

STATUTORY INSTRUMENTS

2008 No. 1342

EUROPEAN COMMUNITIES, ENGLAND

The European Regional Development Fund (London Operational Programme) (Implementation) Regulations 2008

<i>Made</i>	- - - -	<i>22nd May 2008</i>
<i>Laid before Parliament</i>		<i>28th May 2008</i>
<i>Coming into force</i>	- -	<i>19th June 2008</i>

The Secretary of State, being a Minister designated ^{F1} for the purposes of section 2(2) of the European Communities Act 1972 ^{F2} in relation to measures relating to the operation of the Structural Funds, makes the following Regulations:

F1 [S.I. 1999/2788](#).

F2 [1972 c.68](#); [section 2\(2\)](#) was amended by section 27 of the [Legislative and Regulatory Reform Act 2006 \(c.51\)](#).

Title, commencement and application

1.—(1) These Regulations may be cited as the European Regional Development Fund (London Operational Programme) (Implementation) Regulations 2008 and shall come into force on 19th June 2008.

(2) These Regulations apply in relation to England only.

Interpretation

2.—(1) In these Regulations—

“the 1998 Act” means the Regional Development Agencies Act 1998 ^{F3};

“the 1999 Act” means the Greater London Authority Act 1999 ^{F4};

^{F5} ...

“the Commission” means the Commission of the European Communities;

“commitment” means an agreement entered into by [^{F6}the GLA] or a global grant body in relation to an award of assistance granted by the Fund;

Status: Point in time view as at 31/03/2012.

Changes to legislation: There are currently no known outstanding effects for the The European Regional Development Fund (London Operational Programme) (Implementation) Regulations 2008. (See end of Document for details)

“the Council Regulation” means Council Regulation (EC) No.1083/2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No.1260/1999 ^{F7};

“the Fund” means the European Regional Development Fund, being one of the two Structural Funds referred to in Article 1;

“the Fund contribution” means the contribution from the Fund made available for the Operational Programme;

“the GLA” means the Greater London Authority established by section 1 of the 1999 Act;

“global grant body” means a body entrusted under Article 42(1) with the management and implementation of a part of the Operating Programme;

“intermediate body” has the meaning given by Article 2;

[^{F8}“intermediate body functions” means the functions entrusted to the GLA by virtue of its designation as an intermediate body by regulation 3(1);]

[^{F9}“London region” has the same meaning as “Greater London” in section 2 of the London Government Act 1963 ^{F10};]

“the Managing Authority” means the authority designated under Article 59(1)(a) as the managing authority for the Operational Programme;

“Operational Programme” means the document ^{F11} which—

- (a) is an “operational programme” within the meaning given by Article 2; and
- (b) sets out the development strategy to be carried out with the aid of the Fund in the London region as a contribution towards achieving the Regional competitiveness and employment objective referred to in Article 3(2); and

[^{F12}“Schedule of Functions” means the document published by the Secretary of State on 17th May 2011 under the title “Schedule of Functions of the Managing Authority for the European Regional Development Fund: Operational Programme covering the Regional competitiveness and employment objective for London 2011”, prepared for the purpose of defining the functions of the bodies concerned in the management and control of the Operational Programme.]

(2) In these Regulations, a reference to an Article is a reference to an Article of the Council Regulation.

F3 1998 c.45. The Act is amended, so far as it relates to the London Development Agency, by Part 5 of, and Schedule 25 to, the 1999 Act.

F4 1999 c.29.

F5 Words in reg. 2 omitted (1.7.2011) by virtue of [The European Regional Development Fund \(Operational Programmes\) Regulations 2011 \(S.I. 2011/1398\)](#), regs. 1(1), **5(2)(a)** (with reg. 7)

F6 Words in reg. 2 substituted (1.7.2011) by [The European Regional Development Fund \(Operational Programmes\) Regulations 2011 \(S.I. 2011/1398\)](#), regs. 1(1), **5(2)(b)** (with reg. 7)

F7 OJ No L 210, 31.7.2006, p.25.

