

# Statutory Instrument 2000 No. 3043

## The Rural Enterprise Regulations 2000

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### STATUTORY INSTRUMENTS

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#### 2000 No. 3043

#### AGRICULTURE, ENGLAND

#### The Rural Enterprise Regulations 2000

<i>Made</i>	<i>9th November 2000</i>
<i>Laid before Parliament</i>	<i>14th November 2000</i>
<i>Coming into force</i>	<i>5th December 2000</i>

The Minister of Agriculture, Fisheries and Food, being a Minister designated<sup>[1]</sup> for the purposes of section 2(2) of the European Communities Act 1972<sup>[2]</sup> in relation to the common agricultural policy of the European Community and measures relating to promotion of rural development, in exercise of the powers conferred on him by the said section 2(2) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

#### **Title, commencement and extent**

1. - (1) These Regulations may be cited as the Rural Enterprise Regulations 2000 and shall come into force on 5th December 2000.

(2) These Regulations shall extend to England only.

#### **Interpretation**

2. - (1) In these Regulations -

"applicant" means a person who has made an application pursuant to regulation 4, the result of which is still pending;

"approved project" means a project which the Minister has approved under these Regulations for the receipt of financial assistance, and "approve" and "approval" are to be construed accordingly;

"beneficiary" means a person who has been granted approval for a project;

"Community assistance" means assistance from the European Agricultural Guidance and Guarantee Fund granted pursuant to the Community legislation;

"the Community legislation" means the instruments listed in the Schedule to these Regulations, in so far as they relate to expenditure for which support may be granted pursuant to Article 4 or 33 of Council Regulation 1257/1999/EC;

"Council Regulation 1257/1999/EC" means Council Regulation (EC) No. 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF)[3];

"electronic communication" has the same meaning as in the Electronic Communications Act 2000[4];

"the ERDP" means the England Rural Development Programme approved by the Commission in the Decision referred to in the Schedule to these Regulations, and "the relevant part of the ERDP" means that part of the ERDP which relates to expenditure for which support may be granted pursuant to Article 4 or 33 of Council Regulation 1257/1999/EC;

"financial assistance" means an amount paid or payable under these Regulations; and

"the Minister" means the Minister of Agriculture, Fisheries and Food.

(2) A reference in these Regulations to anything done in writing or produced in written form includes a reference to an electronic communication which has been recorded and is consequently capable of being reproduced.

**Assistance for rural enterprise**

3. The Minister may pay financial assistance to a beneficiary towards expenditure incurred or to be incurred by him in connection with an approved project.

**Applications in respect of projects**

4. An application for the approval of a project shall be made in such form and contain such information as the Minister reasonably may require.

**Approval of projects**

5. - (1) The Minister may -

(a) refuse to approve a project for the receipt of financial assistance, or

(b) approve it in whole or in part, unconditionally or subject to such conditions as he may determine,

but he shall not approve it unless he is satisfied that the project -

- (i) is eligible for Community assistance;
- (ii) is in accordance with the relevant part of the ERDP; and
- (iii) is not a project which is eligible for financial assistance under the Energy Crops Regulations 2000[5].

(2) The Minister may vary an approval by varying any condition to which it is subject, or imposing conditions.

(3) Where the Minister decides to refuse approval for a project under paragraph (1) or to vary an approval under paragraph (2), he shall -

- (a) give the applicant or beneficiary, as the case may be, notice in writing of his decision with a statement of his reasons;
- (b) give that applicant or beneficiary an opportunity to make written representations within such time as the Minister considers reasonable; and
- (c) consider any such representations.

(4) An approval or variation under this regulation shall be in writing.

### **Claims**

6. A claim for financial assistance shall be made at such time or within such period and in such form, and be accompanied by such information, as the Minister reasonably may require.

### **Payment**

7. - (1) The Minister may pay financial assistance by payment of a single lump sum or by instalments.

(2) Payments may be made -

- (a) at such time or times as the Minister reasonably may determine; and
- (b) subject to such conditions as the Minister reasonably may determine.

