1994 No. 413

AGRICULTURE

Sub-Programme for Agriculture and Rural Development Regulations (Northern Ireland) 1994

Made . . . . . 25th October 1994

Coming into operation . . 28th November 1994

The Department of Agriculture, being a department designated(**a**) for the purposes of section 2(2) of the European Communities Act 1972(**b**) in relation to the common agricultural policy of the European Economic Community, in exercise of the powers conferred on it by the said section 2(2) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Sub-Programme for Agriculture and Rural Development Regulations (Northern Ireland) 1994 and shall come into operation on 28th November 1994.

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954(**c**) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

(2) In these Regulations—

"the Council Regulations" means Council Regulation (EEC) No. 4253/88(**d**) as amended by Council Regulation (EEC) No. 2082/93(**e**) laying down provisions for implementing Council Regulation (EEC) No. 2052/88(**f**) as regards co-ordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments; and Council Regulation (EEC) No. 4256/88(**g**) as amended by Council Regulation (EEC) No. 2085/93(**h**) laying down provisions for implementing Regulation (EEC) No. 2052/88 as regards the EAGGF Guidance Section(**h**);

(**a**) S.I. 1972/1811
(**b**) 1972.c. 68; section 2 is subject to Schedule 2 to that Act and is to be read with S.I. 1984/703 (N.I. 3) and S.R. 1984 No. 253
(**c**) 1954 c. 33 (N.I.)
(**d**) O.J. No. L374, 31.12.88, p. 1
(**e**) O.J. No. L193, 31.7.93 p. 20
(**f**) O.J. No. L185, 15.7.88, p. 9
(**g**) O.J. No. L374, 31.12.88, p. 25
(**h**) O.J. No. L193, 31.7.93, p. 44

"the Department" means the Department of Agriculture for Northern Ireland;

"grant" means a grant payable under or by virtue of the Council Regulations and the Sub-Programme.

"the Single Programming Document" means the Single Programming Document for Community structural assistance, approved by Commission Decision C(94) 1937 of 29th July 1994, which relates to among other things the financial assistance from EAGGF, Guidance Section, for the development of agriculture and the rural economy in Northern Ireland(**a**).

"the Sub-Programme" means Sub-Programme 4.1 relating to Agriculture and Rural Development of the Single Programming Document.

Claims for grant

3. Any claim for grant shall be made in such form and manner and at such time as the Department may require and the claimant shall furnish all such particulars and information relating to the claim as the Department may require.

Payment of grant

4. The Department may make the payment of grant subject to such conditions arising out of or related to the Council Regulations and the Sub-Programme as the Department thinks fit; and such payment shall be made at such time as the Department may determine.

Standard costs

5. Subject to such conditions as the Department may from time to time determine, the cost of any work, facility or transaction shall, if the claimant so elects, be taken, for the purpose of determining the amount of any grant payable, to be such standard cost or amount as the Department may from time to time determine.

Recovery of grant

6. If at any time after the Department has paid a grant it appears to the Department that—

(*a*) any condition referred to in regulation 4 has not been complied with; or

(*b*) the person by whom the application for the payment of grant was made gave information on any matter relevant to the making of the payment which was false or misleading in a material respect,

the Department may recover on demand as a civil debt an amount equal to the payment which has been made or such part thereof as the Department may determine.

(a) not published in the Official Journal of the European Communities

False statements

7. If any person, for the purposes of obtaining for himself or any other person any grant, knowingly or recklessly makes a false statement, he shall be liable on summary conviction to a fine not exceeding £2,000.

Rights of entry

8. For the purposes of the Council Regulations and the Sub-Programme and, in particular, for the purpose of securing that grants are made in proper cases only, any person duly authorised in that behalf by the Department accompanied by such other person acting under his instruction as appears to that authorised person to be necessary for that purpose may, upon production if so required of his appointment or authority, at all reasonable times enter upon and inspect any land, and inspect any premises, plant, or equipment in respect of which grants have been made or claimed.

Sealed with the Official Seal of the Department of Agriculture for Northern Ireland on 25th October 1994.

(L.S.) *L. Sinclair*
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

Council Regulation (EEC) No. 4253/88 (O.J. No. L374, 31.12.88, p. 1) as amended by Council Regulation (EEC) No. 2082/93 (O.J. No. L193, 31.7.1993, p. 20) lays down provisions for implementing Council Regulation (EEC) No. 2052/88 (O.J. No. L185, 15.7.88, p. 9) as regards co-ordination of activities of the different Structural Funds between themselves and with the operation of the European Investment Bank and the other existing financial instruments.

The programming procedure for structural assistance under Objective 1 is defined in Article 8(4) to 8(7) of Regulation (EEC) No. 2052/88. Article 5(2) of Regulation (EEC) No. 4253/88 provides that in order to simplify and to speed up programming procedures Member States may submit in a Single Programming Document the information required for the regional development plan referred to in Article 8(4) of Regulation (EEC) No. 2052/88 and the information required at 14(2) of Regulation (EEC) No. 4253/88. Article 10(1) of Regulation (EEC) No. 4253/88 provides that where a Single Programming Document is submitted to the European Commission by a Member State, the Commission will adopt a single decision in a single document covering the points referred to in Article 8(3) and the assistance from the Funds referred to in Article 14(3) of that Regulation.

Council Regulation (EEC) No. 4256/88 (O.J. No. L374 31.12.88, p. 25) lays down provisions for implementing Regulation (EEC) No. 2052/88 as regards the EAGGF Guidance Section.

The Single Programming Document for Northern Ireland was submitted to the Commission on 3rd November 1993 and approved by Commission Decision C(94)·1937. Sub-Programme 4.1 of the Single Programming Document relates to Agriculture and Rural Development.

The present Regulations make provision for the implementation of Regulation (EEC) No. 4253/88 and Regulation (EEC) No. 4256/88 in Northern Ireland insofar as Sub-Programme 4.1 of the Single Programming Document is concerned.

They allow the Department of Agriculture to formulate conditions for the payment of grant and to attach conditions for the payment of grant, provide for the form and manner in which claims for grant will be made and allow the Department of Agriculture to require the furnishing of particulars and information relating to claims.

The Regulations provide for standard costs, give the Department of Agriculture the power to recover payments in certain circumstances and create an offence, punishable on summary conviction with a minimum fine of £2,000, of providing or recklessly making a false statement to obtain grant. The Regulation also confer powers of entry and inspection on authorised persons and provide that an authorised person may take with him such other persons as he considers necessary.

Extracts of the relevant sections of Sub-Programme 4.1 of the Single Programming Document and an explanatory leaflet on that Sub-Programme can be obtained on application from the Department of Agriculture at Dundonald House, Upper Newtownards Road, Belfast BT4 3SB.

A copy of Commission Decision C(94) 1937 approving the Single Programming Document may be obtained from the Department of Agriculture at the above address.