

# Statutory Instrument 2002 No. 646

## The Common Agricultural Policy Support Schemes (Appeals) Regulations 2002

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### STATUTORY INSTRUMENTS

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**2002 No. 646**

### **AGRICULTURE, ENGLAND**

#### The Common Agricultural Policy Support Schemes (Appeals) Regulations 2002

<i>Made</i>	<i>11th March 2002</i>
<i>Laid before Parliament</i>	<i>14th March 2002</i>
<i>Coming into force</i>	<i>8th April 2002</i>

The Secretary of State for Environment, Food and Rural Affairs, 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, in exercise of the powers conferred on her by that section, and of all other powers enabling her in that behalf, hereby makes the following Regulations -

#### **Title and commencement**

**1.** These Regulations may be cited as the Common Agricultural Policy Support Schemes (Appeals) Regulations 2002 and shall come into force on 8th April 2002.

#### **Interpretation**

**2.** In these Regulations -

"agrimonetary compensation" means a payment made pursuant to Article 4 or 5 of Council Regulation (EC) No. 2799/98 establishing agrimonetary arrangements for the euro<sup>[3]</sup>;

"applicant" means a person who has made a relevant application;

"the Community schemes" means -

(a) the IACS support schemes; and

(b) any supplemental scheme;

"the Council Regulation" means Council Regulation (EEC) No. 3508/92 establishing an integrated administration and control system for certain Community aid schemes<sup>[4]</sup>;

"holding" has the meaning given by Article 1(4) of the Council Regulation;

"IACS support schemes" means the support schemes specified in Article 1(1) of the Council Regulation;

"relevant application" means an application made to the Secretary of State for payment under any of the Community schemes or any enactment implementing any of the Community schemes;

"the Secretary of State" means the Secretary of State for Environment, Food and Rural Affairs;

"supplemental scheme" means any support scheme -

(a) which provides for payments to be made by way of supplement to any payment made pursuant to an IACS support scheme or by way of agrimonetary compensation; and

(b) the payments under which are made by way of supplement to a payment made pursuant to an IACS support scheme; and

"support scheme" means any scheme which -

(a) is established by a Community instrument adopted under the common agricultural policy of the European Community; and

(b) provides for payments to be made which are financed in whole or in part by the Guarantee Section of the European Agricultural Guidance and Guarantee Fund.

## **Application**

**3.** - (1) These Regulations shall apply in relation to applicants to the specified extent.

(2) For the purposes of paragraph (1), "the specified extent", in relation to an applicant, means the extent to which the Secretary of State is for the purposes of the Integrated Administration and Control System Regulations 1993<sup>[5]</sup> the relevant competent authority in relation to the holding of that applicant.

## **Provision of appeals procedure**

**4.** - (1) The Secretary of State may establish a procedure, to be applied at the request of any applicant, for the further consideration on her behalf of a relevant application made by

that applicant, such procedure operating by way of appeal from an initial determination made by the Secretary of State in respect of that application.

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

(3) Where the Secretary of State establishes any such procedure as is mentioned in paragraph (2), she 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 she may determine; and

(b) charge any relevant applicant whose application is considered under the procedure so established such fee (not exceeding £100) as she may determine in respect of the costs incurred by the Secretary of State by virtue of the operation of that procedure in relation to the application in question.

*Whitty*

Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs

11th March 2002

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## EXPLANATORY NOTE

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

These Regulations enable the Secretary of State for Environment, Food and Rural Affairs ("the Secretary of State") to establish a procedure for the further consideration of any application made under a Community scheme by way of appeal from the initial determination of that application by the Secretary of State (regulation 4). The procedure may take the form of consideration by persons appointed by the Secretary of State with a view to their making a recommendation to her as to how the application should be finally determined.

For this purpose, "Community schemes" are -

(a) those to which Council Regulation (EEC) No. 3508/92 establishing an integrated administration and control system for certain Community aid schemes (OJ No. L355, 5.12.92) ("the Council Regulation"), as last amended by Commission Regulation (EC) No. 495/2001 (OJ No. L72, 14.3.2001, p.6), applies ("the IACS support schemes");

(b) any support scheme under which payments are required to be made by way of supplement to payments pursuant to an IACS support scheme (for example, payments made, by way of supplement to premium paid to producers of sheepmeat and

goatmeat, under Council Regulation (EC) No. 2529/2001 on the common organisation of the market in sheepmeat and goatmeat (OJ No. L341, 22.12.2001, p.3)), or which are in fact made by way of supplement to payments made pursuant to an IACS support scheme (for example, payments of agrimonetary compensation).

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.

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

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*Notes:*

[1] S.I. 1972/1811; the continued power of the Secretary of State to make regulations in relation to Scotland is confirmed by s.57(1) of the Scotland Act 1998 (c.46), in relation to Wales by article 3(4) of S.I. 1999/2788 and in relation to Northern Ireland by article 3(2) of S.I. 2000/2812.[back](#)

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

[3] OJ No. L349, 24.12.98, p.1.[back](#)

[4] OJ No. L355, 5.12.92, p.1, as last amended by Commission Regulation (EC) No. 495/2001 (OJ No. L72, 14.3.2001, p.6).[back](#)

[5] S.I. 1993/1317, as amended by S.I. 1994/1134, 1997/1148, 1999/1820 and 2000/2573.[back](#)

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