

**2001 No. 3900**

**AGRICULTURE, ENGLAND**

**The England Rural Development Programme (Project Variations) Regulations 2001**

*Made* - - - - - *6th December 2001*

*Laid before Parliament* *10th December 2001*

*Coming into force* - - *1st January 2002*

The Secretary of State, 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 measures relating to the promotion of rural development, in exercise of the powers conferred on her by the said section 2(2) and of all other powers enabling her in that behalf, hereby makes the following Regulations:

**Title, commencement and extent**

1.—(1) These Regulations may be cited as the England Rural Development Programme (Project Variations) Regulations 2001 and shall come into force on 1st January 2002.

(2) These regulations shall extend to England only.

**Interpretation**

2.—(1) In these regulations—

“the Energy Crops Regulations” means the Energy Crops Regulations 2000(c);

“the Rural Enterprise Regulations” means the Rural Enterprise Regulations 2000(d); and

“the Vocational Training Regulations” means the Vocational Training Grants (Agriculture and Forestry) Regulations 2000(e).

**Amendment of the Energy Crops Regulations**

3.—(1) The Energy Crops Regulations shall be amended in accordance with the provisions of paragraph (2) of this regulation.

(2) In regulation 5 (approval of projects), the following paragraph shall be substituted for the existing paragraph (6)—

“(6) Before varying an approval under paragraph (4), 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.”.

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(a) S.I. 1972/1811 and 1994/1887

(b) 1972 c. 68.

(c) S.I. 2000/3042.

(d) S.I. 2000/3043.

(e) S.I. 2000/3045.

#### **Amendment of the Rural Enterprise Regulations**

4.—(1) The Rural Enterprise Regulations shall be amended in accordance with the provisions of paragraph (2) of this regulation.

(2) In regulation 5 (approval of projects), the following paragraph shall be substituted for the existing paragraph (3)—

- “(3) Before varying an approval under paragraph (2), 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.”.

#### **Amendment of the Vocational Training Regulations**

5.—(1) The Vocational Training Regulations shall be amended in accordance with the provisions of paragraph (2) of this regulation.

(2) In regulation 5 (approval of projects), the following paragraph shall be substituted for the existing paragraph (3)—

- “(3) Before varying an approval under paragraph (2), 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.”.

6th December 2001

*Alun Michael*  
Minister of State,  
Department for Environment, Food and Rural Affairs

## **EXPLANATORY NOTE**

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

These Regulations, which come into force on 1st January 2002 and extend to England only, amend a number of Regulations adopted in implementation of the England Rural Development Programme, which was itself established in implementation of Council Regulation (EC) No. 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) (OJ No. L160, 26.6.1999, p.80).

The Regulations amend the Energy Crops Regulations 2000 (S.I. 2000/3042), the Rural Enterprise Regulations 2000 (S.I. 2000/3043) and the Vocational Training Grants (Agriculture and Forestry) Regulations 2000 (S.I. 2000/3045) by inserting new provisions which revise the existing procedures in those Regulations relating to the refusal of an application and the variation of approvals by removing the right of an applicant to make written representations in respect of a decision by the Minister of Agriculture, Fisheries and Food (“the Minister”) to refuse approval for the granting of financial assistance for a project or operation, and conferring such a right on a beneficiary in receipt of a proposed decision of the Minister to vary any condition of such an approval (regulations 3 to 5), rather than (as previously) in the event that the Minister has decided to vary the approval.

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

Copies of the England Rural Development Programme are available for inspection during normal office hours at the offices of the Department for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR.

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£1.75

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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 2224 1/2002 012224 19585

ISBN 0-11-039098-9



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