

2000 No. 3046

AGRICULTURE, ENGLAND

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

<i>Made - - - -</i>	<i>9th November 2000</i>
<i>Laid before Parliament</i>	<i>14th November 2000</i>
<i>Coming into force</i>	<i>5th December 2000</i>

The Minister of Agriculture, Fisheries and Food, being a Minister designated^(a) for the purposes of section 2(2) of the European Communities Act 1972^(b) in relation to the common agricultural policy of the European Community and matters relating to the promotion of rural development, in 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, 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)^(c);

(a) S.I. 1972/1811 and 1995/751.

(b) 1972 c. 68.

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

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

“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

“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^(b)

(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.

(a) 2000 c. 7.

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

- (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.

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^(a) (“the 1995 Regulations”) and the Agriculture (Closure of Grant Schemes) (England) Regulations 2000^(b) are hereby revoked, subject to paragraph (2).

^(a) S.I. 1995/362 as amended by S.I. 2000/205.

^(b) S.I. 2000/205.

(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

Elliot Morley
Parliamentary Secretary,
Ministry of Agriculture, Fisheries and Food

MEANING OF “COMMUNITY LEGISLATION”

1. Council Regulation (EC) No. 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) (OJ No. L160, 26.6.1999, p.80).

2. Council Regulation (EC) No. 1750/1999 of 23 July 1999 laying down detailed rules for the application of Council Regulation (EC) No. 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) (OJ No. L214, 13.8.1999, p.31, as amended by Commission Regulation (EC) No. 2075/2000 of 29 September 2000 (OJ No. L246, 30.9.2000, p.46)).

3. Commission Decision No. C(2000) 3003 of 11 October 2000 approving the rural development programming document for England (UK) for the 2000–06 programming period.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to England only, supplement the Community legislation listed in the Schedule to the Regulations (“the Community legislation”). The Community legislation *inter alia* provides for support to be paid from the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (“Community support”) towards investment for the improvement of the processing and marketing of agricultural products. The Regulations operate within the scope of these provisions to enable grant to be paid towards expenditure incurred in connection with operations involving such improvements.

The Regulations implement a part of the England Rural Development Programme (“ERDP”) approved by the European Commission under Article 44 of Council Regulation (EC) No. 1257/1999 (OJ No. L160, 26.6.1999, p.80), and provide for the payment of grants by the Minister of Agriculture, Fisheries and Food (“the Minister”) in respect of any expenditure he has approved (regulation 3). Such expenditure may be approved if it is expenditure which is in accordance with that part of the ERDP which concerns the improvement of the processing and marketing of agricultural products (expenditure for which support may be granted pursuant to Articles 25 to 28 of Council Regulation (EC) No. 1257/1999 (regulation 4(3))).

In addition, the Regulations provide for the making of claims for, and the payment of, grants following approval (regulations 5 and 6) and also contain provisions creating obligations on those in receipt of grants concerning the provision of information (regulation 7) and record-keeping (regulation 8).

Further provisions concerning enforcement matters and enabling the Minister to withhold or recover grants in the event of a breach of the Regulations by an applicant or a beneficiary, and those respectively creating and specifying the resultant criminal offences and penalties, are contained in the England Rural Development Programme (Enforcement) Regulations 2000 (S.I. 2000/3044).

The Regulations revoke, subject to a transitional saving, the Agricultural Processing and Marketing Grant Regulations 1995 (S.I. 1995/362) and the Agriculture (Closure of Grant Schemes) (England) Regulations 2000 (S.I. 2000/205).

No Regulatory Impact Assessment has been prepared in respect of these Regulations.

Copies of the Commission Decision referred to in paragraph 3 of the Schedule, and of the ERDP, are available for inspection during normal office hours at the offices of the Ministry of Agriculture, Fisheries and Food, Nobel House, 17 Smith Square, London SW1P 3JR.

2000 No. 3046

AGRICULTURE, ENGLAND

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

£2.00

© Crown copyright 2000

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo,
Controller of Her Majesty's Stationery Office and Queen's Printer of
Acts of Parliament

E 2089 11/00 ON (MFK)