
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply to the Rural Development Programmes (“programmes”), established under the European Community Council Regulations 1698/2005 and 1257/1999. In Wales, these Regulations will regulate existing and new programmes which are administered by the National Assembly for Wales.

These Regulations supplement the Community legislation listed in the Schedule to the Regulations (“the Community legislation”). The provisions in the Community legislation are directly applicable and have direct effect in a member State. These Regulations provide a domestic legal framework for the operation of the Community legislation in Wales.

The Community legislation provides (amongst other provisions) for assistance to be granted from the European Agricultural Fund for Rural Development towards operations which promote rural development in Wales.

These Regulations provide the National Assembly for Wales (“the National Assembly”) with the power to approve operations for the receipt of financial assistance, to attach conditions to any such approval (regulation 4) and pay financial assistance (regulation 3). The Regulations also set out the circumstances in which approval of an operation may be revoked and financial assistance paid to a beneficiary, in respect of that operation, may be withheld or recovered (regulation 9).

The Regulations provide powers of entry and inspection to authorised persons in relation to land on which an approved operation is situated or documents relating to an approved operation are held (regulation 7) (“authorised person” is defined in regulation 2(1)). The Regulations also requires beneficiaries of financial assistance to keep records relating to the approved operation for a certain period (regulation 8), to supply such information relating to the approved operations as the National Assembly requires (regulation 6), and to assist an authorised person in the exercise of his or her powers under regulation 9.

Regulation 10 allows the National Assembly to demand interest on sums due to it. Regulation 11 provides that sums payable to the National Assembly are recoverable as a debt.

The Regulations make it an offence (regulation 12) to knowingly or recklessly make false statements, intentionally to obstruct an authorised person in the exercise of his powers under regulation 7, and to fail (without reasonable excuse) to keep relevant records for the required period under regulation 8 or to provide an authorised person with assistance.

Regulation 13 requires a beneficiary to give an undertaking if required to do so. Regulation 14 deals with revocation and savings provisions.

A Regulatory Appraisal has been prepared for this Regulation. Copies of which are available from the Department of Environment, Planning and Countryside, Welsh Assembly Government, Cathays Park, Cardiff CF10 3NQ.