

EXPLANATORY MEMORANDUM TO
THE RURAL DEVELOPMENT (ENFORCEMENT) (ENGLAND) (AMENDMENT)
REGULATIONS 2010

2010 No. 2078

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instrument**

- 2.1 These Regulations amend the Rural Development (Enforcement) (England) Regulations 2007 to extend inspection powers to the Environment Agency and update references to recent EU and domestic legislation.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 None

4. **Legislative Context**

- 4.1 These Regulations amend the Rural Development (Enforcement) (England) Regulations 2007 which meet the requirement for EU Member States to adopt legislative and administrative provisions to ensure that the Community's financial interests in relation to expenditure on rural development during the 2007-13 programming period are effectively protected.

5. **Territorial Extent and Application**

- 5.1 This instrument applies to England

6. **European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. **Policy background**

- 7.1 The Rural Development Programme for England (RDPE) 2007-13 implements Council Regulation (EC) No. 1698/2005 (the 'Rural Development Regulation'). The Rural Development (Enforcement) (England) Regulations 2007 (the 'enforcement

regulations') provide inspection and enforcement powers for rural development commitments made under the RDPE, as required by the Rural Development Regulation. They also implement cross-compliance provisions, under which farmers must meet certain standards to receive support, which apply to certain rural development measures such as agri-environment schemes.

7.2 The amending regulations extend the cross compliance inspection powers to the Environment Agency. This is necessary because on 1 January 2007 the Environment Agency was made part of England's designated competent control authority for the purposes of cross compliance. But due to an oversight the enforcement regulations were not consequentially amended at that time.

7.3 The amending regulations also update the Regulations in respect of recent changes to EU and domestic regulation, in particular:

- to replace references to the Cross Compliance (England) Regulations with the Agriculture (Cross Compliance) (No.2) Regulations 2009; and
- to include reference to Council Regulation (EC) No.73/2009 establishing common rules for direct payments under the Common Agricultural Policy which updated existing Council Regulations in relation to direct payments.

8. Consultation outcome

8.1 No consultation was necessary.

9. Guidance

9.1 No guidance is necessary.

10. Impact

10.1 The impact on business, charities or voluntary bodies is negligible.

10.2 The impact on the public sector is negligible

10.3 An Impact Assessment has not been prepared for this instrument as no impact on the private or voluntary sectors is foreseen.

11. Regulating small business

11.1 Although the legislation applies to small businesses, no changes to the regulations will increase impacts on these firms.

12. Monitoring & review

12.1 The Rural Development Programme for England programming period runs until 2013.

13. Contact

Fiona James at the Department for Environment, Food and Rural Affairs (Tel: 020 8255 1246 or email: fiona.james@defra.gsi.gov.uk) can answer any queries regarding the instrument.