EXPLANATORY MEMORANDUM TO

The Common Agricultural Policy Support Schemes (Review of Decisions) Regulations (Northern Ireland) 2010

2010 No. 220

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development 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. These Regulations enable the Department of Agriculture and Rural Development to deal with challenges to decisions made by it under any of the Community instruments listed in the Schedule to the Regulations.

2.2. The procedure allows for a review of the initial decision by the Department in respect of Single Farm Payment, Protein Crops and Aid to Energy Crops.

2.3. The Regulations confer power to pay remuneration and allowances to persons appointed by the Department and to charge a fee in respect of the costs of the procedure.

3. Background

3.1. As part of the reforms to the Common Agricultural Policy, the Commission has introduced changes to the EU legislation governing the Single Farm Payment Scheme. An amendment is therefore needed to the domestic legislation to implement the changes in Northern Ireland.

3.2. These Regulations apply to scheme applications received from 1 January 2010, and revoke Statutory Rules No 447, the Common Agricultural Policy Support Schemes (Review of Decisions) Regulations (Northern Ireland) 2004.

3.3. Regulations 795/2004, 796/2004 and 639/2009 (and subsequent amendments) will be repealed. However, they continue to apply to applications received in 2009 and previous scheme years. The Schedule to the legislation is updated to include replacement legislation, 1120/2009 (replacement to 795/2004), 1121/2009 (replacement to 1973/2004) and 1122/2009 (replacement to 796/2004).

4. Consultation

4.1. As the amendments are of a technical nature and implement policy already decided, no additional consultation was required. The amendment is required to update the EU references contained in the SR. It does not change the existing policy or the Departments approach to the Review of Decisions process.

5. Equality Impact

5.1. These amendments have been screened using DARD's Equality and Human Rights Screening procedure. As we are satisfied that these amendments have no impact on equality or human rights, an Equality Impact Assessment is not required . The amendments to the legislation are of a technical nature and will not have any practical effect on current farming practices.

6. Regulatory Impact

6.1. A Regulatory Impact Assessment has not been prepared for these Regulations as they have no impact in terms of costs on business, charities or voluntary bodies.

7. Financial Implications

7.1. There are no significant financial or resource implications involved in the making of these Regulations.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Regulations deal with the Common Agricultural Policy Support Schemes Review of Decisions and do not have any human rights implications, nor are they incompatible with EU law. The Regulations are therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Not applicable.

11. Additional Information

11.1. Not applicable