Strategic Planning and Corporate Services Group
Strategic Support Directorate

Department of
Agriculture, Environment and Rural Affairs
An Roinn
Talmhaíochta, Comhshaoil agus Gnóthaí Tuaithe
Depairtment o'
Fairmin, Environment an' Kintra Matthers
www.daera-ni.gov.uk

Minister's Office
Clare House
303 Airport Road West
Sydenham Intake
Belfast BT3 9ED
Telephone: 028 7744 5117
Email: paul.mcgranaghan@daera-ni.gov.uk

FROM: **PAUL MCGRANAGHAN**
DAERA DALO

DATE: **05 NOVEMBER 2026**

TO: **DR. JANICE THOMPSON**
AERA COMMITTEE CLERK

The Aid in The Fruit and Vegetables Sector (Amendment) Regulations (Northern Ireland) 2027

Summary:	Statutory Rule to make changes to the legislation governing the Fruit and Vegetable Aid Scheme in Northern Ireland.
Business Area:	Sustainable Agri Food Development Division.
Issue:	SL1 for The Aid in the Fruit and Vegetables Sector (Amendment) Regulations (Northern Ireland) 2027.
Restrictions:	None.
Action Required:	To consider the proposed Statutory Rule.
Officials Attending:	Elaine McCrory, Head of Supply Chain Transition Branch.

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.

INVESTORS IN PEOPLE®
We invest in people Standard

Background

The Department of Agriculture, Environment and Rural Affairs proposes to make the above-named Statutory Rule under powers conferred on it by section 2(1) and (2) and section 4(1) of the Agriculture Act (Northern Ireland) 2025 (the Agriculture Act).

The Statutory Rule (SR) is subject to the draft affirmative resolution procedure.

The Agriculture Act amended assimilated Regulation (EU) 1308/2013 establishing a common organisation of the markets in agricultural products (the CMO) to remove a statutory requirement to support all eligible claims under the Fruit and Vegetable Aid Scheme (FVAS). It also provided the Department with the power to make Regulations to modify the assimilated legislation governing the FVAS (i.e. the CMO and Commission Delegated Regulation (EU) 2017/891 (Delegated Regulation) and Commission Implementing Regulation (EU) 2017/892 (Implementing Regulation), which supplement it).

Purpose of the Statutory Rule

The SR makes use of the powers in the Agriculture Act to amend the legislation governing aid in the fruit and vegetable sector (FVAS), in order to:

- ensure that only Northern Ireland (NI) growers can benefit from support provided by the Department; the SR inserts a new Article 32A into the CMO and new Articles 16A and 20A into the Delegated Regulation, and makes associated amendments to provisions governing producer organisations and associations of producer organisations and the payment of aid.
- make consequential amendments necessary on the foot of the Agriculture Act, and specifically on the new Article 32(1A) inserted by the Act. It replaces references to Article 32(1)(b) in Articles 14A, 21A, 26, 40 and 54 and Annex III, paragraph 2(a) and Annex V, part IA, paragraph 3(a), of the Delegated Act, with references to the new Article 32(1A).
- introduce a review mechanism enabling persons affected by determinations relating to financial assistance under Article 34 of the CMO to seek a review of those determinations.

The SR also makes some technical amendments to the CMO and to the Implementing and Delegated Regulations to ensure the legislation remains fully operable and to reflect that the UK is no longer in the EU as set out below:

- The SR removes the scope for advance payments to be made to Producer Organisations (POs), omitting Article 35 of the Delegating Regulation and Article 11 of the Implementing Regulation. This better reflects Managing Public Money NI, which states that advance payments should be made only in exceptional circumstances.
- The SR amends Article 27 of the Implementing Regulation to remove a requirement to undertake on-the-spot checks of 30% of the total aid applied for each year, which in effect would require such checks on each of the two NI POs every year, with checks instead being undertaken on the basis of a risk analysis.

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.

INVESTORS IN PEOPLE®
We invest in people Standard

- The SR amends Articles 31, 36, 59, 60 and 67 of the Delegated Regulation to provide for the offsetting of recovered aid against sums otherwise payable in future, in line with good accounting practice.
- The SR amends Article 30 of the Delegated Act to reflect that there is no longer a Rural Development Programme for NI under Regulation (EU) No 1305/2013 and updates double funding rules to cover all potential UK public funding.
- The SR amends provisions in Articles 33 and 36 of the CMO, Articles 2, 27, 30, 31 and 58 of the Delegated Regulation, and Articles 2, 3, 4, 25 and 34 and Annex I of the Implementing Regulation to better align the scheme with the Department's strategic objectives over time.
- The SR removes spent or obsolete provisions that are no longer relevant in a NI context and makes consequential amendments to ensure that the scheme remains fully operable. These include historical reporting and notification requirements, and administrative arrangements which are no longer required following EU Exit or are no longer relevant to the administration of the scheme in NI.
- Finally, the SR updates terminology and references throughout the legislation to reflect that the United Kingdom is no longer a Member State of the European Union and that the scheme is administered by the Department in NI. This includes substituting references to "appropriate authorities", "relevant authorities", EU institutions and UK-wide functions with NI or Department-specific terminology, and updating related cross-references and definitions.

Previous Engagement with Committee

Officials engaged with the Committee during the Assembly passage of the Agriculture Act. In addition, the Committee considered and noted a written briefing on proposals to make technical amendments to the rules governing the FVAS on 25 June 2026, prior to stakeholder engagement.

