

2006 No. 303

AGRICULTURE

**Farm Subsidies (Review of Decisions) (Amendment)
Regulations (Northern Ireland) 2006**

Made - - - - - *4th July 2006*

Coming into operation *4th July 2006*

The Department of Agriculture and Rural Development, being a Department designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to the common agricultural policy of the European Community and in relation to the promotion of rural development, in exercise of the powers conferred on it by the said section 2(2) and every other power enabling it in that behalf, hereby makes the following Regulations:

Title and commencement

1. These Regulations may be cited as the Farm Subsidies (Review of Decisions) (Amendment) Regulations (Northern Ireland) 2006, and shall come into operation on 4th July 2006.

Interpretation

2. The Interpretation Act (Northern Ireland) 1954^(c) shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Amendment to the Farm Subsidies (Review of Decisions) Regulations (Northern Ireland) 2001

3. The Farm Subsidies (Review of Decisions) Regulations (Northern Ireland) 2001^(d) shall be amended as specified in regulation 4.

4.—(1) In regulation 2(2) (Interpretation)—

(a) after the definition of Commission Regulation 3887/92 there shall be inserted the following definitions—

““Commission Regulation 2419/2001” means Commission Regulation (EC) 2419/2001 laying down detailed rules for applying the integrated administration and control system for certain Community aid schemes established by Council Regulation (EEC) No. 3508/92^(e)”;

““Commission Regulation 2237/2003” means Commission Regulation (EC) 2237/2003 laying down detailed rules for the application of certain support schemes provided for in Title IV of Council Regulation (EC) No. 1782/2003 establishing common rules for direct support

(a) S.I. 2000/2812 to which there are amendments not relevant to the subject matter of these Regulations, and S.I. 2000/3238
(b) 1972 c. 68
(c) 1954 c. 33 (N.I.)
(d) S. R. 2001 No. 391
(e) O.J. No. L327, 12.12.01, p. 11 as most recently amended by Commission Regulation (EC) No. 118/2004 (O.J. No. 17, 24.01.2004 p. 7)

schemes under the common agricultural policy and establishing certain support schemes for farmers(a);”;

- (b) after the definition of Council Regulation 3508/92 there shall be inserted the following definitions—

““Council Regulation 1782/2003” means Council Regulation (EC) No. 1782/2003 establishing common rules for direct support under the common agricultural policy and establishing certain support schemes for farmers(b);”;

““dairy premium” means the dairy premium provided for in Chapter 7 of Title IV of Council Regulation 1782/2003;”;

- (c) after the definition of “IACS year” there shall be inserted the following definition—

““relevant Community Regulation” means Article 13 of Commission Regulation 2419/2001 as applied in relation to dairy premium by Article 2 of Commission Regulation 2237/2003.”

- (2) In regulation 4 after paragraph (b) there shall be inserted—

“(c) a decision by the Department under the relevant Community Regulation to declare inadmissible an application for dairy premium or to reduce the amount of such premium payable.”

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 4th July 2006.

(L.S.)

G. O’Doherty

A senior officer of the Department of Agriculture and Rural Development

(a) O.J. No. L339, 24.12.2003 p. 52; Commission Regulation (EC) No. 2237/2003 has been repealed with effect from 1st January 2005 by Article 172(1) of Commission Regulation (EC) No. 1973/2004 laying down detailed rules for the application of Council Regulation (EC) No. 1782/2003 as regards the support schemes provided for in Title IV and IV a of that Regulation and the use of land set aside for the production of raw materials (O.J. No. L345, 20.11.2004, p. 1), however, by virtue of that Article it continues to apply to Dairy Premium applications made in the premium period 2004/2005 and previous premium periods

(b) O.J. No. L270, 21.10.2003 p. 1 as most recently amended by Council Regulation 319/2006 (O.J. No. L58, 28.2.2006 p. 32)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Farm Subsidies (Review of Decisions) Regulations (Northern Ireland) 2001 (“the 2001 Regulations”) to add to regulation 4 (Decisions amendable to review), a decision by the Department of Agriculture and Rural Development declaring an application for Dairy Premium inadmissible or reducing the amount of such premium payable to a farmer as a consequence of late submission of an application. These Regulations insert a number of definitions into regulation 2 of the 2001 Regulations in order to facilitate interpretation of the amended regulation 4.

Article 95 of Council Regulation 1782/2003 establishing common rules for direct support under the common agricultural policy and establishing certain support schemes for farmers (O.J. No. L270, 21.10.2003, p. 1) is the current authority for the existence of Dairy Premium. Article 2 of Commission Regulation 2237/2003 (O.J. No. L339, 24.12.2003, p. 52) applies the provisions of Article 13 of Commission Regulation 2419/2003 (O.J. No. L327, 12.12.2001 p. 11) to Dairy Premium in respect of applications for the premium period 2004/2005.