

2009 No. 206

AGRICULTURE

**The Less Favoured Area Compensatory Allowances
(Amendment) Regulations (Northern Ireland) 2009**

Made - - - -

20th May 2009

Coming into operation -

1st July 2009

The Department of Agriculture and Rural Development is 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 matters relating to the promotion of rural development. The Department of Agriculture and Rural Development makes the following Regulations in exercise of the powers conferred by that section.

Citation and commencement

1. These Regulations may be cited as the Less Favoured Area Compensatory Allowances (Amendment) Regulations (Northern Ireland) 2009 and shall come into operation on 1st July 2009.

Interpretation

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

(2) In these Regulations—

“The 2007 Regulations” means the Less Favoured Area Compensatory Allowances (No. 2) Regulations (Northern Ireland) 2007(d);

“The 2008 Regulations” means the Less Favoured Area Compensatory Allowances Regulations (Northern Ireland) 2008(e);

“The 2009 Regulations” means the Less Favoured Area Compensatory Allowances (No. 2) Regulations (Northern Ireland) 2008(f).

Power to make additional payments

3.—(1) This regulation shall have effect in relation to any claim for less favoured area compensatory allowances for the year 2009 made by a person who is eligible under regulation 4 of the 2009 Regulations in respect of any eligible forage area but where the allowance has not yet been paid by the Department.

(a) S.I. 2000/2818 and S.I. 2000/3238 to which there are amendments not relevant to the subject matter of these Regulations
(b) 1972 c.68
(c) 1954 c.33 (N.I.)
(d) S.R. 2007 No. 361
(e) S.R. 2008 No. 34
(f) S.R. 2008 No. 473

(2) For Schedule 2 to the 2009 Regulations, there shall be substituted the Schedule set out in Part 1 of the Schedule to these Regulations.

4.—(1) This regulation shall have effect in relation to any claim for less favoured area compensatory allowances for the year 2008 made by a person who is eligible under regulation 4 of the 2008 Regulations in respect of any eligible forage area but where the allowance has not yet been paid by the Department.

(2) For Schedule 2 to the 2008 Regulations there shall be substituted the Schedule set out in Part II of the Schedule to these Regulations.

5.—(1) This regulation shall have effect in relation to any claim for less favoured area compensatory allowances for the year 2007 made by a person who is eligible under regulation 3 of the 2007 Regulations in respect of any eligible forage area but where the allowance has not yet been paid by the Department.

(2) For Schedule 1 to the 2007 Regulations there shall be substituted the Schedule set out in Part III of the Schedule to these Regulations.

6.—(1) Where the Department has in accordance with the 2009 Regulations paid to any person less favoured area compensatory allowances in respect of any eligible forage area, it shall make an additional payment of less favoured area compensatory allowances to that person at the rate of—

- (a) £4.00 per hectare of severely disadvantaged land (not being common land);
- (b) £2.00 per hectare of disadvantaged land (not being common land);
- (c) £2.00 per hectare of common land,

comprising or comprising part of that eligible forage area.

(2) Regulations 5 and 6 and 9 to 14 of the 2009 Regulations shall apply in relation to any payment under this regulation as they apply in relation to payments under the 2009 Regulations.

(3) The amount of any payment under paragraph (1) may be increased by an amount determined by the Department if the number of suckler cows and heifers expressed in livestock units kept by a person entitled to the payment of less favoured area compensatory allowances throughout at least the minimum grazing period is at least 25% of the number of that person's relevant animals expressed in livestock units.

(4) Expressions used in this regulation and regulation 3 which are also used in the 2009 Regulations shall have the same meaning as in those Regulations.

7.—(1) Where the Department in accordance with the 2008 Regulations paid to any person less favoured area compensatory allowances in respect of any eligible forage area it shall make an additional payment of less favoured area compensatory allowances to that person at a rate of—

- (a) £0.91 per hectare of severely disadvantaged land (not being common land);
- (b) £0.45 per hectare of disadvantaged land (not being common land);
- (c) £0.45 per hectare of common land,

comprising or comprising part of that eligible forage area.

(2) Regulations 5 and 6 and 9 to 14 of the 2008 Regulations shall apply in relation to any payment under this Regulation as they apply in relation to payments under the 2008 Regulations.

(3) The amount of any payment under paragraph (1) may be increased by an amount determined by the Department if the number of suckler cows and heifers expressed in livestock units kept by a person entitled to the payment of less favoured area compensatory allowances throughout at least the minimum grazing period is at least 25% of the number of that person's relevant animals expressed in livestock units.

(4) Expressions used in this regulation and regulation 4 which are also used in the 2008 Regulations shall have the same meaning as in those Regulations.

8.—(1) Where the Department has in accordance with the 2007 Regulations paid to any person less favoured area compensatory allowances in respect of any eligible forage area, it shall make an additional payment of less favoured area compensatory allowances to that person at a rate of—

- (a) £1.04 per hectare of severely disadvantaged land (not being common land);
- (b) £0.52 per hectare of disadvantaged land (not being common land);
- (c) £0.52 per hectare of common land,

comprising or comprising part of that eligible forage area.

(2) Regulations 4(6), 5, 6 and 9 to 24 of the Less Favoured Area Compensatory Allowances Regulations (Northern Ireland) 2007 shall apply in relation to any payment under this Regulation as they apply in relation to payments under the 2007 Regulations.

(3) The amount of any payment under paragraph (1) may be increased by an amount determined by the Department if the number of suckler cows and heifers expressed in livestock units kept by a person entitled to the payment of less favoured area compensatory allowances throughout at least the minimum grazing period is at least 25% of the number of that person's relevant animals expressed in livestock units.

(4) Expressions used in this regulation and regulation 5 which are also used in the 2007 Regulations or the Less Favoured Area Compensatory Allowances Regulations (Northern Ireland) 2007 shall have the same meaning as in those Regulations.

Sealed with the Official Seal of the Department of Agriculture and Rural Development on 20th May 2009.

(L.S.)

M. Beatty
A senior officer of the
Department of Agriculture and Rural Development

SCHEDULE

Regulations 3(2), 4(2) and 5(2)

PART I

“SCHEDULE 2

PAYMENT RATES PER HECTARE

<i>Column 1</i>	<i>Column 2</i>
1. Severely disadvantaged land (not being common land)	£44
2. Disadvantaged land (not being common land)	£22
3. Common land	£22”

PART II

“SCHEDULE 2

PAYMENT RATES PER HECTARE

<i>Column 1</i>	<i>Column 2</i>
1. Severely disadvantaged land (not being common land)	£40.91
2. Disadvantaged land (not being common land)	£20.45
3. Common land	£20.45”

PART III

“SCHEDULE 1

PAYMENT RATES PER HECTARE

<i>Column 1</i>	<i>Column 2</i>
1. Severely disadvantaged land (not being common land)	£18.24
2. Disadvantaged land (not being common land)	£9.12
3. Common land	£9.12”

EXPLANATORY NOTE

(This note is not part of the Regulations)

In relation to the years 2007, 2008 and 2009 the following Regulations, that is say—

- (a) The Less Favoured Area Compensatory Allowances (No. 2) Regulations (Northern Ireland) 2007;
- (b) The Less Favoured Area Compensatory Allowances Regulations (Northern Ireland) 2008; and
- (c) The Less Favoured Area Compensatory Allowances (No. 2) Regulations (Northern Ireland) 2008;

provide for the implementation of Articles 13(a), 14(1), 14(2) first and second indents, and 15 of Council Regulation (EC) No. 1257/1999 (O.J. No. L160, 26.06.1999, p.80) together with Articles 36(a)(ii) and 51(1) of Council Regulation (EC) No. 1698/2005 (O.J. No. L277, 21.10.2005, p.1), insofar as those Council Regulations relate to less favoured areas.

Those Regulations also provide for the implementation of measure 2.1 of the Northern Ireland Rural Development Programme approved by Commission Decision C(2007) 4411.

Those Regulations in particular define the conditions of eligibility for less favoured area compensatory allowances and the rates at which those allowances are paid. Article 15(3) of Regulation 1257/1999 provides for allowances to be fixed between the minimum and maximum amount set out in the Annex. Under Regulation 1698/2005, the minimum and maximum payments are set out in the Annex to that Regulation. And the Northern Ireland Rural Development Programme also sets minimum grant rates. These amounts are all expressed on Euros.

In order to ensure that payments of less favoured area compensatory allowances are made at rates which comply with these minimum and maximum amounts, these Regulations amend the earlier Regulations referred to above to set increased rates for payments and also make provision for additional payments in cases where less favoured area compensatory allowances have already been paid in respect of the years 2007, 2008 and 2009.

The Northern Ireland Rural Development Programme, together with a copy of Commission Decision C(2007) 4411 are available for inspection at offices of the Department of Agriculture and Rural Development, Dundonald House, Upper Newtownards Road, Belfast BT4 3SB.

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