Financial Implications

There are no financial implications associated with the introduction of this SR. Conversely, failure to implement the SR poses a risk to the Executive earmarked budget for agriculture, agri-environment, fisheries and rural development.

Consultation

A 10-week targeted stakeholder consultation closed on 7 September 2026. During the consultation period, officials met representatives of the mushroom sector (the NI Mushroom Growers Association (NIMGA)), the two NI POs (NI Horticultural Growers Ltd. and NI Horticulture PO), and the Ulster Farmers Union (UFU). Written responses received from the POs, NIMGA and the UFU, and verbal feedback received from PO managers was largely positive, albeit stakeholders would like to see further changes to FVAS legislation e.g. increased funding levels for research, environmental actions and crisis response brought forward soon. At this stage it is proposed to make essential technical amendments only to FVAS law. However, as the Minister said during its Assembly passage, the Agriculture Act's powers provide the scope to make further incremental changes in line with developing DAERA policy. This means further changes, including those identified as a result of work to develop a suitable replacement for the FVAS, will be forthcoming in due course.

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.

INVESTORS IN PEOPLE®
We invest in people Standard

Officials also consulted Defra and the Rural Payments Agency on DAERA's proposed changes to the legislation, given the interaction between reserved and devolved elements of the legislation. Defra and RPA were content with the changes proposed.

Officials will write to key stakeholders to notify them of the outcome of the consultation and next steps.

Compliance with Section 24 of the Northern Ireland Act 1998

The SR was screened for impact on human rights and is therefore deemed to comply with the requirements of Section 24 of the NI Act 1998. It does not have any implications for Convention Rights[1] nor is it incompatible with rights under Article 2(1) of the Windsor Framework[2].

Consideration by the Executive

The Statutory Rule does not require referral to the Executive as it does not engage any of the criteria in paragraph 2.4 of the Ministerial Code requiring a matter to be brought to the attention of the Executive Committee.

Equality Impact

In accordance with obligations under Section 75 of the Northern Ireland Act 1998 the equality implications have been assessed. The Department considers that the SR will not result in any equality differentials amongst Section 75 groups.

Regulatory Impact

A Regulatory Impact Assessment has not been prepared for this SR as it has no impact in terms of costs on businesses, charities, social economy enterprises or voluntary bodies.

Rural Needs Impact

A Rural Needs Impact Assessment was carried out on the SR, and it concluded that there would be no differential impact upon citizens in rural areas as a result of the legislation.

Data Protection Impact

A Data Protection Impact Assessment has not been prepared as there is no change to the processing of personal data as a result of the SR and therefore there is no risk to the rights and freedoms of individuals.

[1] Those rights set out in the European Convention on Human Rights and given effect in the law of Northern Ireland by the Human Rights Act 1998

[2] Those rights of individuals under Article 2(1) of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement, commonly called the Windsor Framework

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.

INVESTORS IN PEOPLE®
We invest in people Standard

Child Rights Impact

A Child Rights Impact Assessment has not been prepared for the SR as it has no impact on children's human rights.

Position in GB (if appropriate)

Scotland and NI are the only parts of the UK that have continued support for the fruit and vegetables sector under the FVAS. The scheme closed in England on 31 December 2025, and we understand Defra is at an early stage of engaging with industry representatives on a tailored growth plan for the horticulture sector in England. The Welsh Government closed the FVAS there with effect from 16 February 2026.

The Scottish Government passed legislation in 2026 amending the FVAS in Scotland. The Scottish changes included removing the scope for financial support being used to benefit non-Scottish producers and introducing a new appeals mechanism. These changes are in line with DAERA proposals in this regard. The Scottish SI also limited new FVAS applications to once every 3 years to allow for better budgetary planning, and review of the scheme. DAERA is not proposing to limit applications for support in this way, pending development of a suitable successor here.

Any other information

In EU/Ireland, the FVAS has continued to evolve since Brexit, and changes made to the FVAS there will be considered in the context of work to develop an FVAS successor in NI. As the Committee will be aware from the DAERA response to ACP/26/221, the College of Agriculture, Food and Rural Enterprise (CAFRE) will lead the development work associated with a successor to the FVAS here. Officials are currently considering the appropriate approach to stakeholder engagement, including arrangements through which industry representatives can contribute to the development of the scheme. DAERA will communicate further details on the timetable, governance and stakeholder engagement arrangements once these have been established. This work is being led within CAFRE by Mark Scott, Head of College Support Service.

Proposed timing of Consideration of the SL1

This SL1 has been submitted to the Committee in accordance with the minimum four-week timeframe. The Department proposes that the Committee considers the SL1 at its meeting on 10 December.

Proposed Operational Date

It is proposed that the SR will come into operation before the end of February 2027.

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.

INVESTORS IN PEOPLE®
We invest in people Standard

The draft of the proposed SR and Explanatory Memorandum are attached, and you will wish to bring this matter to the attention of the Committee for consideration.

Yours sincerely,



Paul McGranaghan
Departmental Assembly Liaison Officer

Enc:

Annex A: **Draft SR The Aid in the Fruit and Vegetables Sector (Amendment) Regulations (Northern Ireland) 2027**

Annex B: **Draft Explanatory Memorandum to The Aid in the Fruit and Vegetables Sector (Amendment) Regulations (Northern Ireland) 2027**

Cc: **Human Rights Commission**
Equality Commission

If you are deaf or have a hearing difficulty you can contact the Department via the Next Generation Text Relay Service by dialling 18001 + telephone number.

INVESTORS IN PEOPLE®
We invest in people Standard