STATUTORY RULES OF NORTHERN IRELAND

2025 No. 103

AGRICULTURE

The Horticulture Pilot Scheme Regulations (Northern Ireland) 2025

Made - - - -	*5th June 2025*
Coming into operation	*26th June 2025*

The Department of Agriculture, Environment and Rural Affairs(**a**), with the approval of the Department of Finance(**b**), makes these Regulations in exercise of the powers conferred by sections 5(2B) and 6(1)(f) of the Agriculture Act (Northern Ireland) 1949(**c**).

Citation and commencement

1. These Regulations may be cited as the Horticulture Pilot Scheme Regulations (Northern Ireland) 2025 and shall come into operation on 26th June 2025.

Interpretation

2.—(1) In these Regulations—

"applicant" means an eligible farm business which has applied to a scheme;

"approved agent" means an agent appointed by the Department to act on behalf of the applicant;

"authorised person" means any person authorised by the Department to act in matters relating to these Regulations;

"CAFRE" means the Department's College of Agriculture, Food and Rural Enterprise;

"commercial horticulture business" means an eligible farm business linked to a unique taxpayer reference (UTR) number issued by HMRC which produces and sells one or more commercial horticulture products listed in Schedule 1;

"the Department" means the Department of Agriculture, Environment and Rural Affairs;

"eligible farm business" means a farm business which has applied for the scheme and meets the eligibility criteria in either regulation 4, 5 or 6;

(**a**) The Ministry of Agriculture for Northern Ireland became the Department of Agriculture for Northern Ireland by the Northern Ireland Constitution Act 1973 c.36 section 40 and Schedule 5 paragraph 8(1); Renamed as the Department of Agriculture and Rural Development by the Departments (Northern Ireland) Order 1999 S.I. 1999/283 (N.I.1) Article 3(4) and the Department of Agriculture, Environment and Rural Affairs by the Departments Act (Northern Ireland) 2016 c.5 (N.I.) section 1(2)

(**b**) The "Ministry of Finance" is now the "Department of Finance"; see regulation 1(4) of the Departments Act (NI) 2016 C.5 (N.I.)

(**c**) 1949 c.2 (N.I.)

"force majeure or exceptional circumstances" has the same meaning as in Article 2(2) of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy(**a**);

"growers training and support pilot scheme" means the scheme set up by the Department to provide to successful grower scheme applicants technical and non-technical training provided by CAFRE and support and funding to facilitate their 4-year grower Business Development Plans;

"hosting event" means an event given prior approval of the Department hosted by an eligible farm business for the purposes of facilitating learning;

"hosting payment" means a payment under regulation 4(3) to an eligible farm business for the provision of facilities and support to facilitate learning;

"scheme" means the Horticulture Pilot Scheme which comprises grant support under—

(a) the sustainable sector growth group pilot scheme;

(b) the innovation driver and support pilot scheme; or

(c) the growers training and support pilot scheme;

"new group of businesses" means a group of up to twelve eligible farm businesses which has never worked together which have formed into a sustainable sector growth group;

"protected crop" means a crop grown under protection in a structure within which the environment can be controlled;

"scheme year" means a financial year; and

"sustainable sector growth group" means a group of eligible farm businesses joining together under these Regulations to form a group to promote their sustainable farm business growth.

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

Scheme grants

3. The Department may make support grants under the scheme to an applicant in accordance with these Regulations.

Sustainable sector growth group pilot scheme grant; Eligibility requirements and scheme payment

4.—(1) The sustainable sector growth group pilot scheme shall start on the date beginning with the commencement of these Regulations and end on 31st March 2030.

(2) An applicant for a sustainable sector growth group pilot scheme grant must–

(a) hold a DAERA category 1 or 2 farm business ID number or be able to provide to the Department such an ID number with the written consent of the farm business holding that ID number.

(b) be a member of not more than one new group of businesses making one application to become a sustainable sector growth group;

(c) operate or be employed by a commercial horticulture business; and

(d) be at least 18 years of age.

(3) Subject to paragraphs (1) and (2), the Department shall pay to an applicant which holds a hosting event in a scheme year or the approved agent of that applicant a hosting payment of £786 for each hosting event.

(**a**) EUR 1306/2013
(**b**) 1954 c.33(N.I.)

Innovation driver and support pilot scheme grant; Eligibility requirements

5.—(1) The innovation driver and support pilot scheme shall start on the date beginning with the commencement of these Regulations and end on 31st March 2030.

(2) An applicant for an innovation driver and support pilot scheme grant must–

(a) hold a DAERA category 1 or 2 farm business ID number;

(b) operate a commercial horticulture business.

(3) Subject to paragraphs (1), (2), (4), (5) and (6) the Department may pay a grant of 40% of a sum between £10,000 and £625,000 in respect of approved permitted expenditure incurred by the applicant within the scheme period.

(4) Subject to force majeure or exceptional circumstances, an applicant must apply for payment of approved permitted expenditure within such period as the Department may specify in writing.

(5) Subject to paragraph (4), payment shall be made to an applicant when that applicant provides vouched expenditure records and documentation to the satisfaction of the Department.

(6) In this regulation–

"approved" means expenditure which has been given prior written approval by the Department in relation to any category of expenditure listed in paragraph (5);

"permitted" in relation to expenditure means expenditure incurred for–

(a) the improved efficiency of the commercial horticulture business premises; or

(b) new methods of horticultural cultivation.

Growers training and support pilot scheme grant; Eligibility requirements and scheme payment

6.—(1) The growers training and support pilot scheme grant shall start on the date beginning with the commencement of these Regulations and end on 31st March 2030.

(2) An applicant for the growers training and support pilot scheme must–

(a) hold a DAERA category 1 or 2 farm business ID number or provide that farm business ID number to the Department with the prior written consent of the person who is registered with that farm business ID;

(b) have a Level 2 Practical Horticulture Skills Award qualification or a qualification of an equivalent or higher standard as listed in Schedule 2; and

(c) be at least 18 years of age.

(3) Subject to paragraphs (1), (2), (4) and (5) a sum not exceeding £2,000 over the duration of the growers training and support pilot scheme is payable to–

(a) an eligible person; or

(b) that person in respect of not more than one of their employees.

in either case for approved travelling expenses for attendance at an approved course of instruction, demonstration or show within or outside Northern Ireland, wholly or mainly concerned with commercial horticulture.

(4) Subject to force majeure or exceptional circumstances, an applicant must apply for payment of approved permitted expenditure within a period of three months commencing from the date when that expenditure is incurred.

(5) Payment can be made to an applicant when that applicant provides vouched expenditure and documentation is provided by the applicant to the satisfaction of the Department.

(6) In this regulation–

"approval" means prior written approval of the Department and "approved" shall be construed accordingly;

"eligible person" means a person who is operating a commercial horticultural business or is an employee of that person; and

"employee" in relation to an eligible person means a person employed for at least 16 hours per week.

Withholding and recovery of overpayments

7. This regulation applies where an application for payment has been approved by the Department and it becomes aware that the applicant—

(a) is not eligible to receive that payment;

(b) has without reasonable cause obstructed an authorised person in the exercise of their powers under regulation 8 or

(c) has failed to provide reasonably required assistance to an authorised person under regulation 9.

(2) Subject to paragraph (3), the Department may—

(a) revoke the approval of the application for payment; and

(b) where payment has not been made withhold the payment or any part of it; or

(c) where payment has already been made, recover from the applicant an amount equal to the whole or any part of the payment—

(i) as a civil debt; or

(ii) by way of offsetting against any sum otherwise payable to the applicant by the Department.

(3) Before exercising the power under paragraph (2), the Department must by a withdrawal or recovery notice, ("the notice")—

(a) give the applicant a written explanation of the reasons for the proposed action; and

(b) afford the applicant the opportunity to make written representations within 14 days beginning with the date of the issue of the notice; and

(c) consider any representations made by or on behalf of the applicant.

Powers of authorised persons

8.—(1) An authorised person may exercise any of the powers specified in paragraphs (2) to (4) for the purposes of these Regulations.

