
STATUTORY INSTRUMENTS

2008 No. 1342

The European Regional Development Fund (London Operational Programme) (Implementation) Regulations 2008

Provision relating to payment of the contribution from the Fund

10.—(1) In the documents that set up the system of management and control of the Operational Programme in accordance with the general principles laid down by Article 58, the Secretary of State shall make provision in relation to—

- (a) payments by the Managing Authority of the Fund contribution;
- (b) payments by the Agency from the Fund contribution; and
- (c) the certification and audit of such payments.

(2) The documents referred to in paragraph (1) may include provision for—

- (a) payment to the Agency of both instalments of the pre-financing amount for the Programme paid by the Commission in accordance with Article 82(1)(a);
- (b) payments to global grant bodies;
- (c) payments pursuant to a commitment;
- (d) relations which the Agency has with the certifying authority and the audit authority; and
- (e) relations which global grant bodies have with the Agency, the certifying authority and the audit authority.

(3) The amount of any payment to the Agency of the Fund contribution shall not be a resource of the Agency, and the expenditure by the Agency of that contribution shall be expenditure of the Fund and not expenditure of the Agency.

(4) The Accounts and Audit Regulations 2003⁽¹⁾ apply to the Agency as if—

- (a) a reference (however expressed) to money received by a relevant body includes a reference to the amount of any payment to the Agency of the Fund contribution; and
- (b) a reference (however expressed) to money expended by a relevant body includes a reference to the expenditure by the Agency of the Fund contribution.

(5) In making the calculations required by section 85 of the 1999 Act⁽²⁾ (calculation of component and consolidated budget requirements) for a financial year, the Authority shall in the case of the Agency calculate the aggregates required by virtue of subsections (4) and (5) of that section in accordance with paragraph (6).

(6) For the purpose of estimating any amount referred to in those subsections, the Authority shall not take account of the estimated amount of any payment to the Agency of the Fund contribution or the estimated amount of any expenditure by the Agency of that contribution.

(7) Section 5 of the 1998 Act⁽³⁾ (powers of a regional development agency) shall apply in relation to the exercise of the intermediate body functions of the Agency as if—

⁽¹⁾ [S.I. 2003/533](#).

⁽²⁾ Section 85(4) and (5) was amended by section 12 of the Greater London Authority Act 2007 (c. 24) and [S.I. 2007/227](#).

⁽³⁾ Section 5 was amended by paragraphs 1 and 2 of Schedule 25 to the 1999 Act.

- (a) the requirement in subsection (2) for the Secretary of State to consent to the giving of financial assistance were omitted; and
 - (b) subsection (4) were omitted.
- (8) In this regulation—
- (a) “the audit authority” means the authority designated for the Operational Programme under Article 59(1)(c); and
 - (b) “the certifying authority” means the authority designated for the Operational Programme under Article 59(1)(b).