

2001 No. 3897

AGRICULTURE, ENGLAND

**The Rural Development Grants (Agriculture and Forestry)
(Amendment) Regulations 2001**

Made - - - - - *6th December 2001*
Laid before Parliament *10th December 2001*
Coming into force - - *1st January 2002*

The Secretary of State, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) as regards measures relating to the promotion of rural development and matters relating to the operation of the Structural Funds, in exercise of the powers conferred on her by the said section 2(2) and of all other powers enabling her in that behalf, hereby makes the following Regulations:

Title, commencement and extent

1.—(1) These Regulations may be cited as the Rural Development Grants (Agriculture and Forestry) (Amendment) Regulations 2001 and shall come into force on 1st January 2002.

(2) These Regulations shall extend to England only.

Interpretation

2. In these Regulations, “the principal Regulations” means the Rural Development Grants (Agriculture and Forestry) Regulations 2000(c).

Amendment of the principal Regulations

3.—(1) The principal Regulations shall be amended in accordance with the provisions of paragraphs (2) and (3) of this regulation.

(2) In regulation 5 (approval of operations), the following paragraph shall be substituted for the existing paragraph (3)—

“(3) Before varying an approval under paragraph (2), the Minister shall—

- (a) give the beneficiary notice in writing that he proposes to do so with a statement of his reasons;
- (b) give the beneficiary an opportunity to make written representations within such time as the Minister considers reasonable; and
- (c) consider any such representations.”.

(a) S.I. 1994/1887 and 1999/2788.
(b) 1972 c. 68.
(c) S.I.2000/2907.

(3) The schedule contained in the Schedule to these Regulations shall be substituted for the existing schedule.

6th December 2001

Alun Michael
Minister of State,
Department for Environment, Food and Rural Affairs

“SCHEDULE

MEANING OF “COMMUNITY LEGISLATION”

1. Council Regulation (EC) No. 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds (OJ No. L161, 26.6.1999, p. 1, as amended by Council Regulation (EC) No. 1447/2001 of 28 June 2001 (OJ No. L198, 21.7.2001, p. 1)), in so far as it relates to regions covered by Objective 1 as established pursuant to Article 3 of that Regulation (referred to in this Schedule as “Objective 1 regions”).
2. Commission Regulation (EC) No. 1685/2000 of 28 July 2000 laying down detailed rules for the implementation of Council Regulation (EC) No. 1260/1999 as regards eligibility of expenditure of operations co-financed by the Structural Funds (OJ No. L193, 29.7.2000 p. 39), in so far as it relates to Objective 1 regions.
3. Council Regulation (EC) No. 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) (OJ No. L160, 26.6.1999, p. 80) in so far as it relates to Objective 1 regions.
4. Commission Regulation (EC) No. 1750/1999 of 23 July 1999 laying down detailed rules for the application of Council Regulation (EC) No. 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) (OJ No. L214, 13.8.1999, p. 31, as amended by Commission Regulation (EC) No. 2075/2000 of 29 September 2000 (OJ No. L246, 30.9.2000, p. 46), Commission Regulation (EC) No. 672/2001 of 2 April 2001 (OJ No. L93, 3.4.2001, p. 28) and Commission Regulation (EC) No. 1763/2001 of 6 September 2001 (OJ No. L239, 7.9.2001, p. 10)) in so far as it relates to Objective 1 regions.
5. Commission Decision (EC) No. 1999/501 of 1 July 1999 fixing an indicative allocation by Member State of the commitment appropriations for Objective 1 of the Structural Funds for the period 2000 to 2006 (OJ No. L194, 27.7.1999, p. 49).
6. Commission Decision (EC) No. 1999/502 of 1 July 1999 drawing up the list of regions covered by Objective 1 of the Structural Funds for the period 2000 to 2006 (OJ No. L194, 27.7.1999, p. 53).
7. Commission Decision No. C(2000) 2046 of 24 July 2000 approving the single programming document for Community structural assistance under Objective 1 in the region of Cornwall and the Isles of Scilly.
8. Commission Decision No. C(2000) 2047 of 24 July 2000 approving the single programming document for Community structural assistance under Objective 1 in the region of Merseyside.
9. Commission Decision No. C(2000) 2048 of 24 July 2000 approving the single programming document for Community structural assistance under Objective 1 in the region of South Yorkshire”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 1st January 2002 and which extend to England only, amend the Rural Development Grants (Agriculture and Forestry) Regulations 2000 (S.I. 2000/2907) (“the principal Regulations”).

The Regulations introduce a new paragraph (3) into regulation 5 of the principal Regulations (approval of operations) which revises the existing procedures relating to the refusal of an application and the variation of approvals, by removing the right of an applicant to make written representations in respect of a decision by the Minister of Agriculture, Fisheries and Food (“the Minister”) to refuse approval for the granting of financial assistance for an operation, and conferring such a right on a beneficiary in receipt of a proposed decision of the Minister to vary any condition of such an approval (regulation 3), rather than (as previously) in the event that the Minister has decided to vary the approval. They also update the list of Community legislation contained in the Schedule to the principal Regulations by means of a replacement schedule (regulation 3 and Schedule).

No Regulatory Impact Assessment has been prepared in respect of these Regulations.

£1.75

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under the authority and superintendence of Carol Tullo, Controller of
Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.
E2108 01/2002 012108 19585

ISBN 0-11-039235-3



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