(2) An authorised person on producing, if so required, a duly authenticated document showing the person's authority to do so, may at all reasonable hours enter any land other than a building used only as a dwelling house.

(3) An authorised person may—

(a) carry out any inquiries, checks, examinations, measurements and tests;

(b) take samples;

(c) inspect any part of the land (whether it is farmed or is withdrawn from agricultural production);

(d) have access to, inspect and copy any documents or records (in whatever form they are held) or remove such records to enable them to be copied;

(e) have access to, inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the documents or records; and for this purpose require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford such assistance as is reasonably required and, where a document or record is kept by means of a computer, reasonably require the document to be produced in a form in which it can be taken away;

(f) take a photograph of anything on the land; and

(g) remove anything reasonably believed to be evidence of any failure to meet the eligibility conditions.

(4) An authorised person entering any premises or land by virtue of this regulation may take with them such other persons as they consider necessary.

(5) For the purposes of this regulation a computer includes any electronic device.

Assistance to authorised persons

9. An applicant or any employee, agent, contractor or tenant of an applicant shall give an authorised person such assistance as may be reasonably required to enable the authorised person to exercise the powers conferred by regulation 9.

Offences and penalties

10.—(1) Any person who—

(a) without reasonable cause obstructs an authorised person or a person accompanying the authorised person (see regulation 8(4)) in exercise of the power conferred on the authorised person by regulation 8 or

(b) without reasonable cause fails to comply with a requirement under regulation 9, shall be guilty of an offence.

(2) Nothing in paragraph (1) shall be construed as requiring any person to answer any question if to do so may incriminate that person.

(3) A person guilty of an offence under paragraph (1)(a) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) A person guilty of an offence under paragraph (1)(b) shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 5th June 2025.

L.S.

George Moffett
A senior officer of the Department of Agriculture, Environment and Rural Affairs

The Department of Finance approves the forgoing Regulations
Sealed with the Official Seal of the Department of Finance on 5th June 2025.

L.S.

Patrick Neeson
A senior officer of the Department of Finance

SCHEDULE 1

Regulation 2(1)

Commercial horticulture products

11. Commercial horticulture products for the purposes of the scheme are;

(a) top fruit;

(b) soft fruit;

(c) mushrooms;

(d) edible crops (other than potatoes or sweet potatoes);

(e) cut flowers and foliage;

(f) protected crops; and

(g) ornamental plants.

SCHEDULE 2

Regulation 6(2)(b)

Table 1

Equivalent or higher educational qualification
Level 2 Work based Diploma in Horticulture
Level 3 Work based Diploma in Horticulture
NVQ Level 2 in Horticulture
NVQ Level 3 in Horticulture
College Certificate in Horticulture
National Certificate in Horticulture
City and Guilds Phase II in Horticulture
City and Guilds Phase III in Horticulture
OCN NI Level 2 Certificate Agricultural Business Operations (Horticulture)
OCN NI Level 2 in Horticulture
BTEC Level 2 in Horticulture
BTEC Level 3 in Horticulture
Level 3 Diploma in Horticulture
Level 3 Extended Diploma in Horticulture
Level 3 Advanced Technical Extended Diploma in Horticulture
National Diploma (ND) in Horticulture
High National Diploma (HND) in Horticulture
Certificate in Higher Education in Horticulture
Foundation Degree in Horticulture
Degree in Horticulture
Master of Horticulture (MHort) RHS Award

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations establish the Horticulture Pilot Scheme. The scheme provides for payments to be made by the Department to eligible farm businesses in relation the individual pilots which are part of the scheme which meet the eligibility requirements.

The Scheme–

specifies scheme grant payments will be made the year after eligible action have occurred (regulation 3);

specifies the eligibility criteria for the Horticulture pilot schemes (regulations 4, 5 and 6);

provides the powers for withholding and recovery of overpayments (regulation 7);

provides for the powers of authorised persons (regulation 8);

specifies the assistance to authorised persons (regulation 9);

provides for the offences and penalties (regulation 10);

specifies commercial horticulture products (Schedule 1); and

specifies equivalent or higher educational qualifications (Schedule 2).

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