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STATUTORY INSTRUMENTS

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**2014 No. 3263**

**The Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014**

**PART 6**

Final provisions

**Notices**

**33.**—(1) For the purposes of regulations 10, 15, and 21, any notice required to be served on a person may be served by—

- (a) delivering it to that person;
- (b) leaving it at that person's proper address;
- (c) sending it by post or fax to that person's proper address; or
- (d) sending it by email to that person's last known email address.

(2) For the purposes of paragraph (1)(a), a notice is delivered to—

- (a) a body corporate where it is given to an officer of that body;
- (b) a partnership where it is given to a partner or person having control or management of the partnership;
- (c) an unincorporated association where it is given to an officer or member of the governing body of the association or other person having management responsibilities in respect of the association.

(3) For the purposes of paragraph (1)(d), a notice is sent by email to—

- (a) a body corporate, where it is sent to an email address of—
  - (i) the body corporate; or
  - (ii) an officer of that body,

where that address is supplied by that body for the conduct of the affairs of that body;

- (b) a partnership, where it is sent to an email address of—

- (i) the partnership; or
  - (ii) a partner or person having control or management of the partnership,

where that address is supplied by that partnership for the conduct of the affairs of that partnership;

- (c) an unincorporated association where it is sent to an email address of an officer or member of the governing body of the association, or other person having management responsibilities in respect of the association, where that address is supplied by that association for the conduct of the affairs of that association.

- (4) In paragraph (1)(b) and (c), “proper address” means, in the case of—
- (a) a body corporate, the registered office (if it is in the United Kingdom) or the principal office of the body in the United Kingdom;
  - (b) a partnership, the principal office of the partnership in the United Kingdom;
  - (c) an unincorporated association, the principal office of the association in the United Kingdom;
  - (d) any other person, that person's last known address.

### Exchange rate for direct payments

34. [<sup>F1</sup>For the purposes of Article 106(3) of the Horizontal Regulation, [<sup>F2</sup>as it applies to claim years prior to 2020,] the amount of aid expressed in euro is to be converted into sterling on the basis of the average of the exchange rates set by the European Central Bank during the month prior to 1st October of the year in respect of which the aid is granted.]

#### Textual Amendments

- F1** Reg. 34 omitted (E.) (26.3.2021) by virtue of [The Direct Payments to Farmers \(Reductions and Simplifications\) \(England\) \(Amendment\) Regulations 2021 \(S.I. 2021/407\)](#), regs. 1(2), **8(2)**
- F2** Words in [reg. 34](#) inserted (8.6.2020) by [The Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/576\)](#), regs. 1, **6**

### Revocations and savings

- 35.—(1) The instruments listed in Schedule 5 are revoked subject to the following savings.
- (2) The IACS Regulations and regulation 3 of the Agriculture (Miscellaneous Amendments) Regulations 2012 <sup>M1</sup> continue to apply in relation to a single application within the meaning of regulation 2(1) of the IACS Regulations.
- (3) The ERDP Enforcement Regulations, the ERDP Enforcement Amendment Regulations and regulation 14 of the RD Enforcement Regulations continue to apply in relation to any application or commitment within the meaning of regulation 2(1) of the ERDP Enforcement Regulations.
- (4) Regulations 1 to 13 of the RD Enforcement Regulations and the RD Enforcement Amendment Regulations continue to apply in relation to any application, commitment or rural development payment within the meaning of regulation 2(1) of the RD Enforcement Regulations.
- (5) Any appointment of an authorised person by the Secretary of State for the purposes of the IACS Regulations in effect immediately before 1st January 2015 continues to have effect as if it were an appointment of that person as an authorised person for the purposes of these Regulations.
- (6) Any appointment of an authorised person for the purposes of the RD Enforcement Regulations or the Agriculture (Cross compliance) (No. 2) Regulations 2009 <sup>M2</sup> in effect immediately before 1st January 2015 continues to have effect as if it were an appointment of that person as an authorised person by the Secretary of State, Forestry Commissioners or Natural England (as the case may be) for the purposes of these Regulations.
- (7) Any appointment of an authorised officer by a competent authority for the purposes of the Common Agricultural Policy (Protection of Community Arrangements) Regulations 1992 <sup>M3</sup> in effect immediately before 1st January 2015 continues to have effect as if it were an appointment of that person as an authorised person by that competent authority for the purposes of these Regulations.

(8) The Rural Development Programme (Transfer and Appeals) (England) Regulations 2011 <sup>M4</sup> continue to apply in relation to any appeal against a decision within the meaning of regulation 3(1) of those Regulations.

(9) The Common Agricultural Policy Single Payment and Support Schemes (Appeals) Regulations 2010 <sup>M5</sup> continue to apply in relation to any appeal against an initial determination within the meaning of regulation 2(1) of those Regulations.

(10) In this regulation—

“the ERDP Enforcement Amendment Regulations” means the England Rural Development Programme (Enforcement) (Amendment) Regulations 2001 <sup>M6</sup>;

“the ERDP Enforcement Regulations” means the England Rural Development Programme (Enforcement) Regulations 2000 <sup>M7</sup>;

“the IACS Regulations” means the Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control System) Regulations 2009 <sup>M8</sup>;

“the RD Enforcement Amendment Regulations” means the Rural Development (Enforcement) (England) (Amendment) Regulations 2010 <sup>M9</sup>;

“the RD Enforcement Regulations” means the Rural Development (Enforcement) (England) Regulations 2007 <sup>M10</sup>.

**Marginal Citations**

- M1** S.I. 2012/66.
- M2** S.I. 2009/3365, amended by S.I. 2010/2941, 2012/66 and 2897 and 2013/3231.
- M3** S.I. 1992/314, amended by S.I. 2001/ 3198 and 2011/1043 and also amended, in relation to England, Wales and Northern Ireland, by S.I. 2001/3686, and, in relation to Scotland, by S.S.I. 2001/390.
- M4** S.I. 2011/1433.
- M5** S.I. 2010/39.
- M6** SI. 2001/431.
- M7** S.I. 2000/3044, amended by S.I. 2001/431, 2002/271, 2003/289 and 1235, 2004/145, 2005/154 and 621, 2006/225, 2007/75, and 2011/1043.
- M8** S.I. 2009/3263, amended by S.I. 2012/66.
- M9** S.I. 2010/2078.
- M10** S.I. 2007/75, amended by S.I. 2010/2078 and 2012/666.

**Review**

**36.**—(1) Before the end of each review period, the Secretary of State must—

- (a) carry out a review of these Regulations as they apply in England;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

<sup>F3</sup>(2) .....

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

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**Changes to legislation:** *There are currently no known outstanding effects for the The Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014, PART 6. (See end of Document for details)*

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(4) The first review period is the period of five years beginning with the date on which these Regulations come into force.

(5) Each subsequent review period is a period of five years beginning with the date on which the report of the preceding review was published.

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**Textual Amendments**

**F3** Reg. 36(2) omitted (31.12.2020) by virtue of S.I. 2019/733, **reg. 5(10)** (as inserted by [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1445\)](#), regs. 1(2)(a), **11(3)(c)**)

**Changes to legislation:**

There are currently no known outstanding effects for the The Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014, PART 6.