
WELSH STATUTORY INSTRUMENTS

2001 No. 496

The Tir Mynydd (Wales) Regulations 2001

**PART III—
ADMINISTRATION**

Payments

9.—(1) The National Assembly will make the payments to claimants during the scheme year to which the claim relates.

(2) Payment will only be made to claimants who have entered into an undertaking in the form specified by the National Assembly to continue to use at least six hectares of less favoured area forage area land for a period of five years from the date of the first payment under the Tir Mynydd scheme.

(3) Farmers who claimed hill livestock compensatory allowance (HLCA) in the year 2000 and in previous consecutive years shall be considered to have complied with the undertaking if such earlier years taken with the years during which they have participated in the Tir Mynydd scheme equal or exceed the necessary total of five consecutive years;

(4) The National Assembly may decide to pay element one and element two of the Tir Mynydd payment separately.

Claims

10.—(1) Claims for payment under the Tir Mynydd Scheme shall be in such form as the National Assembly may from time to time determine.

(2) The National Assembly may incorporate the claim for Tir Mynydd payment into the IACS area aid application.

(3) The closing date will be 15th May. Late claims will be dealt with in accordance with the provisions of regulation 11 below.

Late claims

11.—(1) Subject to paragraphs (2) and (3) below, if the claimant presents a claim for a Tir Mynydd payment in respect of a particular year later than the date fixed by the National Assembly in accordance with regulation 10 above, the amount otherwise payable shall be reduced by one percent for every working day from the closing date to the date upon which the claim was received by the National Assembly.

(2) If the claim was presented more than 25 days (whether or not working days) later than the relevant closing date, no payment will be made to the claimant pursuant to that claim for a Tir Mynydd payment.

(3) Paragraphs (1) and (2) above shall not apply if and to the extent that a claim is lodged later than the relevant closing date by reason of force majeure.

(4) In this regulation—

- (a) “working day” means a day which is not a Saturday, Sunday, a common law holiday in Wales and England, or a Bank Holiday in Wales under the Banking and Financial Dealings Act 1971(1); and
- (b) “force majeure” means abnormal and unforeseeable circumstances outside the control of the claimant the effect of which would not have been avoided by the exercise of all due care by the claimant.

Release from undertakings

12. A claimant is by virtue of this regulation released from the undertaking referred to in regulation 9(2) above:

- (a) when the claimant first receives a retirement pension (as defined in regulation 2(1) above);
- (b) if the claimant is unable to continue to discharge that undertaking by reason of any material circumstances beyond the control of the claimant; or
- (c) if the claimant ceases farming but at least six hectares of the eligible land last used by the claimant for the grazing of animals continued to be so used.

Withholding or recovery of payments

13. The National Assembly may withhold or recover on demand the whole or any part of any Tir Mynydd payment made or to be made to a claimant in any of the following circumstances:—

- (a) if the claimant does not comply with the terms of an undertaking given under regulation 9(2) when the claimant has not been released pursuant to regulation 12;
- (b) if the National Assembly has informed the claimant that it is not satisfied with the accuracy of any statements made by the claimant in support of the claim;
- (c) if the claimant, or an employee, servant or agent of the claimant, intentionally obstructs an authorised person or a person accompanying an authorised person and acting under the instruction of that authorised person, from exercising any power conferred upon the authorised person by regulation 16, or without reasonable excuse does not comply with requirements made by that authorised person under that regulation or a request made by that authorised person pursuant to these regulations.

Rate of interest

14. When the National Assembly recovers the whole or part of any payment made to a claimant, it may also recover interest thereon at the rate of one per cent above the sterling three months London interbank offered rate and that interest being calculated on a day to day basis for the period from payment to the claimant to recovery from the claimant, unless the sum recovered was paid to the claimant as a result of an error on the part of the National Assembly its servants or its agents.

Cross Border Holdings

15. These Regulations do not apply to holdings that include land in one or more of England, Scotland and Northern Ireland as well as Wales.