WELSH STATUTORY INSTRUMENTS

2006 No. 3342 (W.303)

AGRICULTURE, WALES

The Agricultural Subsidies and Grants Schemes (Appeals) (Wales) Regulations 2006

Made - - - -	*13 December 2006*
Coming into force - -	*1 January 2007*

The National Assembly for Wales being designated [F1] for the purposes of section 2(2) of the European Communities Act 1972 [F2] in relation to the common agricultural policy of the European Community, in exercise of the powers conferred upon it by the said section 2(2), makes the following Regulations:

F1 S.I 2005/2766.
F2 1972 c. 68.

Title, commencement and application

1.—(1) The title of these Regulations is the Agricultural Subsidies and Grants Schemes (Appeals) (Wales) Regulations 2006 and they come into force on 1 January 2007.

(2) These Regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations —

"**[**[F3]EU legislation**]**" ("*y ddeddfwriaeth Gymunedol*") means those instruments listed in the Schedule;

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales; and

"a relevant determination" ("*penderfyniad perthnasol*") means any determination of the National Assembly in respect of financial assistance and claims for financial assistance pursuant to, or in connection with, the **[**[F3]EU legislation**]**, and the legislation cited in regulation 4 (a) to (m) of these Regulations.

[[F4](2) Any reference in these Regulations to **[**[F5]an EU instrument**]** is a reference to that instrument as amended from time to time.**]**

F3 Words in reg. 2(1) substituted (W.) (9.8.2010) by The Agricultural Subsidies and Grants Schemes (Appeals) (Wales) (Amendment) Regulations 2010 (S.I. 2010/1807), regs. 1(2), **2(2)**

F4 Reg. 2(2) inserted (W.) (1.11.2007) by The Rural Development Programmes and Agricultural Subsidies and Grants Schemes (Appeals) (Wales) (Amendment) Regulations 2007 (S.I. 2007/2900), regs. 1(1), **3(2)**

F5 Words in reg. 2(2) substituted (W.) (9.8.2010) by The Agricultural Subsidies and Grants Schemes (Appeals) (Wales) (Amendment) Regulations 2010 (S.I. 2010/1807), regs. 1(2), **2(3)**

Provision of appeals procedure

3.—(1) The National Assembly may establish one or more procedures for the further consideration on its behalf of a relevant determination, such procedure or procedures operating by way of appeal from the relevant determination in question.

(2) Any procedure established pursuant to paragraph (1) may impose such deadlines as the National Assembly requires for the purposes of requiring a farmer to submit to it applicable information and documentation and notice of his or her intention to appeal against a relevant determination.

(3) Any procedure established under paragraph (1) may provide for an oral or written appeal to such persons (not exceeding three) as the National Assembly may appoint for that purpose, with a view to such persons making a report of their conclusions and making recommendations to the National Assembly as to the manner in which it determines the appeal.

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

(a) pay to the persons so appointed such remuneration in respect of their functions under that procedure, and such travelling and other allowances, as it may determine; and

(b) charge any person whose appeal is considered under a procedure so established such fee (not exceeding £100) as the National Assembly may determine.

Modifications etc. (not altering text)

C1 Reg. 3 applied (25.5.2010) by The Tuberculosis (Wales) Order 2010 (S.I. 2010/1379), arts. 1, **26(2)**

C2 Reg. 3 applied (31.3.2011) by The Tuberculosis (Wales) Order 2011 (S.I. 2011/692), arts. 1, **20(2)**(3)

C3 Reg. 3 applied (4.8.2014) by The Common Agricultural Policy Basic Payment Scheme (Provisional Payment Region Classification) (Wales) Regulations 2014 (S.I. 2014/1835), regs. 1(3), **3(3)**

Amendments

4.—(1) The following provisions are deleted—

(a) Article 5(b) of the Environmentally Sensitive Areas (Cambrian Mountains — Extension) Designation Order 1987 [F6];

(b) Article 5(b) of the Environmentally Sensitive Areas (Preseli) Designation Order 1994 [F7];

(c) Article 5(b) of the Environmentally Sensitive Areas (Clwydian Range) Designation Order 1994 [F8];

