WELSH STATUTORY INSTRUMENTS

2007 No. 2900 (W.251)

AGRICULTURE, WALES

The Rural Development Programmes and Agricultural Subsidies and Grants Schemes (Appeals) (Wales) (Amendment) Regulations 2007

Made - - - -	*3 October 2007*
Laid before the National Assembly for Wales - -	*4 October 2007*
Coming into force - -	*1 November 2007*

The Welsh Ministers being designated(**1**) for the purposes of section 2(2) of the European Communities Act 1972(**2**) in relation to the common agricultural policy of the European Community, in exercise of the powers conferred upon them, make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Rural Development Programmes and Agricultural Subsidies and Grants Schemes (Appeals) (Wales) (Amendment) Regulations 2007 and they come into force on 1 November 2007.

(2) These Regulations apply in relation to Wales.

Amendments to the Rural Development Programmes (Wales) Regulations 2006

2.—(1) The Rural Development Programmes (Wales) Regulations 2006(**3**) are amended in accordance with this regulation.

(2) In regulation 2—

(a) in the definition of "beneficiary" in paragraph (1), after "assistance" insert "or a person who has taken over the commitments of such a person",

(b) after paragraph (1), insert "(2) Any reference in these Regulations to a Community instrument is a reference to that instrument as amended from time to time.".

(**1**) S.I. 2005/2766. By virtue of sections 59(1) and 162 of, and paragraphs 28 and 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c. 32), functions conferred on the National Assembly for Wales by this designation are exercisable by the Welsh Ministers.

(**2**) 1972 c. 68.

(**3**) S.I. 2006/3343 (W.304).

(3) In regulation 3, after paragraph (2), insert—

"(3) The Welsh Ministers may enter into arrangements with a group which has been selected to implement a local development strategy in accordance with Article 37 of Commission Regulation 1974/2006, for that group to make payments of financial assistance on behalf of the Welsh Ministers and for that group to exercise powers of recovery in accordance with regulation 9".

(4) In regulation 7(2), after paragraph (e) insert—

"(f) providing a control report in accordance with Article 13 of Commission Regulation 1975/2006; and

(g) determining whether there has been a non-compliance."

(5) In regulation 7(3), after paragraph (e) insert—

"(f) if necessary for the purposes of paragraph (2)—

(i) inspect and count livestock on the land, and

(ii) require the applicant or beneficiary, or any employee, servant or agent of such beneficiary, to arrange for the collection, penning and securing of such livestock."

(6) In regulation 14(3)—

(a) in sub-paragraph (b) after the words "for which aid is paid)" insert "and regulation 16 (5) (withholding and recovery of aid, termination and exclusion)",

(b) delete sub-paragraph (c),

(c) in sub-paragraph (d), after "2006" delete "." and insert "; and",

(d) after sub-paragraph (d) insert—

"(e) regulation 16(6) (Assembly's powers of recovery etc.) of the Farm Enterprise Grant and Farm Improvement Grant (Wales) Regulations 2001(**4**).".

(7) Paragraph (6)(b) revives the provision referred to in regulation 14(3)(c) to the extent that the continued operation of that provision is saved by regulation 14(2).

(8) In paragraph 2 of the Schedule, for "1689" substitute "1698".

(9) In the Schedule, after paragraph (7), add—

"**8.** Commission Regulation (EC) No. 1975/2006 of 23 December 2006 laying down detailed rules for the implementation of Council Regulation (EC) No. 1698/2005 as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures.

9. Commission Regulation (EC) No. 1974/2006 of 23 December 2006 laying down detailed rules for the application of Council Regulation (EC) No. 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD).".

Amendments to the Agricultural Subsidies and Grants Schemes (Appeals) (Wales) Regulations 2006

3.—(1) The Agricultural Subsidies and Grants Schemes (Appeals) (Wales) Regulations 2006(**5**) are amended in accordance with this regulation.

(2) In regulation 2, after paragraph (1), insert—

"(2) Any reference in these Regulations to a Community instrument is a reference to that instrument as amended from time to time.".

(**4**) S.I 2001/3806 (W.314)
(**5**) S.I 2006/3342 (W.303).