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WELSH STATUTORY INSTRUMENTS

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**2000 No. 3294 (W. 216)**

**AGRICULTURE, WALES**

**The Common Agricultural Policy Support  
Schemes (Modulation) (Wales) Regulations 2000**

*Made* - - - - *14th December 2000*

*Coming into force* - - *1st January 2001*

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 on it by the said section 2(2) hereby makes the following Regulations:—

**Title and commencement**

1. These Regulations may be cited as the Common Agricultural Policy Support Schemes (Modulation) (Wales) Regulations 2000 and shall come into force on 1st January 2001.

**Application**

2.—(1) Subject to paragraph (2), these Regulations shall apply to Wales.

(2) In relation to payments to a farmer under any IACS support scheme, these Regulations shall apply, and shall apply only, in so far as the National Assembly is the relevant competent authority in relation to the farmer's holding.

**Interpretation**

3.—(1) In these Regulations—

“agrimonetary compensation” (“*iawndal amaeth-ariannol*”) means a payment made pursuant to Articles 4 or 5 of the Agrimonetary Regulation by way of supplement to a payment (“the principal payment”) made pursuant to a support scheme;

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(1) By virtue of the European Communities (Designation) (No. 3) Order 1999 (S.I. 1999/2788 (“the Order”). The National Assembly's power to make, as a body designated in relation to the common agricultural policy of the European Community, regulations which extend to holdings which include land situated outside of Wales is confined by paragraph 2(b) of Schedule 2 to the Order.

(2) 1972 c. 68.

“the Agrimonetary Regulation” (“y Rheoliad Amaeth-ariannol” ) means Council Regulation (EC) No. 2799/98 establishing agrimonetary arrangements for the euro<sup>(3)</sup>;

“Board schemes” (cynlluniau'r Bwrdd) means support schemes in relation to which the Intervention Board is responsible for making payments;

“the Council Regulation” (“Rheoliad y Cyngor”) means Council Regulation (EC) No.1259/1999<sup>(4)</sup> establishing common rules for direct support schemes under the common agricultural policy of the European Community;

“Council Regulation 3508/92” (“Rheoliad y Cyngor 3508/92”) means Council Regulation (EEC) No. 3508/92 establishing an integrated administration and control system for certain Community aid schemes<sup>(5)</sup>;

“farmer” (“ffermwr”) has the meaning given to it by Article 1(4) of Council Regulation 3508/92;

“holding” (“daliad”) has the meaning given to it by Article 1(4) of Council Regulation 3508/92;

“IACS support scheme” (“cynllun cymorth IACS”) means—

- (a) any support scheme specified in Article 1 of Council Regulation 3508/92, as that scheme has effect at the date on which these Regulations are made;
- (b) any scheme providing for LFA supplements; and
- (c) any scheme for the payment of aid by way of agrimonetary compensation;

“Intervention Board” (“Bwrdd Ymyrraeth”) means the Intervention Board for Agricultural Produce established under section 6(1) of the European Communities Act 1972;

“LFA supplement” (“atodiad ALIF”) means a payment made under Council Regulation (EEC) No. 1323/1990 instituting specific aid for sheep and goat farming in certain less-favoured areas of the Community<sup>(6)</sup>, by way of supplement to a payment of premium made to a producer of sheepmeat or goatmeat;

“the National Assembly” (“y Cynulliad Cenedlaethol” ) means the National Assembly for Wales;

“the relevant amount” (“y swm perthnasol”) means any amount which, if regulation 4 did not apply, would be payable by the National Assembly or, as the case may be, the Intervention Board pursuant to the support scheme in question;

“relevant competent authority” (“awdurdod cymwys perthnasol”) means the authority which is the relevant competent authority within the meaning of the Integrated Administration and Control System Regulations 1993<sup>(7)</sup>;

“relevant purposes” (“dibenion perthnasol”) means the purposes of any payment made pursuant to any measure which implements any provision of Articles 13 to 24 (inclusive) or Article 31 of the Rural Development Regulation;

“relevant scheme year” (“blwyddyn gynllun berthnasol”) means the scheme year beginning in 2001 or in any subsequent year up to and including 2006;

“the Rural Development Regulation” (“y Rheoliad Datblygu Gwledig”) means Council Regulation (EC) No. 1257/1999<sup>(8)</sup> on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations;

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(3) OJ No. L349, 24.12.98, p. 1.

