
STATUTORY INSTRUMENTS

2000 No. 906

**EUROPEAN COMMUNITIES
WALES**

**The Structural Funds (National
Assembly for Wales) Regulations 2000**

<i>Made</i>	- - - -	<i>30th March 2000</i>
<i>Laid before Parliament</i>		<i>30th March 2000</i>
<i>Coming into force</i>	- -	<i>31st March 2000</i>

The Secretary of State, being a Minister designated⁽¹⁾ for the purpose of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to measures relating to the operation of the Structural Funds, and all other powers enabling him in that behalf, hereby makes the following Regulations:

Title and commencement

1. These Regulations may be cited as the Structural Funds (National Assembly for Wales) Regulations 2000 and shall come into force on 31st March 2000.

Interpretation

2. In these Regulations—

- (a) “the Assembly” means the National Assembly for Wales;
- (b) “the specified Structural Funds” means the Structural Funds specified in regulation 6;
- (c) “the 1993 Structural Funds Regulation” means Council Regulation 4253/88⁽³⁾ laying down provisions for implementing Regulation (EEC) No 2052/88 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 as amended by Council Regulation 2082/93⁽⁴⁾;
- (d) “the 1999 Structural Funds Regulation” means Council Regulation 1260/1999⁽⁵⁾ laying down general provisions on the Structural Funds; and

(1) S.I.1999/2788.

(2) 1972 c. 68.

(3) OJ L 374, 31.12.88, p. 1.

(4) OJ L 193, 13.7.93, p. 20.

(5) OJ L 161, 26.6.99, p. 1.

- (e) “Wales” includes the sea adjacent to Wales out as far as the boundary of the territorial sea and the boundary between those parts of the sea within the Severn and Dee Estuaries which are to be treated as adjacent to Wales and those which are not shall be, in each case, a line drawn between the co-ordinates set out in Schedule 3 to the National Assembly for Wales (Transfer of Functions) Order 1999(6).

Functions under the 1993 Structural Funds Regulation

3.—(1) In relation to the specified Structural Funds, the Assembly may exercise in relation to Wales the functions of—

- (a) an authority designated for the purposes referred to in Articles 21(5), 24(1) or 25(4), or
- (b) a competent authority for the purposes referred to in Article 26,

if, and to the extent that, it is designated as such an authority by a Minister of the Crown.

(2) Where pursuant to paragraph (1) the Assembly is, in respect of a measure, an authority designated for the purposes of Articles 21(5), 24(1) or 25(4), it shall exercise the function imposed by Article 32(2) on the body responsible for implementing the measure.

(3) In relation to the specified Structural Funds, the Assembly shall exercise in relation to Wales the function conferred on a Member State by Article 23.

(4) In this regulation, a reference to an article is a reference to an article of the 1993 Structural Funds Regulation.

Functions under the 1999 Structural Funds Regulation

4.—(1) In relation to the specified Structural Funds, the Assembly may exercise in relation to Wales—

- (a) the functions of an authority designated by a Member State for the purpose of participating in the partnership set up pursuant to Article 8,
- (b) the functions of a managing authority or paying authority for the purposes of the 1999 Structural Funds Regulation, or
- (c) the functions of an authority designated by a Member State for the purposes of Articles 15, 30 and 40,

if, and to the extent that, it is designated as such an authority by a Minister of the Crown.

(2) In relation to the specified Structural Funds, the Assembly shall exercise in relation to Wales the functions conferred on a Member State by Articles 38 and 39.

(3) In this regulation, a reference to an article is a reference to an article of the 1999 Structural Funds Regulation.

Concurrent powers

5. The functions conferred on the Assembly by paragraph (3) of regulation 3 and paragraph (2) of regulation 4 shall be exercisable by a Minister of the Crown as well as by the Assembly.

The specified Structural Funds

6. The Structural Funds specified for the purposes of these Regulations are—

- (a) the European Regional Development Fund,
- (b) the Financial Instrument for Fisheries Guidance, and

- (c) the Guidance Section of the European Agricultural Guidance and Guarantee Fund.

Modification or revocation

7. A Minister of the Crown may, after consulting the Assembly, modify or revoke a designation made pursuant to these Regulations.

Transfer of property, rights and liabilities

8.—(1) There shall be transferred to and vest in the Assembly by virtue of this paragraph all property, rights and liabilities to which the Secretary of State for Wales is entitled or subject, at the coming into force of a designation made pursuant to these Regulations, in connection with any function exercisable by him which is made exercisable by the Assembly pursuant to such a designation.

