



Declan McAleer MLA
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Dear Declan

Independent Panel for the Review of Decisions process

I am writing in response to your letter dated 25 March 2021 regarding members and stakeholders concerns on the Independent Panel for Reviews of Decisions.

I welcome the policy review carried out by the Committee. It is an important contribution to the way forward.

The Committee will be aware that I have instructed my officials to give the Independent Panel a decision-making role in the Review of Decision process. That will require new legislation to be drafted. Some of the Committee's recommendations, including consideration of historic cases, will be addressed as that work progresses.

You have recommended that information provided to appellants should be more easily understood. I agree that the relevant legislation is often complex and not easily understood by the lay reader. I have instructed my officials within the Review of Decisions team to ensure that information provided to the appellant is presented in an understandable manner.

On the recommendation that new evidence ought to be admissible at the Independent Panel stage and the evidence in formats other than in written format ought to be admissible, I understand that under the Court Order which re-introduced the Independent Panel additional evidence can only be provided to the Panel in the case of Force Majeure or Exceptional Circumstances. Appellants can provide additional evidence when submitting their request for a review, and during the Case Officer stage of the review process. Whether or not additional evidence could be presented to a decision-making panel can be considered as part of the legislative process, along with the possibility of providing non-written evidence.

Sustainability at the heart of a living, working, active landscape valued by everyone.

On the mental health impact of the Review of Decision process, I am well aware of the mental stress that is placed farmers by the day-to-day problems that they face, and that the Review of Decisions process can create extra stress. I have instructed my officials to consider sign-posting farmers to Rural Support in an appropriate manner as part of the review process.

The proposal to introduce a Supreme Agricultural Appeal Panel (SAAP) as an alternative to a Judicial Review merits further consideration. There is, however, no provision in legislation for a SAAP, and the legislation to introduce one would essentially be the same as the legislation required to give the existing Panel a decision-making role. A SAAP would not remove the right of an appellant to seek a Judicial Review should they believe that the decision taken was wrong in law.

The current Panel come to the end of their term at the end of January 2022. The appropriate composition of the new Panel, including the criteria, skills and personal qualities required, has not yet been determined. The recruitment process will, however, follow the principles of the Code of Practice for Public Appointments.

Farmers will retain a right to a review of decision taken under the new schemes my Department will be developing to meet the unique needs of agriculture in Northern Ireland. The legislation to give the Independent Panel decision-taking powers will be drafted to include future schemes.

My officials will continue to consult with the Committee as the work to give the Independent Panel decision-making powers progresses.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Edwin Poots', written in a cursive style.

EDWIN POOTS MLA
Minister of Agriculture, Environment and Rural Affairs