2005*

*Coming into operation* *4th April 2005*

The Department of Agriculture and Rural Development, in exercise of the powers conferred on it by Article 3(1) to (4) and (7) of the Financial Assistance for Young Farmers (Northern Ireland) Order 2004<sup>(a)</sup> and of every other power enabling it in that behalf, hereby makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Financial Assistance for Young Farmers Scheme Order (Northern Ireland) 2005 and shall come into operation on 4th April 2005.

**Financial Assistance for Young Farmers Scheme (Northern Ireland) 2005**

2. The Department hereby makes the Scheme set out in the Schedule.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 3rd March 2005.

(L.S.)

*Tom Stainer*

A senior officer of the Department of Agriculture and Rural Development

## FINANCIAL ASSISTANCE FOR YOUNG FARMERS SCHEME (NORTHERN IRELAND) 2005

**Citation**

1. This Scheme may be cited as the Financial Assistance for Young Farmers Scheme (Northern Ireland) 2005.

**Interpretation**

2.—(1) In this Scheme –

“application” means an application under Article 4;

“approved” means approved by the Department for the purposes of a payment under this Scheme;

“authorised deposit taker” means –

- (a) a person who has permission under Part IV of the Financial Services and Markets Act 2000<sup>(a)</sup> to accept deposits; or
- (b) an EEA firm of the kind mentioned in paragraph 5(b)<sup>(b)</sup> of Schedule 3 to that Act who has permission under paragraph 15(c) of that Schedule (as a result of qualifying for authorisation under paragraph 12(1) of that Schedule) to accept deposits;

“authorised person” means a person authorised by the Department, either generally or specially, to act under Article 9;

“beneficiary” means an applicant to whom a qualifying loan has been or, is to be, made;

“business plan” means a detailed plan setting out the objectives of any business, the strategy and tactics to achieve those objectives, estimates as to the financial and other circumstances of the business in the event the objectives are achieved and the investment required to achieve those objectives;

“official dealing rate” means the rate announced from time to time by the Monetary Policy Committee<sup>(d)</sup> of the Bank of England (“the Bank”) and for the time being in force as the official dealing rate, being the rate at which the Bank is willing to enter into transactions for providing short term liquidity in the money markets;

“the Order” means the Financial Assistance for Young Farmers (Northern Ireland) Order 2004;

“qualifying loan” has the meaning assigned to it by Article 3(3);

“reckonable date”, in relation to a qualifying loan, means the date on which the loan is made or the anniversary of the date on which the loan is made; and

“young person” means a person under the age of 40 at the time he makes an application.

(2) The definition of “authorised deposit taker” in paragraph (1) must be read with –

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.

**Financial assistance for young farmers**

3.—(1) Subject to the provisions of this Scheme and the Order, the Department may make to any young person a grant towards approved expenditure incurred by him in servicing a qualifying loan.

(2) The Department shall not make a grant under paragraph (1) in respect of expenditure incurred more than 5 years after the date on which the qualifying loan is made.

(3) For the purposes of this Scheme a qualifying loan is a loan which –

- (a) has been, or is to be, obtained from an authorised deposit taker for the purposes of, or in connection with, the implementation of a business plan relating to the establishment, expansion or carrying on of an agricultural business; and
- (b) has been approved by the Department for the purposes of this Scheme.

---

(a) 2008 c. 8

(b) Paragraph 5(b) of Schedule 3 was substituted by S.I. 2000/2952

(c) Paragraph 15 of Schedule 3 was amended by paragraph 40(19) of Schedule 25 to the Enterprise Act 2002 (c. 40) and by S.I. 2003/2066

(d) The Monetary Policy Committee was constituted on a statutory basis by section 13 of the Bank of England Act 1998 (c. 11)

### **Applications**

4. An application for a grant under this Scheme shall be made in such form and contain, or be accompanied by, such information and documents as the Department may require.

### **Closing date for applications**

5. The Department shall not pay any grant under this Scheme unless the application for the grant is received by the Department before 3rd April 2008.

### **Amount of grant**

6.—(1) The grant payable under Article 3(1) to any young person in the period of 12 months beginning with a reckonable date shall not exceed an amount determined in accordance with paragraphs (2) and (3).

(2) The amount referred to in paragraph (1) shall be the prescribed percentage of the amount of the qualifying loan on the reckonable date.

(3) In paragraph (2) the prescribed percentage is, subject to paragraph (4), the sum of 3.5% and the official dealing rate in force on the reckonable date.

(4) Where there is more than one official dealing rate in force on a reckonable date, the prescribed percentage is the sum of 3.5% and the highest of those official dealing rates in force on that date.

(5) The total grant payable to any young person under Article 3(1) shall not exceed £17,000.

