
WELSH STATUTORY INSTRUMENTS

2004 No. 685 (W.73)

AGRICULTURE, WALES

**The Common Agricultural Policy Non-IACS Support
Schemes (Appeals) (Wales) Regulations 2004**

Made - - - - - *9th March 2004*

Coming into force - - - - - *1st April 2004*

The National Assembly for Wales being designated ^{M1} for the purposes of section 2(2) of the European Communities Act 1972 ^{M2} in relation to the common agricultural policy of the European Community, in exercise of the powers conferred upon it by that section, hereby makes the following Regulations —

Marginal Citations

M1 By virtue of the [European Communities \(Designation\) \(No.3\) Order 1999 \(S.I. 1999/2788\)](#).

M2 [1972 c. 68](#).

Title and commencement

1. These Regulations may be cited as the Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Wales) Regulations 2004 and shall come into force on 1st April 2004.

Interpretation

2. In these Regulations —

“appellant” (“*apelydd*”) means a person in respect of whom an initial determination has been made by or on behalf of the National Assembly in connection with the administration of any of the Schemes [^{F1}established under provisions in [Regulation \(EU\) 1308/2013](#), [Regulation \(EU\) 1379/2013](#), [Regulation \(EU\) 510/2014](#) and [Regulation \(EU\) 1144/2014](#)] and who wishes to have that initial determination reconsidered by or on behalf of the National Assembly;

[^{F2}“[Regulation \(EU\) 1308/2013](#)” (“*Rheoliad (EU) 1308/2013*”) means [Regulation \(EU\) No 1308/2013](#) of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations ([EEC](#)) No 922/72, ([EEC](#)) No 234/79, ([EC](#)) No 1037/2001, and ([EC](#)) No 1234/2007 as last amended by [Regulation 2017/2393](#);

[^{F3}“Regulation (EU) 1379/2013” (“*Rheoliad (EU) 1379/2013*”) means Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 as last amended by Regulation (EU) 2015/812;]

[^{F4}“Regulation (EU) 510/2014” (“*Rheoliad (EU) 510/2014*”) means Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009;]

[^{F5}“Regulation (EU) 1144/2014” (“*Rheoliad (EU) 1144/2014*”) means Regulation (EU) No 1144/2014 of the European Parliament and of the Council of 22 October 2014 on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries and repealing Council Regulation (EC) No 3/2008]

“relevant date” (“*dyddiad perthnasol*”) means the date on which the initial determination was made; ^{F6}...

“the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales.

Textual Amendments

- F1** Words in reg. 2 substituted (29.4.2019) by The Rural Affairs (Miscellaneous Amendments) (Wales) Regulations 2019 (S.I. 2019/799), regs. 1(2), **2(2)(a)** (with reg. 3)
- F2** Words in reg. 2 inserted (29.4.2019) by The Rural Affairs (Miscellaneous Amendments) (Wales) Regulations 2019 (S.I. 2019/799), regs. 1(2), **2(2)(c)(i)** (with reg. 3)
- F3** Words in reg. 2 inserted (29.4.2019) by The Rural Affairs (Miscellaneous Amendments) (Wales) Regulations 2019 (S.I. 2019/799), regs. 1(2), **2(2)(c)(ii)** (with reg. 3)
- F4** Words in reg. 2 inserted (29.4.2019) by The Rural Affairs (Miscellaneous Amendments) (Wales) Regulations 2019 (S.I. 2019/799), regs. 1(2), **2(2)(c)(iii)** (with reg. 3)
- F5** Words in reg. 2 inserted (29.4.2019) by The Rural Affairs (Miscellaneous Amendments) (Wales) Regulations 2019 (S.I. 2019/799), regs. 1(2), **2(2)(c)(iv)** (with reg. 3)
- F6** Word in reg. 2 omitted (29.4.2019) by virtue of The Rural Affairs (Miscellaneous Amendments) (Wales) Regulations 2019 (S.I. 2019/799), regs. 1(2), **2(2)(b)** (with reg. 3)

Application

3. These Regulations shall apply in relation to appellants whose trading address, or, where there is more than one such address, whose principal trading address, was in Wales at the relevant date.

Provision of appeals procedure

4.—(1) The National Assembly may establish a procedure, to be applied at the request of any appellant, for the further consideration on its behalf of an initial determination made in relation to the appellant in respect of the administration of any of the Schemes [^{F7}established under provisions in Regulation (EU) 1308/2013, Regulation (EU) 1379/2013, Regulation (EU) 510/2014 and Regulation (EU) 1144/2014], such procedure operating by way of appeal from the initial determination.

(2) Any such procedure so established may provide for consideration of the initial determination by such persons (not exceeding three) as the National Assembly may appoint for that purpose, with a view to their making a report of their conclusions in relation to the initial determination and a recommendation as to the manner in which the matter should be finally determined by the National Assembly.

(3) When the National Assembly establishes any such procedure as is mentioned in paragraph (2), it may —

- (a) pay to the persons so appointed such reasonable remuneration in respect of their functions under that procedure, and such travelling and other allowances, as it may determine; and
- (b) charge any appellant whose appeal is considered under the procedure so established such fee (not exceeding £100) as the National Assembly may determine in respect of the costs incurred by it by virtue of the operation of that procedure in relation to the appeal in question.

Textual Amendments

- F7** Words in [reg. 4\(1\)](#) substituted (29.4.2019) by [The Rural Affairs \(Miscellaneous Amendments\) \(Wales\) Regulations 2019 \(S.I. 2019/799\)](#), regs. 1(2), **2(3)** (with [reg. 3](#))

^{M3} Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998

John Marek
The Deputy Presiding Officer of the National
Assembly

Marginal Citations

- M3** [1998 c. 38.](#)

F8 SCHEDULE

Regulations 2 and 4(1)

SCHEMES IN RESPECT OF WHICH THE NATIONAL ASSEMBLY
FOR WALES MAY ESTABLISH AN APPEALS PROCEDURE

Textual Amendments

F8 Sch. omitted (29.4.2019) by virtue of [The Rural Affairs \(Miscellaneous Amendments\) \(Wales\) Regulations 2019 \(S.I. 2019/799\)](#), regs. 1(2), **2(4)** (with reg. 3)

.....

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations enable the National Assembly for Wales (“the National Assembly”) to establish a procedure for the further consideration of an initial determination made under any of the Common Agricultural Policy (“CAP”) support schemes listed in the Schedule to the Regulations. An appeal system for CAP support schemes administered under the Integrated Administration and Control System (“IACS”) has already been established by the National Assembly under the Agricultural Subsidies (Appeals) (Wales) Regulations 2001 (S.I. 2001 No. 2537 (W.212)). The procedure will operate by way of appeal from the initial determination made in relation to the appellant in respect of the administration of any of the Schemes listed in the Schedule to these Regulations (regulation 4). The procedure may take the form of consideration by persons appointed by the National Assembly with a view to their making a recommendation to it as to how the matter should be determined.

The Regulations confer power to pay remuneration and allowances to any such persons appointed, and to charge a fee in respect of the costs of the procedure.

A Regulatory Appraisal has been prepared in respect of these Regulations. Copies of this can be obtained from The National Assembly for Wales, Agriculture Department, Crown Buildings, Cathays Park, Cardiff, CF10 3NQ.

Changes to legislation:

There are currently no known outstanding effects for the The Common Agricultural Policy Non-IACS Support Schemes (Appeals) (Wales) Regulations 2004.