(4) OJ No. L160, 26.6.1999, p. 113.

(5) OJ No. L355, 5.12.92, p. 1, last amended by Council Regulation (EC) No. 1593/2000 (OJ No. L182, 21.7.2000, p. 4).

(6) OJ No. L132, 23.5.90, p. 17.

(7) S.I. 1993/1317, amended by S.I. 1994/1134, 1997/1148, 1999/1820 and 2000/2573.

(8) OJ No. L160, 26.6.1999, p. 80

“scheme year” (“blwyddyn gynllun”) means the twelve months in respect of which payments are made pursuant to the support scheme in question; and

“support scheme” (“cynllun cymorth”) means any support scheme listed in the Annex to the Council Regulation.

- (2) For the purposes of these Regulations, a payment is made pursuant to a support scheme if—
- (a) it is made in accordance with the requirements of that scheme; or
  - (b) in so far as it is financed by the Guarantee section of the European Agricultural Guidance and Guarantee Fund, it is made pursuant to any determination made by the National Assembly in implementation of that scheme.

### **Modulation of support scheme payments**

4.—(1) For the purposes of calculating the amount of any payment to which any person is entitled pursuant to any support scheme in respect of a relevant scheme year, the National Assembly or (in the case of payments under Board schemes) the Intervention Board shall deduct from the relevant amount the specified proportion of that amount, and shall apply the sum so deducted by way of funds for one or more of the relevant purposes.

(2) For the purposes of paragraph (1), a payment of agrimonetary compensation shall be treated as made in respect of the scheme year in respect of which the principal payment which it supplements was made.

- (3) In this regulation, “the specified proportion” means—
- (a) in respect of the scheme year which begins in 2001, 2.5%;
  - (b) in respect of scheme year which begins in 2002, 3.0%;
  - (c) in respect of the scheme year which begins in 2003 and that which begins in 2004, 3.5%; and
  - (d) in respect of the scheme year which begins in 2005 and that which begins in 2006, 4.5%.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(9).

14th December 2000

*John Marek*  
The Deputy Presiding Officer of the National  
Assembly

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

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## EXPLANATORY NOTE

*(This note does not form part of the Regulations)*

These Regulations, which come into force on 1st January 2001, implement Articles 4 and 5 of Council Regulation (EC) No.1259/1999 establishing common rules for direct support schemes under the common agricultural policy of the European Community (OJ No. L160, 26.6.1999, p.113)(“the Council Regulation”).

They apply to Wales, save that, in relation to payments under an IACS support scheme, they apply in so far as the National Assembly is the “relevant competent authority” within the meaning of the Integrated Administration and Control System Regulations 1993 (S.I.1993/1317, as last amended by S.I. 2000/2573).

Article 4 of the Council Regulation permits Member States to reduce the amounts of payments under the support schemes listed in the Annex to that Regulation where (amongst other things) the total amounts of payments granted under such support schemes in respect of a calendar year exceed limits to be decided by the Member State in question. In the United Kingdom that limit has been set at nil, and the reduction is therefore applicable in relation to all payments under the specified support schemes. The amounts by which such payments are reduced are required to be made available as additional Community support for any of the rural development measures specified in Article 5(2) of the Council Regulation, in so far as they apply in the Member State concerned.

These Regulations accordingly require the National Assembly for Wales, or as the case may be, the Intervention Board to deduct a specified proportion (2.5% in the year 2001, 3.0% in the year 2002, 3.5% in the years 2003 and 2004, and 4.5% in the years 2005 and 2006) from any payment they make pursuant to any of the said support schemes, the amounts thus deducted to be applied in accordance with the said Article 5(2) (regulation 4).

A Regulatory Appraisal has been prepared in respect of these Regulations and is available from the National Assembly for Wales, Agriculture Department, Cathays Park, Cardiff, CF10 3NQ.