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## STATUTORY INSTRUMENTS

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# 2014 No. 3263

## The Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014

### PART 5

### APPEALS

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#### Modifications etc. (not altering text)

- C1** Pt. 5 modified (31.12.2023) by [The Direct Payments to Farmers \(Reconsideration and Appeal\) \(Modification\) \(England\) Regulations 2023 \(S.I. 2023/1181\)](#), regs. 1(1), 3 (with reg. 4)

#### Interpretation

**30.** In this Part—

“appellant” means a Pillar 1 appellant or a Pillar 2 appellant;

“appointed person” means a person or persons (not exceeding three) appointed by the Secretary of State in relation to an appeal;

“Pillar 1 appellant” means a farmer in respect of whom or in relation to whose holding, or other person in respect of whom, an initial Pillar 1 decision has been made, who wishes to have that initial decision reconsidered by the Secretary of State;

“Pillar 1 decision” means, in relation to [<sup>F1</sup>CMO support][<sup>F2</sup>and direct payments], a decision made by or on behalf of the Secretary of State under any of the following <sup>F3</sup>... instruments—

- (a) the Direct Payments Delegated Regulation,
- (b) the Direct Payments Implementing Regulation,
- (c) the Direct Payments Regulation,
- (d) the Horizontal Delegated Regulation,
- (e) the Horizontal Implementing Regulation,
- (f) the Horizontal Regulation,
- (g) the SCMO Regulations;

“Pillar 2 appellant” means a rural development applicant aggrieved by any initial Pillar 2 decision who wishes to have that initial decision reconsidered by the Secretary of State;

“Pillar 2 decision” means, in relation to [<sup>F4</sup>rural development support granted under Title III of the Rural Development Regulation or Title III, Chapter 2 of the Common Provisions Regulation]—

- (a) a decision made by or on behalf of the Secretary of State under any of the following<sup>F5</sup> ... instruments—
- (i) the Common Provisions Regulation,
  - (ii) the Horizontal Delegated Regulation,
  - (iii) the Horizontal Implementing Regulation,
  - (iv) the Horizontal Regulation,
  - (v) the Rural Development Delegated Regulation,
  - (vi) the Rural Development Implementing Regulation,
  - (vii) the Rural Development Regulation; or
- (b) a determination made by a delivery body under regulation 14;
- “sum in dispute” means, in relation to any decision to make a payment, the sum which represents the difference between the sum the Secretary of State has determined to pay under the decision and the sum which the appellant claims to be due.

#### Textual Amendments

- F1** Words in reg. 30 substituted (31.12.2020) by [The Common Agricultural Policy and Agriculture and Horticulture Development Board \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/733\)](#), regs. 1, **5(9)(a)(i)** (as amended by [S.I. 2020/1445](#), regs. 1(2)(a), **11(3)(b)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F2** Words in reg. 30 inserted (31.1.2020) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **16(4)(a)(i)**
- F3** Word in reg. 30 omitted (31.1.2020) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), **16(4)(a)(ii)**; and that same word is expressed to be omitted (31.12.2020) by virtue of [The Common Agricultural Policy and Agriculture and Horticulture Development Board \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/733\)](#), regs. 1, **5(9)(a)(ii)**; 2020 c. 1, **Sch. 5 para. 1(1)**
- F4** Words in reg. 30 substituted (31.12.2020) by [The Common Agricultural Policy and Agriculture and Horticulture Development Board \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/733\)](#), regs. 1, **5(9)(b)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Word in reg. 30 omitted (31.12.2020) by virtue of [The Common Agricultural Policy and Agriculture and Horticulture Development Board \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/733\)](#), regs. 1, **5(9)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Application to Pillar 1 decisions made under the SCMO Regulations

**31.** This Part of these Regulations only applies to an appeal against a Pillar 1 decision made by or on behalf of the Secretary of State under any of the SCMO Regulations if the Pillar 1 appellant's trading address or, where there is more than one such address, principal trading address, was in England on the date of the decision.

#### Appeals

**32.—(1)** A Pillar 1 appellant may appeal in writing to the Secretary of State against a Pillar 1 decision.

(2) A Pillar 2 appellant may appeal in writing to the Secretary of State against a Pillar 2 decision providing the appeal—

- (a) is on the grounds that—
  - (i) the decision was based on an error of fact;

- (ii) the decision was wrong in law;
    - (iii) the delivery body made a procedural error;
  - (b) sets out the grounds; and
  - (c) is received within sixty days of notification of the decision.
- (3) The appointed person must consider any appeal under this regulation and report in writing to the Secretary of State with the person's conclusions on it and a recommendation as to the manner in which the matter should be finally determined by the Secretary of State.
- (4) The Secretary of State may—
- (a) pay to the appointed person such reasonable remuneration in respect of that person's functions in this regard, and such travelling and other allowances, as the Secretary of State may determine; and
  - (b) charge an appellant an appeal fee payable when the appeal is lodged.
- (5) For the purposes of paragraph (4)(b), the appeal fee is—
- (a) £100 if there is no sum in dispute; or
  - (b) determined by reference to the sum in dispute in accordance with the applicable level as set out in Schedule 4.
- (6) Following receipt of a report pursuant to paragraph (3), the Secretary of State must make a final determination.
- (7) The Secretary of State must refund the appeal fee (if any) to the appellant if, as a result of the appeal, the Secretary of State revises the decision that was the subject of the appeal.

**Changes to legislation:**

There are currently no known outstanding effects for the The Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014, PART 5.