
STATUTORY INSTRUMENTS

1997 No. 568

AGRICULTURE

**The Rural Development Grants (Agriculture)
(Wales) (Amendment) Regulations 1997**

<i>Made</i>	- - - -	<i>5th March 1997</i>
<i>Laid before Parliament</i>		<i>7th March 1997</i>
<i>Coming into force</i>	- -	<i>1st April 1997</i>

The Secretary of State, being a Minister designated⁽¹⁾ for the purposes of section 2(2) of the European Communities Act 1972⁽²⁾ 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) (Wales) (Amendment) Regulations 1997, shall extend to Wales and shall come into force on 1st April 1997.

Amendment of the previous regulations

2.—(1) The Rural Development Grants (Agriculture) (Wales) Regulations 1996⁽³⁾ shall be amended in accordance with the following provisions of this Regulation.

(2) In regulation 2 (interpretation), after the definition of “LIBOR” there shall be inserted the following definition—

““the operational programme” means the operational programme approved by the Commission Decision referred to in paragraph 5 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)—

(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—

(1) S.I.1994/1887.
(2) 1972 c. 68.
(3) S.I. 1996/529.

- “(4) Before exercising the powers of revocation and recovery referred to in paragraph (1), the Secretary of State 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 Secretary of State 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) after paragraph 4 there shall be added the following paragraph—

“5. Commission Decision No. C(95) 440/2 of 29th March 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) area of Wales in the United Kingdom.”.

Signed by authority of the Secretary of State for Wales

5th March 1997

Jonathan Evans
Parliamentary Under Secretary of State, Welsh
Office

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Rural Development Grants (Agriculture) (Wales) Regulations 1996 (“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.11), 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) 440/2 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 Secretary of State 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 Decision and of the operational programme referred to in regulation 2(5) (b) may be inspected at the offices of the Welsh Office Agriculture Department at Cathays Park, Cardiff CF1 3NQ (Tel: 01222 823623).

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