
STATUTORY INSTRUMENTS

1999 No. 2223

AGRICULTURE

**The Paying Agency (National
Assembly for Wales) Regulations 1999**

<i>Made</i>	- - - -	<i>6th August 1999</i>
<i>Laid before Parliament</i>		<i>6th August 1999</i>
<i>Coming into force</i>	- -	<i>1st September 1999</i>

The Minister of Agriculture, Fisheries and Food and the Secretary of State, being Ministers 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, acting jointly in exercise of the powers conferred upon them by the said section 2(2) and by section 57(1) of the Scotland Act 1998⁽³⁾, and of all other powers enabling them in that behalf, hereby make the following Regulations—

Title and commencement

1. These Regulations may be cited as the Paying Agency (National Assembly for Wales) Regulations 1999 and shall come into force on 1st September 1999.

Interpretation

2. In these Regulations—

- (a) “accredited” means accredited by an instrument in writing in accordance with the requirements of the Commission Regulation;
- (b) “the Assembly” means the National Assembly for Wales;
- (c) “Commission Regulation” means Commission Regulation (EC) No. 1663/95⁽⁴⁾ laying down detailed rules for the application of Council Regulation (EEC) No. 729/70 on the financing of the common agricultural policy⁽⁵⁾ and (by virtue of Article 16(2) of the Council Regulation) for the application of the Council Regulation;

(1) S.I.1972/1811.

(2) 1972 c. 68.

(3) c. 46.

(4) O.J. L158, 8.7.95, p. 6.

(5) O.J. L94, 28.4.70, p. 218, last amended by Council Regulation (EC) No. 1287/95 (O.J. L125, 8.6.95, p. 1).

- (d) “competent authority” means the competent authority for the purposes of accrediting a paying agency in accordance with Article 1 of the Commission Regulation in respect of relevant payments of a kind mentioned in regulation 3(1) below;
- (e) “the Council Regulation” means Council Regulation (EC) No. 1258/99 on the financing of the common agricultural policy⁽⁶⁾;
- (f) “functions” means the functions exercisable in implementation of the common agricultural policy of the European Community;
- (g) “paying agency” has the meaning it has in Article 4 of the Council Regulation;
- (h) “relevant payment” means any payment made or payable to an agricultural producer pursuant to any measure of a Community institution adopted in implementation of the common agricultural policy of the European Community, or pursuant to any enactment which implements any such measure; and
- (i) “transferred functions” means any functions exercisable by the Assembly by virtue of any enactment other than these Regulations or by virtue of any arrangement made under section 41(1)(a) of the Government of Wales Act 1998⁽⁷⁾.

Paying agency functions

3.—(1) The Assembly may, if accredited by the competent authority, exercise any of the functions of a paying agency in respect of any relevant payment, and any claim relating to a relevant payment, provided that the payment is of a kind for the purposes of which or in relation to which any transferred functions are for the time being exercisable.

(2) The Secretary of State for Wales shall cease to exercise any functions of a paying agency for so long as the Assembly is accredited to act as such.

5th August 1999

Joyce Quin
Minister of State (Commons), Ministry of
Agriculture, Fisheries and Food

Signed by authority of the Secretary of State for Wales

6th August 1999

David Hanson
Parliamentary Under Secretary of State, Office
of the Secretary of State for Wales

⁽⁶⁾ O.J. L160, 26.6.99, p. 103.

⁽⁷⁾ c. 38.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Great Britain and Northern Ireland, enable the National Assembly for Wales (“the Assembly”), if duly accredited for the purpose, to act as a paying agency for the purposes of Article 4 of Council Regulation (EC) No. 1258/99 (on the financing of the common agricultural policy) (O.J. No. L160, 26.6.99, p. 103).

The accreditation of the Assembly as a paying agency may be both for the purposes of its functions and for the purposes of any functions which are exercisable by the Assembly by virtue of any arrangement made under section 41(1)(a) of the Government of Wales Act 1998. Taken together, this includes any functions of either category exercisable in relation to Wales, or exercisable in relation to land outside Wales which forms part of a “holding” (that is to say the totality of the production units in the United Kingdom managed by a producer) in relation to which any functions exercisable in implementation of the common agricultural policy are exercisable by the Assembly.

These Regulations provide for the Secretary of State for Wales to cease to act as a paying agency for so long as the Assembly acts as such.

No regulatory impact assessment has been prepared in respect of these Regulations.