### **Financial limits**

7.—(1) If, in view of the total number of applications already received or the total expenditure already approved, the Department is at any time of the opinion that the financial resources which are available for payment of grant under this Scheme during any period are insufficient to satisfy any payment during that period which would result from the approval of any further expenditure, it may suspend further consideration of any applications received at the date of its decision but not yet determined, or any application it may receive after the date of its decision, until such time as may subsequently be specified by it.

(2) Notice of a suspension by the Department under paragraph (1), or the termination of any such suspension, shall be published in the Belfast Gazette.

### **Record keeping**

8.—(1) Subject to paragraphs (2) and (3), a beneficiary shall keep any document related to his agricultural business, qualifying loan or business plan for the period beginning with the date of the determination of his application by the Department and ending on the expiry of the period of 10 years from the date on which the last payment of grant under this Scheme is made to him.

(2) If the beneficiary transfers the original of any such document to another person in the normal course of business, he must instead keep a copy of that document for that period.

(3) Paragraph (1) does not apply if the document has been removed by an authorised person under Article 9(2)(e).

### **Powers of authorised persons**

9.—(1) An authorised person may at all reasonable times, on producing, if so required, a document showing his authority, enter on any land used for the purpose of an applicant's agricultural business for the purpose of carrying out an inspection of such land or of any document, record or equipment in the possession or under the control of the applicant relating to, or which the authorised person may reasonably suspect relates to, the applicant's agricultural business, qualifying loan or business plan.

(2) An authorised person who has entered any land under paragraph (1) may –

(a) inspect the land and any document, record or equipment on it which he reasonably believes relates to an applicant's agricultural business, qualifying loan or business plan;

(b) require the applicant or any employee, servant or agent of such applicant, to produce, or secure the production of, any document or supply any additional information in his possession or under his control relating to the applicant's agricultural business, qualifying loan or business plan;

(c) where any document or other record relating to an applicant's agricultural business, qualifying loan or business plan is kept by means of a computer, have access to any computer and any associated apparatus or material which is or has been used in connection with that document or record;

(d) require copies of, or extracts from, any such document or other record to be produced; and

(e) seize and retain any document or other record which he reasonably believes may be required as evidence in proceedings under this Scheme, and if it is recorded otherwise than in a form which it is legible or can be taken away, require it to be produced in a form in which it is legible or in which it can be taken away.

(3) An applicant or any employee, servant or agent of an applicant shall give an authorised person all reasonable assistance in relation to the matters specified in paragraphs (1) and (2).

(4) An authorised person entering any land under paragraph (1) may take with him such other persons as he considers necessary and paragraphs (2) and (3) apply to such persons when acting under the instructions of an authorised person as if they were authorised persons.

#### **Determination of interest to be recovered**

10.—(1) Interest on an amount recoverable under Article 3(7) of the Order shall be determined on a day to day basis between the date on which the Department made the payment to be recovered and the date on which the Department recovers the payment and the rate of interest shall be one percentage point above LIBOR.

(2) For the purposes of this Article “LIBOR” means the sterling 3 month London interbank offered rate.

(3) In any proceedings relating to the recovery of such interest, 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.

#### **Offences and penalties**

11.—(1) If any person, for the purpose of obtaining for himself or any other person, any grant under Article 3, knowingly or recklessly makes a statement which is false or misleading in a material particular, he shall be guilty of an offence.

(2) If any person intentionally obstructs an authorised person (or a person accompanying him and acting under his instructions) in exercise of his powers under Article 9 he shall be guilty of an offence.

(3) A person who is guilty of an offence under paragraph (1) or (2) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

## EXPLANATORY NOTE

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

The Scheme set out in the Schedule to this Order makes provision for grant towards expenditure incurred in servicing loans obtained by young persons for the purposes of, or in connection with, the implementation of a business plan relating to the establishment, expansion or carrying on of an agricultural business. A young person is defined, for the purposes of the Scheme, as a person under the age of 40 at the time he makes an application for grant under the Scheme.

The Scheme –

- (a) provides for applications (Article 4);
- (b) sets a closing date of 3 April 2008 for applications (Article 5);
- (c) sets limits on the amount of grant payable under the Scheme to any young person (Article 6);
- (d) enables the Department of Agriculture and Rural Development (“the Department”), having regard to the financial resources which are available for the payment of grant, to suspend further consideration of applications until such time as may be specified by it (Article 7);
- (e) imposes record keeping requirements on persons benefiting from the Scheme (Article 8);
- (f) confers powers of entry and inspection on persons authorised by the Department (Article 9);
- (g) provides for the determination of interest on amounts recoverable from persons who had received payments under the Scheme (Article 10); and
- (h) creates offences and penalties (Article 11).





© Crown Copyright 2005

£3.00

Published by The Stationery Office Limited

ISBN 0-337-96109-3



9 780337 961090