(d) Article 5(b) of the Environmentally Sensitive Areas (Radnor) Designation Order 1993 [F9];

(e) Article 5(b) of the Environmentally Sensitive Areas (Ynys Môn) Designation Order 1993 [F10];

(f) Article 5(b) of the Environmentally Sensitive Areas (Lleyn Peninsula) Designation Order 1987 [F11];

(g) Regulation 10(5) of the Habitat (Broadleaved Woodland) (Wales) Regulations 1994 [F12];

(h) Regulation 10(5) of the Habitat (Coastal Belt) (Wales) Regulations 1994 [F13];

(i) Regulation 10(5) of the Habitat (Species-Rich Grassland) (Wales) Regulations 1994 [F14];

(j) Regulation 10(5) of the Habitat (Water Fringe) (Wales) Regulations 1994 [F15];

(k) Paragraph 14(6) of the Farm Woodland Premium Scheme 1997 [F16];

(l) Paragraph 14(3) of the Farm Woodland Scheme 1988 [F17];

(m) Paragraph 14(3) of the Farm Woodland Scheme 1992 [F18];

(n) The words "Tir Mynydd Scheme" in the Schedule to the Agricultural Subsidies (Appeals) (Wales) Regulations 2001 [F19]0).

F6 S.I 1987/2026.
F7 S.I 1994/239.
F8 S.I 1994/238.
F9 S.I 1993/1211.
F10 S.I 1993/1210.
F11 S.I 1987/2027.
F12 S.I 1994/3099.
F13 S.I 1994/3101.
F14 S.I 1994/3102.
F15 S.I 1994/3100.
F16 S.I 1997/829.
F17 S.I 1988/1291.
F18 S.I 1992/905.
F19 S.I 2001/2537 (W.212)

Revocations

5. The Single Payment Scheme and Miscellaneous Direct Support Schemes (Appeals) (Wales) Regulations 2004 [F20]) are revoked.

F20 S.I 2004/2919 (W.258).

[F21]Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998 .

D. Elis-Thomas
The Presiding Officer of the National Assembly

F21 1998 c. 38.

SCHEDULE

Regulation 2

MEANING OF "[F22EU legislation]"

F22 Words in Sch. substituted (9.8.2010) by The Agricultural Subsidies and Grants Schemes (Appeals) (Wales) (Amendment) Regulations 2010 (S.I. 2010/1807), regs. 1(2), **2(2)**

1. Council Regulation (EC) No. 1083/2006 of 11 July 2006 laying down the general provisions of the European regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) 1260/1999.

2. Council Regulation (EC) No. 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD).

3. Council Regulation (EC) No. 1290/2005 of 21 June 2005 on the financing of the common agricultural policy.

4. Commission Regulation (EC) No. 796/2004 of 21 April 2004 laying down detailed rules for the implementation of cross-compliance, modulation and the integrated administration and control system provided for in Council Regulation No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers.

5. Council Regulation (EC) No. 795/2004 of 21 April 2004 laying down detailed rules for the implementation of the single payment scheme provided for in Council Regulation No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers.

6. Council Regulation (EC) No. 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No. 2019/93, (EC) No. 1452/2001, (EC) No. 1453/2001, (EC) No. 1454/2001, (EC) No. 1868/94, (EC) No. 1251/1999, (EC) No. 1254/1999, (EC) No. 1673/2000, (EEC) No. 2358/71 and (EC) No. 2529/2001.

7. Council Regulation (EC) No. 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations.

8. Commission Regulation (EC) No. 1973/2004 of 29 October 2004 laying down detailed rules for the application of Council Regulation 1782/2004 as regards the support schemes provided for in titles IV and IVa of that Regulation and the use of land set aside for the production of raw materials.

9. Council Regulation (EEC) 2078/92 of 30 June 1992 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside.

10. Commission Regulation (EC) 817/2004 of 29 April 2004 laying down detailed rules for the application of Council Regulation 1257/1999 on support for rural development from the European Agricultural and Guarantee Fund.

[F23 11. 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.**]**