(2) There may be continued by or in relation to the Assembly anything (including legal proceedings) which relates to—

- (a) any function exercisable by the Secretary of State for Wales which is made exercisable by the Assembly by a designation made pursuant to these Regulations,
- (b) any property, rights or liabilities transferred by paragraph (1) as the result of any such function being made so exercisable,

and which is in the process of being done by or in relation to the Secretary of State immediately before the designation comes into force.

(3) Anything which was done by the Secretary of State for Wales for the purpose of or in connection with—

- (a) any function exercisable by him which is made exercisable by the Assembly by a designation made pursuant to these Regulations, or
- (b) any property, rights or liabilities transferred by paragraph (1) as the result of any such function being made exercisable by the Assembly by such a designation

and which is in effect immediately before the designation comes into force shall have effect as if done by the Assembly.

(4) The Assembly shall be substituted for the Secretary of State for Wales in any instruments, contracts or legal proceedings which relate to—

- (a) any function exercisable by him which is made exercisable by the Assembly by a designation made pursuant to these Regulations, or
- (b) any property, rights or liabilities transferred by paragraph (1) as the result of any such function being made exercisable by the Assembly by such a designation

and which are made or commenced before the designation comes into force.

(5) This regulation shall not apply to—

- (a) rights or liabilities relating to the employment of persons in Crown employment (as defined in section 191(3) of the Employment Rights Act 1996)(7), or
- (b) any documents or electronic records.

(7) 1996 c. 18.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

30th March 2000

Richard Caborn,
Minister for Trade,
Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations enable the National Assembly for Wales (“the Assembly”) to exercise in relation to Wales certain functions under Council Regulation 4253/88 laying down provisions for implementing Regulation (EEC) No. 2052/88 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 (as amended by Council Regulation 2082/93) (“the 1993 Structural Funds Regulation”) and under Council Regulation 1260/1999 laying down general provisions on the Structural Funds (“the 1999 Structural Funds Regulation”). The Structural Funds concerned are the European Regional Development Fund, the Financial Instrument for Fisheries Guidance and the Guidance Section of the European Agricultural Guidance and Guarantee Fund; provision is not made in respect of the European Social Fund. The functions are:

<i>Article of 1993 Structural Funds Regulation</i>	<i>Brief description of function</i>
Article 21(5)	Functions relating to payments of financial assistance
Article 23	Financial control in relation to operations
Article 24(1)	Submitting comments where Commission carry out investigation
Article 25(4)	Submitting progress report to the Commission for multiannual operations
Article 26	Appraising, evaluating and monitoring operations
Article 32(2)	Ensuring adequate publicity of measures and the role of the Community in them

<i>Article of 1999 Structural Funds Regulation</i>	<i>Brief description of function</i>
Article 8	Being a participant in partnership involving the Commission, the Member State and authorities and bodies designated by the Member State
Article 15	Preparing plans for submission to the Commission
Article 30	Functions in respect of expenditure eligible for assistance
Articles 38 and 39	Functions in relation to financial control
Article 40	Functions in relation to evaluating effectiveness of Community assistance

In addition, provision is made for the transfer of certain functions of a managing authority and a paying authority under the 1999 Structural Funds Regulation.

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In respect of the functions of a designated authority for the purposes of Articles 21(5), 24(1) and 25(4) and a competent authority for the purposes of Article 26 of the 1993 Structural Funds Regulation, the Assembly may exercise the function if, and to the extent that, it has been designated as such an authority by a Minister of the Crown. Similarly, in respect of the functions of an authority designated by a Member State for the purposes of participating in the partnership set up pursuant to Article 8, the functions of a managing or paying authority and the functions of an authority designated by a Member State for the purposes of Articles 15, 30 and 40 of the 1999 Structural Funds Regulation, the Assembly may exercise the functions if, and to extent that, it has been designated as such an authority by a Minister of the Crown. A designation may be modified or revoked by a Minister of the Crown after consulting the Assembly.

In respect of the functions conferred on a Member State by Article 23 of the 1993 Structural Funds Regulation and Articles 38 and 39 of the 1999 Structural Funds Regulation, the functions are exercisable in relation to Wales by a Minister of the Crown as well as by the Assembly.

Where a function is made exercisable by the Assembly under a designation made under the Regulations, there is transferred to the Assembly from the Secretary of State for Wales, the property and rights to which he is entitled and the liabilities to which he is subject in connection with the function.