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STATUTORY INSTRUMENTS

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**2000 No. 3046**

**The Agricultural Processing and  
Marketing Grants Regulations 2000**

**Title, commencement and extent**

1.—(1) These Regulations may be cited as the Agricultural Processing and Marketing Grants Regulations 2000 and shall come into force on 5th December 2000.

(2) These Regulations shall extend to England only.

**Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires—

“approved expenditure” means, in relation to any operation, expenditure which the Minister has approved under these Regulations for the receipt of financial support, and “approve” and “approval” shall be construed accordingly;

“beneficiary” means a person who has been granted approval for expenditure in connection with an operation;

“Community support” means support from the European Agricultural Guidance and Guarantee Fund payable in accordance with the Community legislation;

“the Community legislation” means the instruments listed in the Schedule to these Regulations, in so far as they relate to expenditure for which support may be granted pursuant to Articles 25 to 28 of Council Regulation 1257/1999/EC;

“Council Regulation 1257/1999/EC” means Council Regulation [\(EC\) No. 1257/1999](#) of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF)(1);

“electronic communication” has the same meaning as in the Electronic Communications Act 2000(2);

“the ERDP” means the England Rural Development Programme approved by the Commission Decision referred to in the Schedule to these Regulations, and “the relevant part of the ERDP” means that part of the ERDP which relates to expenditure for which support may be granted pursuant to Articles 25 to 28 of Council Regulation [1257/1999/EC](#);

“financial support” means an amount paid or payable under these Regulations;

“the Minister” means the Minister of Agriculture, Fisheries and Food;

“operation” means an investment or project;

“public funds” means monies made available by—

- (a) a body exercising public functions within the United Kingdom; or
- (b) the European Communities; and

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(1) OJ No. L160, 26.6.1999, p.80.

(2) 2000 c. 7.

“small and medium-sized enterprises” has the same meaning as in the Annex to Commission Recommendation (EC) No. 96/280 of 3 April 1996 concerning the definition of small and medium-sized enterprises<sup>(3)</sup>

(2) A reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication which has been recorded and is consequently capable of being reproduced.

### **Grants to improve processing and marketing of agricultural products**

3.—(1) The Minister may pay a grant to a beneficiary towards approved expenditure incurred in connection with an operation.

(2) The amount of any such grant shall be 30 per cent of approved expenditure or, if any other grant is payable from public funds in relation to the approved expenditure, such other amount as, when added to that other grant, would lead to a value of 30 per cent of the approved expenditure.

(3) The minimum cost of an operation in connection with which a grant is paid under paragraph (1) shall be £70,000.

(4) The maximum grant payable under this regulation in respect of any operation shall be £1,200,000.

### **Approval of expenditure**

4.—(1) An application for the approval of expenditure in connection with an operation shall be made in such form and at such time as the Minister reasonably may require.

(2) An application shall contain such other information as the Minister reasonably may require.

(3) The Minister may refuse to approve expenditure in connection with an operation, or approve it in whole or in part, but, in doing either, he shall have regard to the benefits such an approval would have on small and medium-sized enterprises, and, in any event, he shall not approve it unless he is satisfied that it is eligible for Community support and is in accordance with the relevant part of the ERDP.

(4) Approval may be given subject to such conditions as the Minister may determine.

(5) The Minister may vary any approval by varying any condition to which it is subject, or imposing conditions.

(6) Before varying an approval under paragraph (5), the Minister shall—

- (a) give the beneficiary notice in writing that he proposes to do so with a statement of his reasons;
- (b) give the beneficiary an opportunity to make written representations within such time as the Minister considers reasonable; and
- (c) consider any such representations.

(7) An approval or variation under this regulation shall be in writing.

### **Claims**

5. A claim for financial support shall be made at such time or within such period and in such form, and be accompanied by such information, as the Minister reasonably may require.

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(3) OJ No. L107, 30.4.96, p.4.

## **Payment**

6.—(1) The Minister may pay a grant in respect of approved expenditure in connection with an operation by payment of a single lump sum or by instalments.

(2) Payments may be made—

- (a) at such time or times as the Minister reasonably may determine; and
- (b) subject to such conditions as the Minister reasonably may determine.

## **Information**

7.—(1) A beneficiary shall give the Minister such information about any approved expenditure and any operation in connection with which such expenditure is incurred as the Minister reasonably may require.

(2) Where the Minister requires such information, the beneficiary shall give it to him within such period as the Minister reasonably may determine.

## **Record keeping**

8.—(1) A beneficiary shall keep any invoice, account or other document relating to approved expenditure or any operation in connection with which such expenditure is incurred for the period of 6 years beginning with the day on which the last payment of financial support under these Regulations is made to him in connection with that expenditure or operation, subject to paragraphs (2) and (3).

(2) If a beneficiary transfers the original of any such document to another person in the normal course of business, he shall instead keep a copy of that document for that period.

(3) Paragraph (1) shall not apply where the document has been removed by any person lawfully authorised to remove it.

## **Revocations and transitional saving**

9.—(1) The Agricultural Processing and Marketing Grant Regulations 1995(4) (“the 1995 Regulations”) and the Agriculture (Closure of Grant Schemes) (England) Regulations 2000(5) are hereby revoked, subject to paragraph (2).

(2) Paragraph (1) shall not affect the continued operation of regulations 4(3), 4(4) and 5 to 8 of the 1995 Regulations in respect of financial support paid under those Regulations.

9th November 2000

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(4) [S.I. 1995/362](#) as amended by [S.I. 2000/205](#).

(5) [S.I. 2000/205](#).