### **Information**

8. - (1) A beneficiary shall supply the Minister such information about an approved project as the Minister reasonably may require.

(2) Where the Minister requires such information, the beneficiary shall supply him with it within such period as the Minister reasonably may determine.

### **Record keeping**

9. - (1) A beneficiary shall keep any invoice, account or other document relating to an approved project for the period of six years beginning with the day on which the last payment of financial assistance under these Regulations is made to him in connection with that project, subject to paragraphs (2) and (3).

(2) If a beneficiary transfers the original of any such document to another person in the normal course of business, he shall instead keep a copy of that document for that period.

(3) Paragraph (1) shall not apply where the document has been removed by any person lawfully authorised to remove it.

*Elliot Morley*  
Parliamentary Secretary, Ministry of Agriculture, Fisheries and Food

9th November 2000

SCHEDULE

regulation 2(1)

MEANING OF "COMMUNITY LEGISLATION"

- 1. Council Regulation (EC) No. 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) (OJ No. L160, 26.6.1999, p. 80).
- 2. Council Regulation (EC) No. 1750/1999 of 23 July 1999 laying down detailed rules for the application of Council Regulation (EC) No. 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) (OJ No. L214, 13.8.1999, p. 31, as amended by Commission Regulation (EC) No. 2075/2000 of 29 September 2000 (OJ No. L246, 30.9.2000, p. 46)).
- 3. Commission Decision No. C(2000) 3003 of 11 October 2000 approving the rural development programming document for England (UK) for the 2000-06 programming period.

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EXPLANATORY NOTE

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

These Regulations, which extend to England only, supplement the Community legislation listed in the Schedule to the Regulations ("the Community legislation"). The Community legislation *inter alia* provides for assistance to be paid from the Guarantee Section of the European Agricultural Guidance and Guarantee Fund ("Community assistance") towards investment in agricultural holdings and promoting the adapting and development of rural areas. The Regulations operate within the scope of these provisions to encourage diversification by those in the agricultural sector, or to encourage rural development more generally, by enabling assistance to be paid for new agricultural or rural projects.

The Regulations implement a part of the England Rural Development Programme ("ERDP") approved by the European Commission under Article 44 of Council Regulation (EC) No. 1257/1999 (OJ No. L160, 26.6.1999, p. 80) and provide for the payment of financial assistance by the Minister of Agriculture, Fisheries and Food ("the Minister") in respect of those projects which he has approved (regulation 3). Such projects may be approved if they are in accordance with that part of the ERDP which relates to expenditure for which support may be granted pursuant to Article 4 or 33 of Council Regulation (EC)

No. 1257/1999 (support for investment in agricultural holdings, and support for promoting the adaptation and development of rural areas, respectively), and are not projects which are eligible for financial assistance under the Energy Crops Regulations 2000 (S.I. 2000/ ) (regulation 5).

In addition, the Regulations provide for the making of claims for, and the payment of, financial assistance following approval (regulations 6 and 7) and also contain provisions creating obligations on those in receipt of financial assistance concerning the provision of information (regulation 8) and record-keeping (regulation 9).

Further provisions concerning enforcement matters and enabling the Minister to withhold or recover assistance in the event of a breach of the Regulations by an applicant or a beneficiary, and those respectively creating and specifying the resultant offences and penalties, are contained in the England Rural Development Programme (Enforcement) Regulations 2000 (S.I. 2000/3044).

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

Copies of the Commission Decision referred to in paragraph 3 of the Schedule, and of the ERDP, are available for inspection during normal office hours at the offices of the Ministry of Agriculture, Fisheries and Food, Nobel House, 17 Smith Square, London SW1P 3JR.

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*Notes:*

[1] S.I. 1972/1811 and 1995/751.[back](#)

[2] 1972 c. 68.[back](#)

[3] OJ No. L160, 26.6.1999, p. 80.[back](#)

[4] 2000 c. 7.[back](#)

[5] S.I. 2000/3042.[back](#)

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