
STATUTORY INSTRUMENTS

2018 No. 964

AGRICULTURE, ENGLAND

**The Rural Development Programme
(Transfer) (England) Regulations 2018**

Made - - - - *3rd September 2018*
Laid before Parliament *5th September 2018*
Coming into force - - *1st October 2018*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(1).

The Secretary of State is a Minister designated for the purposes of section 2(2) of that Act in relation to the common agricultural policy of the European Union(2).

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Rural Development Programme (Transfer) (England) Regulations 2018 and come into force on 1st October 2018.

(2) These Regulations extend to England and Wales but apply in relation to England only.

Interpretation

2.—(1) In these Regulations—

“Natural England” means the body established by section 1 of the Natural Environment and Rural Communities Act 2006(3);

“relevant agreement” means any agreement made under—

(a) the following Articles of Council Regulation (EU) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)(4)—

(1) 1972 c. 68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c. 51), section 27(1)(a) and the European Union (Amendment Act 2008) (c. 7), the Schedule, Part 1. It is prospectively repealed by the European Union (Withdrawal) Act 2018 (c. 16), section 1 from exit day (see section 20 of that Act). The function of the former Minister of Agriculture, Fisheries and Food of making regulations under section 2(2) was transferred to the Secretary of State by S.I. 2002/794.

(2) S.I. 1972/1811, to which there are amendments not relevant to these Regulations.

(3) 2006 c. 16; section 1 was amended by the Marine and Coastal Access Act 2009 (c. 23), section 311.

(4) OJ No L 277, 21.10.2005, p 1, repealed with savings by Regulation (EU) No 1305/2013 of the European Parliament and of the Council (OJ No L 347, 20.12.2013, p 487).

- (i) Article 36(a)(iv) (agri-environment payments);
- (ii) Article 36(a)(vi) (non-productive investments);
- (iii) Article 52(a)(iii) (tourism activities);
- (iv) Article 52(b)(iii) (conservation and upgrading of the rural heritage);
- (b) the following Articles of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)⁽⁵⁾—
 - (i) Article 17(1)(c) (infrastructure related to the development, modernisation or adaptation of agriculture and forestry);
 - (ii) Article 17(1)(d) (non-productive investments);
 - (iii) Article 20(1)(f) (but only in so far as it relates to studies and investments for the maintenance, restoration and upgrading of the cultural heritage of rural landscapes);
 - (iv) Article 21(1)(a) (afforestation and creation of woodland);
 - (v) Article 21(1)(c) (prevention and restoration of damage to forests from natural disasters and catastrophic events, including pest and disease outbreaks);
 - (vi) Article 21(1)(d) (investments improving the resilience and environmental value of forest ecosystems);
 - (vii) Article 28(2) (agri-environment-climate payments);
 - (viii) Article 29(1) (organic farming payments);
 - (ix) Article 34(1) (forest-environment and climate payments);
 - (x) Article 35(1)(a) (co-operation approaches among different actors) insofar as it relates to sub-paragraphs (xi) and (xii);
 - (xi) Article 35(2)(f) (joint action undertaken with a view to mitigating or adapting to climate change);
 - (xii) Article 35(2)(g) (joint approaches to environmental projects and ongoing environmental practices).

Transfer from Natural England to the Secretary of State

3.—(1) Every relevant agreement to which Natural England was a party immediately before the coming into force of these Regulations, whether or not in writing and whether of such nature that rights and liabilities under it could be assigned by Natural England, has effect as if—

- (a) the Secretary of State were a party to the relevant agreement, and
- (b) a reference to Natural England were a reference to the Secretary of State.

(2) All rights and liabilities that Natural England had or to which it was subject under any relevant agreement immediately before the coming into force of these Regulations are transferred to the Secretary of State.

⁽⁵⁾ OJ No L 347, 20.12.2013, p 487, as last amended by Commission Delegated Regulation (EU) 2018/162 (OJ No L 30, 2.2.2018, p 6).

3rd September 2018

George Eustice
Minister of State
Department for Environment Food and Rural
Affairs

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide that certain rural development agreements entered into by Natural England under Council Regulation (EU) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ No L 277, 21.10.2005, p 1) and Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ No L 347, 20.12.2013, p 487) now vest in the Secretary of State, and rights and liabilities arising under those agreements transfer from Natural England to the Secretary of State.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.