EXPLANATORY MEMORANDUM TO

THE COMMON AGRICULTURAL POLICY (REVIEW OF DECISIONS) (AMENDMENT) REGULATIONS (NORTHERN IRELAND) 2019

2019 No. 85

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2 The Statutory Rule is made under section 2(2) of the European Communities Act 1972 and is subject to the negative resolution procedure.

2. Purpose

2.1 The Regulations amend The Common Agricultural Policy (Review of Decisions) Regulations (Northern Ireland) 2015 (S.R. 2015 No. 318).

3. Background

3.1 The Common Agricultural Policy (Review of Decisions) Regulations (Northern Ireland) 2015 (S.R. 2015 No. 318) enable the Department to establish procedures for the review of a relevant determination made by the Department, which may include consideration by persons appointed by the Department with a view to their making a recommendation as to how the matter should ultimately be determined.

3.2 The Regulations confer power to pay remuneration and allowances to any such persons appointed, and to charge a fee in respect of the costs of the procedures.

3.3 The Department of Agriculture, Environment and Rural Affairs implemented a new Single Stage Review of Decisions Process on 1 April 2018, following public consultation between 9 June 2017 and 4 August 2017.

3.4 This process includes the opportunity of a review by an Independent Panel from 13 May 2019 at a fee of £200.

3.5 Regulation 4(4)(b) of S.R. No. 318 has therefore been amended by this Statutory Rule to substitute "£200" for "£100".

4. Consultation

4.1 There has been no consultation specific to these Regulations.

5. Equality Impact

5.1 Consideration was given to Section 75 of the Northern Ireland Act 1998 but an Equality Impact Assessment has not been prepared for these Regulations as they have no impact in terms of equality of opportunity.

6. Regulatory Impact

6.1 A Regulatory Impact Assessment has not been prepared for these Regulations as they have minimal impact in terms of costs on business, charities, social economy enterprises or voluntary bodies.

7. Rural Needs Impact Assessment

7.1 A Rural Needs Impact Assessment has been prepared. The implementation of the Regulations will have a minimal impact on a minimal number of people in the rural sector, i.e. farmers who wish to avail of the Independent Panel.

8. Financial Implications

8.1 None.

9. Section 24 of the Northern Ireland Act 1998

9.1 The Regulations do not have any human rights implications, nor are they incompatible with EU law. They are therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

10. EU Implications

10.1 Not applicable.

11. Parity or Replicatory Measure

11.1 Not applicable.

12. Additional Information

12.1 Not applicable.

13. Contact

13.1 Cathy McCallion at the Department of Agriculture, Environment and Rural Affairs, (Tel: 028 7131 9922) or email (cathy.mccallion@daera-ni.gov.uk) can answer any queries regarding the Review of Decisions process.