
WELSH STATUTORY INSTRUMENTS

2004 No. 2919 (W.258)

AGRICULTURE, WALES

The Single Payment Scheme and Miscellaneous Direct Support Schemes (Appeals) (Wales) Regulations 2004

Made - - - - 9 November 2004

Coming into force - - 30 November 2004

The National Assembly for Wales being designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ in relation to the common agricultural policy of the European Community, in exercise of the powers conferred upon it by the said section 2(2), hereby makes the following Regulations:

Title and Commencement

1. These Regulations may be cited as the Single Payment Scheme and Miscellaneous Direct Support Schemes (Appeals) (Wales) Regulations 2004 and shall come into force on 30th November 2004.

Application

2. These Regulations apply to a relevant determination made in respect of a farmer whose holding is situated, either entirely or partially, in Wales.

Interpretation

3.—(1) In these Regulations —

“the Community legislation” (“*Deddfwriaeth y Gymuned*”) means the Council Regulation, Commission Regulation (EC) No. 2237/2003 laying down detailed rules for the application of certain support schemes provided for in Title IV of the Council Regulation⁽³⁾, Commission Regulation (EC) 795/2004 laying down detailed rules for the implementation of the single payment scheme provided for in the Council Regulation⁽⁴⁾ and Commission Regulation

(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 within the United Kingdom but outside Wales is confirmed by paragraph 2(b) of Schedule 2 to the Order.

(2) 1972 c. 68.

(3) OJ No. L339, 24.12.2003, p.52.

(4) OJ No. L141, 30.4.2004, p.1.

(EC) No. 796/2004 laying down detailed rules for the implementation of cross compliance, modulation and the integrated administration and control system provided for in the Council Regulation⁽⁵⁾;

“the Council Regulation” (“*Rheoliad y Cyngor*”) means Council Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers⁽⁶⁾;

“farmer” has the meaning given to it by Article 2(a) of the Council Regulation;

“holding” has the meaning given to it by Article 2(b) of the Council regulation;

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

“relevant determination” (“*penderfyniad perthnasol*”) means any determination of the National Assembly in respect of a farmer made pursuant to, or in connection with, the Community legislation.

(2) Any reference in these regulations to a Community instrument is a reference to that instrument as amended on the date these regulations are made.

Provision of appeals procedure

4.—(1) The National Assembly may establish a procedure to be applied at the request of a farmer, for the further consideration on its behalf of a relevant determination, such procedure operating by way of an appeal from the relevant determination in question.

(2) Any procedure established pursuant to paragraph (1) may impose such deadlines as the National Assembly considers necessary for the purposes of requiring a farmer to submit to it applicable information and documentation and notice of his or her intention to appeal against a relevant determination.

(3) Any procedure established under paragraph (1) may provide for an oral or written appeal to such persons (not exceeding three) as the National Assembly may appoint for that purpose, with a view to such persons their making a report of their conclusions and recommendations as to the manner in which the appeal should be finally determined by the National Assembly.

(4) When the National Assembly establishes any such procedure as is mentioned in paragraph (3), it may —

- (a) pay to the persons so appointed such reasonable remuneration in respect of their functions under that procedure, and such travelling and other allowances, as it may determine; and
- (b) charge any farmer whose appeal is considered under the procedure so established such fee (not exceeding £100) as the National Assembly may determine in respect of the costs incurred by it by virtue of the operation of that procedure in relation to the appeal in question.

(5) OJ No. L141, 30.4.2004, p.18.

(6) O.J. No.L270, 21.10.2003, p.1 as last amended by Council Regulation (EC) No. 864/2004 (O.J. L161, 30.4.2004, p.48).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(7).

9 November 2004

D. Elis-Thomas
The Presiding Officer of the National Assembly

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations enable the National Assembly for Wales (“the National Assembly”) to establish an appeals procedure for farmers who dispute decisions taken by it in connection with its administration of the Single Payment Scheme and various other direct support schemes, namely, those schemes concerned with protein crop premium, area payment for nuts, aid for energy crops, aid for starch potato, dairy premium (and additional payments) and seed aid.

These schemes are introduced by, and operate under, Council Regulation (EC) No. 1782/2003 (O.J. L270, 21.10.2003, p.1), Commission Regulation (EC) No. 2237/2003 (O.J. No. L339, 24.12.2003, p.52), Commission Regulation (EC) No. 795/2004 (O.J. No. L141, 30.4.2004, p.1) and Commission Regulation (EC) No. 796/2004 (O.J. No. L141, 30.4.2004, p.18).

Any appeal procedure so established may take the form of oral or written submission to persons appointed by the National Assembly with a view to such persons making a recommendation to the National Assembly as to how the matter should be finally determined.

The Regulations confer power upon the National Assembly to pay remuneration and allowances to any such persons appointed and to charge a fee (not exceeding £100), in respect of the costs of the procedure.

A regulatory appraisal has been prepared in respect of these Regulations. Copies of this can be obtained from the National Assembly for Wales, Department of Environment, Planning and Countryside, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ.