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WELSH STATUTORY INSTRUMENTS

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**2006 No. 1717 (W.179)**

**AGRICULTURE, WALES**

**The Tir Gofal (Wales) (Amendment) Regulations 2006**

*Made* - - - - - *28 June 2006*

*Coming into force* - - - - - *16 October 2006*

The National Assembly for Wales, being designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Community, in exercise of the powers conferred upon it by that section hereby makes the following Regulations:

**Title, commencement and application**

1. The title of these Regulations is the Tir Gofal (Wales) (Amendment) Regulations 2006. They come into force on 16 October 2006 and apply in relation to Wales.

**Interpretation**

2. In these Regulations—

- (a) “the principal Regulations” (“*y prif Rheoliadau*”) means the Land in Care Scheme (Tir Gofal) (Wales) Regulations 1999<sup>(3)</sup>;
- (b) “the Countryside Council” (“*y Cyngor Cefn Gwlad*”) means the Countryside Council for Wales established by section 128 of the Environmental Protection Act 1990<sup>(4)</sup>.

**Amendment of the principal Regulations**

3.—(1) The principal Regulations are amended in accordance with paragraphs (2) and (3).

(2) For all references to “the Countryside Council” substitute “the National Assembly”.

(3) In Regulation 2(1)—

- (a) For the definition of “the Commission Regulation” substitute ““the Commission Regulation” means Commission Regulation (EC) 817 / 2004 laying down detailed rules for the application of the Council Regulation<sup>(5)</sup>”.

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(1) S.I. 2005/2766.

(2) 1972 c. 68.

(3) S.I. 1999/1176

(4) 1990 c. 43.

(5) O.J. No. L231, 30/6/2004, p.24.

- (b) In the definition of “the Council Regulation” after the word “others” insert “as last amended by Council Regulation (EC) No. 1783/2003(6), Council Regulation (EC) No. 567 / 2004(7), Council Regulation (EC) No. 583 / 2004(8) and Council Regulation (EC) No. 2223 / 2004(9)”.
- (c) The definition of “Countryside Council” is deleted.
- (d) After the definition of “interest” insert the following definition ““the National Assembly” means the National Assembly for Wales;”.

#### **Transfer of rights and liabilities**

4. All rights and liabilities in connection with any agreement entered into pursuant to regulation 3 of the principal Regulations, to which the Countryside Council was entitled or subject immediately before the coming into force of these Regulations, are transferred to the National Assembly for Wales.

#### **References to numbered provisions of Commission Regulation (EC) No. 1750 / 1999**

5. All references in the principal regulations to numbered provisions of Commission Regulation (EC) No. 1750 / 1999(10) are to be construed in accordance with Article 74 of Commission Regulation (EC) No. 817 / 2004.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(11)

28 June 2006

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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(6) O.J. No. L270, 21.10.2003, p.70.  
(7) O.J. No. L090, 27.3.2004, p 1.  
(8) O.J. No. L091, 30.3.2004, p.1.  
(9) O.J. No. L379, 24.12.2004, p.1.  
(10) O.J. No. L214, 13.8.1999, p.31.  
(11) 1998 c. 38.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which apply in relation to Wales, amend the Land in Care Scheme (Tir Gofal) (Wales) Regulations 1999 (S.I.1999/1176) “the principal Regulations”, so as to effect a transfer of responsibility for the administration of the Land in Care (Tir Gofal) agri environment scheme “the Tir Gofal Scheme”, from the Countryside Council for Wales to the National Assembly for Wales. Such transfer of responsibility being effective from the date upon which these Regulations come into force.

The Tir Gofal scheme was established under the principal Regulations and now operates within the framework of Council Regulation (EC) No. 1257 / 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (O.J. L160, 26.6.1999, p.80) (“the Council Regulation”) and Commission Regulation (EC) No. 817 / 2004 laying down detailed rules for the application of the Council Regulation (O.J. L231, 30.6.2004, p.24).

These Regulations effect the said transfer of responsibility by providing that all references in the principal Regulations to “Countryside Council” are replaced by references to the “the National Assembly” (Regulation 3(2)).

These regulations also provide for the transfer of rights and liabilities in connection with Tir Gofal scheme agreements entered into by the Countryside Council under the principal regulations, to be transferred to the National Assembly (Regulation 4).

The Regulations also update references in the principal Regulations to certain Community instruments which have either been amended or replaced since the coming into force of the principal Regulations (Regulations 3(3)(a) and 3(3)(b)).

Further minor consequential provision and amendment is made by Regulation 3(3)(c), 3(3)(d) and Regulation 5.

A regulatory appraisal has been prepared in respect of these Regulations and is available for inspection at the offices of the National Assembly for Wales, Department for Environment, Planning and Countryside, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ.