EXPLANATORY MEMORANDUM TO

The Rural Development Programme Regulations (Northern Ireland) 2015

2015 No. 326

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development (the Department) 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 provide the Department with the legal powers necessary to administer the Rural Development Programme 2014-2020.

2.2. The Regulations provide the Department with powers to;

- Pay financial assistance
- Approve Rural Development applications and administer claims
- Require beneficiaries to keep records and supply the Department with reasonable information
- Enter and inspect premises to which a Rural Development application relates, for the purpose of enforcing the Regulations
- Make determinations on breaches of rules or conditions and withhold or recover Rural Development payments
- Charge interest where Rural Development Programme monies are subject to recovery but not repaid to the Department within 60 days
- Recover Rural Development payments owed to the Department from other CAP payments to be made to that beneficiary.

2.3. Other provisions include;

- The setting a deadline of 90 days for notification to the Department of a transfer of holding by the new holder.
- An obligation on the part of the Department to publish a definition of agricultural land for the purposes of Agri-environment-climate schemes
- Establishment of offences and penalties where any person obstructs, fails to provide reasonable assistance or information, or knowingly or recklessly provides false or misleading information to a person acting in the execution of these Regulations.

3. Background

3.1. On 25th August 2015, the European Commission approved the Rural Development Programme 2014 – 2020 for Northern Ireland. The agreed Programme can be downloaded at http://www.dardni.gov.uk/2014-2020-rdp-version-1.2.pdf. Copies of the Programme are available on request from the Department.

3.2. These Regulations ensure that the Department has the appropriate legal powers necessary for the proper administration of the Rural Development Programme in Northern Ireland.

4. Consultation

4.1 The Department consulted extensively in developing the Rural Development Programme 2014-2020. A RDP Stakeholder Consultation Group was established in November 2012 to discuss and provide feedback on the development of the 2014-2020 Rural Development Programme. The Stakeholder Consultation Group met nine times and helped to develop the content of the draft programme prior to a public consultation which was carried out between July 2013 and October 2013. This also included consultation on the assessment of both the equality and environmental impact of the policy proposals.

5. Equality Impact

5.1. In accordance with the Department's obligations under Section 75 of the Northern Ireland Act 1998, the equality implications of both the proposed policy and the legislation have been assessed. A full Equality Impact Assessment (EQIA) and public consultation was carried out on the policy proposals for the Rural Development Programme. This EQIA recommends a number of mitigating actions and recommendations particularly on monitoring the Programme to ensure that there are no equality impacts from the policy proposals.

5.2. The proposed legislation has also been screened for equality issues and none have been identified. The Department considers that the Regulations will not result in any equality differentials amongst section 75 groups.

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.

6.2. The Department has considered how the legislation meets the requirements under Better Regulation and has concluded that these Regulations will not impose any significant additional burden on the farming sector. Officials are content that the legislation meets the Department's commitment to the principles of Better Regulation and "gold plating" is not applicable. In particular, this legislation revokes nine statutory rules relating to schemes under the 2007-2013 NIRDP and replaces them with a single statutory rule covering almost all Rural Development Programme schemes, in keeping with the principles of Better Regulation.

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7. Financial Implications

7.1. There are no significant financial or resource implications involved in the making of these Regulations. The legal powers of administration conferred upon the Department in these Regulations do not impact upon the overall budget for the Rural Development Programme 2014-2020.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Regulations deal with the administration of the Rural Development Programme 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. The Regulations provide the Department with the legal powers to administer the Rural Development Programme. The Rural Development Programme has been approved by the European Commission and complies with the relevant EU legislation. These Regulations do not transpose any EU Directive.

10. Parity or Replicatory Measure

10.1. These Regulations do not replicate legislation in other administrations, nor are they required to maintain parity.

10.2 Each administration within the United Kingdom has its own Rural Development Programme. These Programmes differ in content across

administrations and are approved separately by the European Commission.

11. Additional Information

11.1. Not applicable.