

2010 No. 2078

AGRICULTURE, ENGLAND

**The Rural Development (Enforcement) (England) (Amendment)
Regulations 2010**

<i>Made</i>	- - - -	<i>15th August 2010</i>
<i>Laid before Parliament</i>		<i>19th August 2010</i>
<i>Coming into force</i>	- -	<i>13th September 2010</i>

The Secretary of State is designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Union and measures relating to the promotion of rural development.

The Secretary of State makes the following Regulations under the powers conferred by that section.

Title, commencement and application

1. These Regulations—

- (a) may be cited as the Rural Development (Enforcement) (England) (Amendment) Regulations 2010;
- (b) come into force on 13th September 2010;
- (c) apply in relation to England only.

Amendment of the Rural Development (Enforcement) (England) Regulations 2007

2.—(1) The Rural Development (Enforcement) (England) Regulations 2007(c) are amended as follows.

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of “authorised person” after “the Secretary of State,” insert—
“the Environment Agency,”;
- (b) omit the definition of “Council Regulation 1782/2003”;
- (c) for the definition of “Cross-compliance (England) Regulations” substitute—
““the Cross-compliance (England) Regulations” means the Agriculture (Cross-compliance) (No. 2) Regulations 2009;”(d);
- (d) at the appropriate place insert—

(a) S.I. 1972/1811 and 1995/751.
(b) 1972 c. 68.
(c) S.I. 2007/75.
(d) S.I. 2009/3365.

““direct support regulation” means—

- (a) Council Regulation (EC) No 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers^(a); or
- (b) Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003;”^(b).

(3) In regulation 5 (cross-compliance)—

- (a) in paragraph (1) for “Regulations 4 and 6 of, and the Schedule to,” substitute—
“Regulations 3 and 5 of, and the Schedules to,”;
- (b) in paragraph (2) for “regulation 7(3)” substitute—
“regulation 6(3)”.

(4) In regulation 12(b) (set off), for “Council Regulation 1782/2003” substitute—
“a direct support regulation”.

Jim Paice

Minister of State

Department for Environment, Food and Rural Affairs

15th August 2010

(a) OJ No L 270, 21.10.03, p1, which was repealed by Council Regulation (EC) No 73/2009, OJ No L 30, 31.1.09, p16.
(b) OJ No L 30, 31.1.09, p16, as last amended by Council Regulation (EC) No 360/2010, OJ No L 106, 28.4.10, p1.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Rural Development (Enforcement) (England) Regulations 2007 (the ‘enforcement regulations’) which implement European law which requires Member States to ensure that the European Union’s financial interests in relation to expenditure on rural development are effectively protected.

Regulation 2(2)(d) refers to a repealed act (Council Regulation (EC) No 1782/2003). The reference is necessary so that under Regulation 12 of the enforcement regulations payments yet to be made by reference to the repealed act may be set off against sums recoverable under the enforcement regulations.

Regulation 2(2)(b) amends the definition of “authorised person” so that it includes persons authorised by the Environment Agency.

Otherwise the Regulations make amendments in view of recent changes to domestic and European legislation.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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