
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to England, implement Commission Regulation 445/2002 (O.J. L74, 15.3.02, p.1) laying down detailed rules for the application of Council Regulation 1257/1999 (O.J. L160, 26.6.1999, p.80) (“the rural development Regulation”) on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations. They also implement Chapter 9 of the England Rural Development Programme approved by the European Commission (Commission Decision No. C(2000) 3003) under Article 44 of the Council Regulation.

In particular they implement Articles 13, 14 and 15 of the rural development Regulation (which deal with support for less favoured areas) by defining the conditions of eligibility for hill farm allowance (regulations 3-6) and the rates at which it is to be paid (regulations 7 and 8 and Schedule 2).

Regulation 10 and Schedule 4 enable the Secretary of State, in respect of holdings that are situated partly in England and partly in Scotland, to arrange for her functions under these Regulations to be exercised on her behalf by the Scottish Ministers and to agree to exercise any corresponding functions on their behalf, and to set off sums payable as principal against sums recoverable as agent, and vice versa. They also provide for the apportionment of eligible forage area and livestock units in relation to such holdings.

Penalties in respect of an over-declaration of land area are provided by Article 48(1) and (3) of the rural development Regulation. The England Rural Development Programme (Enforcement) Regulations 2000 (S.I.2000/3044) give the Secretary of State power to recover payments in the event of a breach of an undertaking referred to in regulation 5, and create offences of making false or misleading statements and of obstruction of an authorised officer.

The England Rural Development Programme, together with a copy of Commission Decision No. C(2000) 3003 approving it, is available for inspection at the offices of the Department for Environment, Food and Rural Affairs, 17 Smith Square, London SW1P 3JR.

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