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STATUTORY INSTRUMENTS

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**1996 No. 2394**

**AGRICULTURE**

**The Rural Development Grants (Agriculture)  
(Amendment) Regulations 1996**

<i>Made</i>	- - - -	<i>13th September 1996</i>
<i>Laid before Parliament</i>		<i>16th September 1996</i>
<i>Coming into force</i>	- -	<i>7th October 1996</i>

The Minister of Agriculture, Fisheries and Food, being the Minister designated<sup>(1)</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>(2)</sup> as regards measures relating to promotion of rural development, in the exercise of the powers conferred on him by that section, and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

**Title, extent and commencement**

1. These Regulations may be cited as the Rural Development Grants (Agriculture) (Amendment) Regulations 1996, shall extend to England and shall come into force on 7th October 1996.

**Amendment of the previous regulations**

2.—(1) The Rural Development Grants (Agriculture) (No. 2) Regulations 1995<sup>(3)</sup> shall be amended in accordance with the following provisions of this Regulation.

(2) In regulation 2 (interpretation)—

(a) after the definition of “the Minister” there shall be inserted the following definition—

““the operational programme” means the operational programme approved by the Commission Decision referred to in paragraph 10 of the Schedule;” and

(b) in the definition of “sub-programme”, for the phrase “appearing in the Schedule” there shall be substituted the phrase “referred to in paragraphs 4 to 9 of the Schedule”.

(3) In regulation 5 (approval of operations) after the words “a sub-programme” there shall be inserted the words “or the operational programme”.

(4) In regulation 11 (recovery of grant)—

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<sup>(1)</sup> S.I.1995/751.

<sup>(2)</sup> 1972 c. 68.

<sup>(3)</sup> S.I. 1995/2202.

- (a) for the words “Article 24.3” in regulation 11(2) there shall be substituted the words “Article 24”; and
- (b) after regulation 11(3) there shall be added the following paragraph—
  - “(4) Before exercising the powers of revocation and recovery referred to in paragraph (1), the Minister shall—
    - (a) give the beneficiary a written explanation of the reasons for the proposed exercise;
    - (b) afford the beneficiary an opportunity to make written representations within such time as the Minister considers reasonable; and
    - (c) consider any representations made by the beneficiary.”.
- (5) In the Schedule (meaning of “Community legislation”)—
  - (a) at the end of—
    - (i) paragraph 1, and
    - (ii) paragraph 2there shall be added the words “and Council Regulation (EC) No. 3193/94 of 19th December 1994, OJ No. L337, 24.12.94, p.11”;
  - (b) in paragraph 9, for “C(94) 3490 of 21st December 1994” there shall be substituted “C(95) 719 of 29th March 1995”; and
  - (c) after paragraph 9 there shall be added the following paragraph—

“**10.** Commission Decision No. C(95) 1797 of 27th July 1995 (as amended by Commission Decision C(95) 3184/4 of 14th December 1995) on the granting of assistance from the European Agricultural Guidance and Guarantee Fund (EAGGF), Guidance Section, the European Regional Development Fund (ERDF) and the European Social Fund (ESF) for an operational programme under the Community initiative LEADER II in the Objective 5(b) areas of England in the United Kingdom.”.

13th September 1996

*Tim Boswell*  
Parliamentary Secretary, Ministry of Agriculture,  
Fisheries and Food

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Rural Development Grants (Agriculture) (No. 2) Regulations 1995 (“the principal Regulations”) which supplement—

- (a) Council Regulation (EEC) No. 2052/88 (OJ No. L185, 15.7.88, p.9) as amended by Council Regulation (EEC) No. 2081/93 (OJ No. L193, 31.7.93, p.5) and Council Regulation (EC) No. 3193/94 (OJ No. L337, 24.12.94, p.11),
- (b) Council Regulation (EEC) No. 4253/88 (OJ No. L374, 31.12.88, p.1) as amended by Council Regulation (EEC) No. 2082/93 (OJ No. L193, 31.7.93, p.20), and Council Regulation (EC) No. 3193/94 (OJ No. L337, 24.12.94, p.1), and
- (c) Council Regulation (EEC) No. 4256/88 (OJ No. L374, 31.12.88, p.25) as amended by Council Regulation (EEC) No. 2085/93 (OJ No. L193, 31.7.93, p.44),

which together provide, *inter alia*, for assistance from the Guidance section of the European Agricultural Guidance and Guarantee Fund towards operations which promote rural development by facilitating the development and structural adjustment of certain rural areas.

The Regulations enable operations falling within the operational programme approved by the Commission of the European Communities by way of Decision No. C(95) 1797 as amended to be eligible for grant, amend and add to the references to Community legislation in Regulation 11 of the principal Regulations and in the Schedule thereto, and add a requirement for the Minister to give reasons and allow the beneficiary to make representations before exercising the power of revocation and recovery in regulation 11(1) of the principal Regulations (regulation 2).

Copies of the Commission Decisions referred to in regulation 2(5)(b) and (c) and of the operational programme referred to in regulation 2(5)(c) may be inspected at the offices of the Ministry of Agriculture, Fisheries and Food at Nobel House, 17 Smith Square, London SW1P 3JR.

No compliance cost assessment has been carried out in relation to these Regulations.