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STATUTORY INSTRUMENTS

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**2010 No. 39**

**AGRICULTURE, ENGLAND**

**The Common Agricultural Policy Single Payment  
and Support Schemes (Appeals) Regulations 2010**

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|-------------------------------|---------|--------------------------|
| <i>Made</i>                   | - - - - | <i>5th January 2010</i>  |
| <i>Laid before Parliament</i> |         | <i>14th January 2010</i> |
| <i>Coming into force</i>      | - -     | <i>5th February 2010</i> |

The Secretary of State is a Minister designated<sup>(1)</sup> for the purposes of making Regulations under section 2(2) of the European Communities Act 1972<sup>(2)</sup> in relation to the common agricultural policy of the European Union.

These Regulations make provision for a purpose mentioned in that section and it appears to the Secretary of State that it is expedient for the references to the legislation set out in regulation 2 to be construed as references to that legislation as amended from time to time.

In accordance with section 56(1) of the Finance Act 1973<sup>(3)</sup>, the Treasury consent to the making of these Regulations.

The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to, the European Communities Act 1972 and by section 56(1) of the Finance Act 1973.

**Title, application and commencement**

1. These Regulations may be cited as the Common Agricultural Policy Single Payment and Support Schemes (Appeals) Regulations 2010; they apply in England and come into force on 5th February 2010.

**Appeals**

2.—(1) A farmer aggrieved by any initial determination relating under—

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(1) S.I. 1972/1811.

(2) 1972 c. 68. Paragraph 1A was inserted into Schedule 2 by section 28 of the [Legislative and Regulatory Reform Act 2006](#) (c. 51).

(3) 1973 c.51.

- (a) 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(4),
- (b) Commission Regulation (EC) No 795/2004 laying down detailed rules for the implementation of the single payment scheme provided for in 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(5),
- (c) Commission Regulation (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 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),
- (d) Commission Regulation (EC) No 1973/2004 laying down detailed rules for the application of Council Regulation (EC) No 1782/2003 as regards the support schemes provided for in Titles IV and IVa of that Regulation and the use of land set aside for the production of raw materials(7),
- (e) Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers(8),
- (f) Commission Regulation (EC) No 1120/2009 laying down detailed rules for the implementation of the single payment scheme provided for in Title III of Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers(9),
- (g) Commission Regulation (EC) No 1121/2009 laying down detailed rules for the application of Council Regulation (EC) No 73/2009 as regards the support schemes for farmers provided for in Titles IV and V thereof(10),
- (h) Commission Regulation (EC) No 1122/2009 laying down detailed rules for the implementation of Council Regulation (EC) No 73/2009 as regards cross-compliance, modulation and the integrated administration and control system, under the direct support schemes for farmers provided for that Regulation, as well as for the implementation of Council Regulation (EC) No 1234/2007 as regards cross-compliance under the support scheme provided for the wine sector(11),

all as amended from time to time, may appeal against that determination to a person appointed by the Secretary of State.

(2) The person must consider the appeal and report in writing to the Secretary of State, who must then make a final determination.

(3) The fee for the appeal is £100, payable when the appeal is lodged.

(4) OJ No L 270, 21.10.2003, p. 1 (repealed by Council Regulation (EC) No 73/2009 (OJ L 30, 31.1.2009, p. 16) but appeals are still possible from determinations made under it).

(5) OJ No L 141, 30.4.2004, p. 1 as last amended by Commission Regulation (EC) No 370/2009 (OJ No L 114, 7.5.2009, p. 3).

(6) OJ No L 141, 30.4.2004, p. 18 as last amended by Commission Regulation (EC) No 380/2009 (OJ No L 116, 9.5.2009, p. 9).

(7) OJ No L 345, 20.11.2004, p. 1 as last amended by Commission Regulation (EC) No 316/2009 (OJ L 100, 18.4.2009, p. 3).

(8) OJ No L 30, 31.1.2009, p. 16 as last amended by Commission Regulation (EC) No 992/2009 (OJ No L 278, 23.10.2009, p. 7).

(9) OJ No L316, 2,12,2009, p. 1.

(10) OJ No L316, 2,12,2009, p. 27.

(11) OJ No L316, 2,12,2009, p. 65.

## **Revocation**

**3.** The Common Agricultural Policy Single Payment and Support Scheme (Appeals) (England) Regulations 2004(**12**) are revoked.

9th December 2009

*Jim Fitzpatrick*  
Minister of State  
Department for Environment, Food and Rural  
Affairs

We consent

5th January 2010

*Tony Cunningham*  
*Frank Roy*  
Two of the Lords Commissioners of Her  
Majesty's Treasury

**Status:** *This is the original version (as it was originally made).*

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## **EXPLANATORY NOTE**

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

These Regulations establish an appeals procedure in relation to the Community instruments listed in regulation 2. The fee for the appeal is £100.

A full regulatory impact assessment has not been prepared for this instrument as it has no impact on the costs of business.