F8 Words in reg. 2 substituted (1.7.2011) by [The European Regional Development Fund \(Operational Programmes\) Regulations 2011 \(S.I. 2011/1398\)](#), regs. 1(1), **5(2)(c)** (with reg. 7)

F9 Words in reg. 2 substituted (31.3.2012) by [The Localism Act 2011 \(Housing and Regeneration Functions in Greater London\) \(Consequential, Transitory, Transitional and Saving Provisions\) Order 2012 \(S.I. 2012/666\)](#), art. 1(2), **Sch. 1 para. 1** (with arts. 3, 4)

F10 1963 c.33

F11 The document is entitled “the operational programme for Community assistance from the European Regional Development Fund under the Regional competitiveness and employment objective in the

region of London in the United Kingdom” and was adopted by the Commission on 7th December 2007.

F12 Words in reg. 2 substituted (1.7.2011) by [The European Regional Development Fund \(Operational Programmes\) Regulations 2011 \(S.I. 2011/1398\)](#), regs. 1(1), **5(2)(d)** (with reg. 7)

Designation of intermediate bodies for London

3.—(1) The GLA is designated as an intermediate body for the purposes of Article 59(2) to carry out the functions of the Managing Authority referred to in paragraph (2) under the responsibility of the Managing Authority in relation to the management and implementation of the Operational Programme.

[^{F13}(2) The functions entrusted to the GLA by virtue of its designation as an intermediate body are the functions specified in section 3 of the Schedule of Functions.]

^{F14}(3)

^{F14}(4)

(5) The functions entrusted to the GLA by virtue of its designation as an intermediate body shall be exercisable only by the Mayor of London acting on behalf of the GLA.

(6) The Mayor of London may authorise any intermediate body functions of the GLA to be exercisable on behalf of the GLA by—

- (a) the Deputy Mayor; or
- (b) any member of staff of the GLA.

(7) An authorisation under paragraph (6) may be varied or revoked at any time by the Mayor.

(8) Any authorisation under paragraph (6), and any variation or revocation of such an authorisation, must be in writing.

(9) In this regulation, “Deputy Mayor” means the person appointed by the Mayor of London as Deputy Mayor of London under section 49(3) of the 1999 Act (the Deputy Mayor of London).

F13 Reg. 3(2) substituted (1.7.2011) by [The European Regional Development Fund \(Operational Programmes\) Regulations 2011 \(S.I. 2011/1398\)](#), regs. 1(1), **5(3)(a)** (with reg. 7)

F14 Reg. 3(3)(4) omitted (1.7.2011) by virtue of [The European Regional Development Fund \(Operational Programmes\) Regulations 2011 \(S.I. 2011/1398\)](#), regs. 1(1), **5(3)(b)** (with reg. 7)

General duties of intermediate body

4. [^{F15}The GLA shall carry out the intermediate body functions] and shall do so in accordance with all requirements and procedures specified in the documents which (consistently with the general principles laid down by Article 58) set up the system of management and control of the Operational Programme.

F15 Words in reg. 4 substituted (1.7.2011) by [The European Regional Development Fund \(Operational Programmes\) Regulations 2011 \(S.I. 2011/1398\)](#), regs. 1(1), **5(4)** (with reg. 7)

Power to guide and direct the GLA

5.—(1) The Managing Authority may give the GLA guidance or directions in relation to the exercise of the intermediate body functions ^{F16}... .

(2) Directions given under this regulation may—

Status: Point in time view as at 31/03/2012.

Changes to legislation: There are currently no known outstanding effects for the The European Regional Development Fund (London Operational Programme) (Implementation) Regulations 2008. (See end of Document for details)

- (a) restrict the exercise of any intermediate body functions, or
- (b) require the GLA to exercise its intermediate body functions in any manner specified in the directions.
- (3) Directions under this regulation may be of a general or particular nature.
- (4) The GLA shall be under a duty to comply with any direction given under this regulation.
- (5) In exercising its intermediate body functions, the GLA shall have regard to any guidance given under this regulation.
- (6) The Managing Authority may vary or revoke any guidance or direction given under this regulation.
- (7) The powers in paragraphs (1) and (6) shall be exercisable only after consultation with the GLA ^{F17}
- (8) Guidance and directions under this regulation and any variation or revocation of guidance or a direction under this regulation shall be in writing.
- ^{F18}(9)
- (10) The Managing Authority shall arrange for any guidance given under this regulation to be published in such manner as she considers appropriate.

- F16** Words in reg. 5(1) omitted (1.7.2011) by virtue of [The European Regional Development Fund \(Operational Programmes\) Regulations 2011 \(S.I. 2011/1398\)](#), regs. 1(1), **5(5)(a)** (with reg. 7)
- F17** Words in reg. 5(7) omitted (1.7.2011) by virtue of [The European Regional Development Fund \(Operational Programmes\) Regulations 2011 \(S.I. 2011/1398\)](#), regs. 1(1), **5(5)(b)** (with reg. 7)
- F18** Reg. 5(9) omitted (1.7.2011) by virtue of [The European Regional Development Fund \(Operational Programmes\) Regulations 2011 \(S.I. 2011/1398\)](#), regs. 1(1), **5(5)(c)** (with reg. 7)

Power to guide and direct the Agency

^{F19}**6.**

- F19** Reg. 6 omitted (1.7.2011) by virtue of [The European Regional Development Fund \(Operational Programmes\) Regulations 2011 \(S.I. 2011/1398\)](#), regs. 1(1), **5(6)** (with reg. 7)

Application of provisions of the 1999 Act

7.—(1) The GLA shall exercise the power conferred by section 30(1) of the 1999 Act (the general power of the Authority) compatibly with the exercise of its intermediate body functions.

(2) Sections 38 (delegation) and 39 (exercise of functions by joint committees) of the 1999 Act shall not apply in relation to the exercise by the GLA of its intermediate body functions.

Global grant bodies

8.—(1) A designation under Article 42(1) of a global grant body shall be made by notice in writing directed to the body concerned.

(2) Neither the Secretary of State nor the Managing Authority shall designate a global grant body without the consent of the body concerned and without first consulting the GLA ^{F20}

(3) Where any part of the Operational Programme has been entrusted to a global grant body, that body shall manage and implement that part in accordance with the provisions of the agreement that it concludes with the Secretary of State or the Managing Authority under Article 42(1).

(4) The Secretary of State may at any time by notice in writing revoke the designation of a global grant body made by the Secretary of State.

(5) The Managing Authority may at any time by notice in writing revoke the designation of a global grant body made by the Managing Authority.

F20 Words in reg. 8(2) omitted (1.7.2011) by virtue of [The European Regional Development Fund \(Operational Programmes\) Regulations 2011 \(S.I. 2011/1398\)](#), regs. 1(1), **5(7)** (with reg. 7)

Recovery of sums paid under a commitment

9. In any case where a sum falls to be paid to [^{F21}the GLA] or a global grant body under, or by virtue of any action or decision taken under, the terms of a commitment, the sum so falling to be paid shall be recoverable on demand by [^{F21}the GLA] or the global grant body concerned.

F21 Words in reg. 9 substituted (1.7.2011) by [The European Regional Development Fund \(Operational Programmes\) Regulations 2011 \(S.I. 2011/1398\)](#), regs. 1(1), **5(8)** (with reg. 7)

Provision relating to payment of the contribution from the Fund

10.—(1) In the documents that set up the system of management and control of the Operational Programme in accordance with the general principles laid down by Article 58, the Secretary of State shall make provision in relation to—

- (a) payments by the Managing Authority of the Fund contribution;
- (b) payments by [^{F22}the GLA] from the Fund contribution; and
- (c) the certification and audit of such payments.

(2) The documents referred to in paragraph (1) may include provision for—

- (a) payment to [^{F23}the GLA] of both instalments of the pre-financing amount for the Programme paid by the Commission in accordance with Article 82(1)(a);
- (b) payments to global grant bodies;
- (c) payments pursuant to a commitment;
- (d) relations which [^{F23}the GLA] has with the certifying authority and the audit authority; and
- (e) relations which global grant bodies have with [^{F23}the GLA], the certifying authority and the audit authority.

(3) The amount of any payment to [^{F24}the GLA] of the Fund contribution shall not be a resource of [^{F24}the GLA], and the expenditure by [^{F24}the GLA] of that contribution shall be expenditure of the Fund and not expenditure of [^{F24}the GLA].

^{F25}(4)

^{F26}(5)

^{F27}(6)

^{F28}(7)

(8) In this regulation—

- (a) “the audit authority” means the authority designated for the Operational Programme under Article 59(1)(c); and

Status: Point in time view as at 31/03/2012.

Changes to legislation: There are currently no known outstanding effects for the The European Regional Development Fund (London Operational Programme) (Implementation) Regulations 2008. (See end of Document for details)

- (b) “the certifying authority” means the authority designated for the Operational Programme under Article 59(1)(b).

- F22** Words in reg. 10(1) substituted (1.7.2011) by [The European Regional Development Fund \(Operational Programmes\) Regulations 2011 \(S.I. 2011/1398\)](#), regs. 1(1), **5(9)(a)** (with reg. 7)
- F23** Words in reg. 10(2) substituted (1.7.2011) by [The European Regional Development Fund \(Operational Programmes\) Regulations 2011 \(S.I. 2011/1398\)](#), regs. 1(1), **5(9)(a)** (with reg. 7)
- F24** Words in reg. 10(3) substituted (1.7.2011) by [The European Regional Development Fund \(Operational Programmes\) Regulations 2011 \(S.I. 2011/1398\)](#), regs. 1(1), **5(9)(a)** (with reg. 7)
- F25** Reg. 10(4) omitted (1.7.2011) by virtue of [The European Regional Development Fund \(Operational Programmes\) Regulations 2011 \(S.I. 2011/1398\)](#), regs. 1(1), **5(9)(b)** (with reg. 7)
- F26** Reg. 10(5) omitted (1.7.2011) by virtue of [The European Regional Development Fund \(Operational Programmes\) Regulations 2011 \(S.I. 2011/1398\)](#), regs. 1(1), **5(9)(b)** (with reg. 7)
- F27** Reg. 10(6) omitted (1.7.2011) by virtue of [The European Regional Development Fund \(Operational Programmes\) Regulations 2011 \(S.I. 2011/1398\)](#), regs. 1(1), **5(9)(b)** (with reg. 7)
- F28** Reg. 10(7) omitted (1.7.2011) by virtue of [The European Regional Development Fund \(Operational Programmes\) Regulations 2011 \(S.I. 2011/1398\)](#), regs. 1(1), **5(9)(b)** (with reg. 7)

Signed by authority of the Secretary of State

Department for Communities and Local
Government

John Healey
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations implement Council Regulation (EC) No.1083/2006 (OJ No L 210, 31.7.2006, p.25) laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No.1260/1999 (“the Council Regulation”). The general provisions implemented by these Regulations relate to the European Regional Development Fund (“the Fund”).

The Commission of the European Communities has adopted a development strategy (known as an operational programme) to be carried out with the aid of the Fund in London. The programme aims to strengthen regional competitiveness and employment. It was adopted on 7th December 2007 and is entitled “The operational programme for Community assistance from the European Regional Development Fund under the Regional competitiveness and employment objective in the region of London in the United Kingdom”.

Article 59 of the Council Regulation requires the Member State to designate a managing authority to manage the programme, and authorises the Member State to designate one or more intermediate bodies to carry out some or all of the functions of the managing authority. The Secretary of State for Communities and Local Government is designated in the programme as the managing authority. Regulation 3(1) and (3) designates the Greater London Authority (“the GLA”) and the London Development Agency as intermediate bodies for the programme.

Regulation 3(2) and (4) entrusts functions to the intermediate bodies by reference to a published Schedule entitled “Schedule of Functions of the Managing Authority for the European Regional Development Fund: Operational Programme covering the Regional competitiveness and employment objective for London”. The Schedule will form part of the management and control system of the programme set up in accordance with Article 58 of the Council Regulation. Section 2 of the Schedule defines the functions to be reserved for exercise by the managing authority, and section 3 defines the functions to be entrusted to each of the intermediate bodies. A copy of the Schedule has been placed in the libraries of both Houses of Parliament.

Regulation 4 imposes a duty on the intermediate bodies to carry out the functions entrusted to them, and to do so in accordance with the management and control system.

Regulations 5 and 6 give the managing authority power to give guidance and directions to the intermediate bodies.

Regulation 7 makes provision about the application of the Greater London Authority Act 1999 (c. 29) in relation to the exercise by the GLA of its intermediate body functions.

Regulation 8 makes provision about designations under Article 42(1) of the Council Regulation for entrusting the management and implementation of a part of the programme to a global grant body.

Regulation 9 makes provision in relation to the recovery of sums paid pursuant to awards of assistance granted by the Fund.

Regulation 10 requires the management and control system to make provision in connection with the payment of the contribution from the Fund. It also makes provision about treatment for accounting and budgetary purposes of sums paid out of the Fund.

Copies of the operational programme and of the Schedule can be obtained from European Policy and Programmes Division, Department for Communities and Local Government, Zone 3/A1, Eland House, Bressenden Place, London SW1E 5DU, and from the internet website www.communities.gsi.gov.uk. An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

Status:

Point in time view as at 31/03/2012.

Changes to legislation:

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