

2011 No. 1398

EUROPEAN COMMUNITIES, ENGLAND

The European Regional Development Fund (Operational Programmes) Regulations 2011

<i>Made</i> - - - -	<i>3rd June 2011</i>
<i>Laid before Parliament</i>	<i>8th June 2011</i>
<i>Coming into force</i> - -	<i>1st July 2011</i>

The Secretary of State, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to measures relating to the operation of the Structural Funds, makes the following Regulations:

Title, commencement and application

- 1.—(1) These Regulations may be cited as the European Regional Development Fund (Operational Programmes) Regulations 2011 and come into force on 1st July 2011.
2. These Regulations apply in relation to England only.

Interpretation

- 3.—(1) In these Regulations—
 - “1998 Act” means the Regional Development Agencies Act 1998(c);
 - “the Fund” means the European Regional Development Fund, being one of the two Structural Funds referred to in Article 1;
 - “London Development Agency” means the regional development agency established for the London region under section 1 of the 1998 Act(d);
 - “London Regulations” means the European Regional Development Fund (London Operational Programme) (Implementation) Regulations 2008(e);
 - “Managing Authority” means the authority designated under Article 59(1)(a) as the managing authority for an Operational Programme(f);
 - “Operational Programme” means a document which is an “operational programme” within the meaning given by Article 2 and—

(a) See S.I. 1999/2788.
(b) 1972 c.68; section 2(2) was amended by section 27 of the Legislative and Regulatory Reform Act 2006 (c.51) and section 3 (3) of, and Part 1 of the Schedule to, the European Union (Amendment) Act 2008 (c.7).
(c) 1998 c.45. The act is amended, so far as it relates to the London Development Agency, by Part 5 of, and Schedule 25 to, the Greater London Authority Act 1999 c.29.
(d) The Agency is one of functional bodies defined for the purposes of the Greater London Authority Act 1999 c.29 by section 424(1) of that Act.
(e) S.I.2008/1342.
(f) The designated authority is the Secretary of State for Communities and Local Government.

- (a) sets out a development strategy to be carried out with the aid of the Fund in one of the regions defined in Schedule 1 to the 1998 Act as a contribution towards achieving the regional competitiveness and employment objective referred to in Article 3(2); or
 - (b) sets out the development strategy to be carried out with the aid of the Fund in Cornwall and the Isles of Scilly as a contribution towards achieving the convergence objective referred to in Article 3(2).
- (2) “Relevant Instrument” means, in relation to an agency, the instrument referred to in the Schedule which entrusted functions to the regional development agency concerned.
- (3) In these Regulations,
- (a) a reference to an Article is a reference to an Article of the Council Regulation (EC) No 1083/2006 laying down general provisions on the European Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999; and
 - (b) a reference to an agency is a reference to a regional development agency established under section 1 of the 1998 Act other than the London Development Agency.

Revocation

4. The instruments listed in the Schedule are revoked.

Amendment of the London Regulations

- 5.—(1) The London Regulations are amended as follows.

- (2) Regulation 2 (Interpretation) —

- (a) omit the definition of “the Agency”;
- (b) in the definition of “commitment”, for “the Agency” substitute “the GLA”;
- (c) for the definition of “intermediate body functions” substitute —
“intermediate body functions” means the functions entrusted to the GLA by virtue of its designation as an intermediate body by regulation 3(1);”
- (d) for the definition of “Schedule of Functions” substitute—
““Schedule of Functions” means the document published by the Secretary of State on 17th May 2011 under the title “Schedule of Functions of the Managing Authority for the European Regional Development Fund: Operational Programme covering the Regional competitiveness and employment objective for London 2011”, prepared for the purpose of defining the functions of the bodies concerned in the management and control of the Operational Programme.”

- (3) In regulation 3 (Designation of intermediate bodies for London) —

- (a) for paragraph (2) substitute—
“(2) The functions entrusted to the GLA by virtue of its designation as an intermediate body are the functions specified in section 3 of the Schedule of Functions.”; and
- (b) omit paragraphs (3) and (4).

- (4) In regulation 4 (General duties of intermediate body), for “The GLA and the Agency shall each carry out its intermediate body functions” substitute “The GLA shall carry out the intermediate body functions”.

- (5) In regulation 5 (Power to guide and direct the GLA)—

- (a) in paragraph (1), omit “of the GLA”;
- (b) in paragraph (7), omit “and the Agency”; and
- (c) omit paragraph (9).

- (6) Omit regulation 6.

- (7) In paragraph (2) of regulation 8 (Global grant bodies), omit “and the Agency”.

(8) In regulation 9 (Recovery of sums paid under a commitment), for references to “the Agency” substitute “the GLA”.

(9) Regulation 10 (Provision relating to payment of the contribution from the Fund)—

(a) in paragraphs (1), (2) and (3), for references to “the Agency” substitute “the GLA”; and

(b) omit paragraphs (4), (5), (6) and (7).

Transfer of property, rights and liabilities

6.—(1) There are transferred to the Managing Authority all property, rights and liabilities to which an agency is entitled or subject by virtue of the exercise of the functions entrusted to it by the relevant instrument.

(2) There are transferred to the Greater London Authority all property, rights and liabilities to which the London Development Agency is entitled or subject by virtue of the exercise of the functions entrusted to it by the London Regulations.

(3) In this regulation, a reference to property, rights and liabilities does not include rights and liabilities under a contract of employment.

Continuity provisions

7.—(1) Nothing in these regulations affects the validity of anything done by, or in relation to, an agency in, or in connection with, the exercise of the functions entrusted to it by the relevant instrument.

(2) Nothing in these regulations affects the validity of anything done by, or in relation to, the London Development Agency in, or in connection with, the exercise of the functions entrusted to it by the London Regulations.

(3) Anything done by an agency for the purposes of, or otherwise in connection with, the exercise of the functions entrusted to it by the relevant instrument is to be treated as having been done by the Managing Authority.

(4) Anything done by the London Development Agency for the purposes of, or otherwise in connection with, the exercise of the functions entrusted to it by the London Regulations, is to be treated as having been done by the Greater London Authority.

(5) So far as is necessary for the application of paragraphs (3) and (4) of this regulation, a reference in any document to the agency shall be read as a reference to the Managing Authority and a reference in any document to the London Development Agency shall be read as a reference to the Greater London Authority.

Recovery of sums paid under a commitment

8.—(1) In any case where a sum falls to be paid to the Managing Authority under, or by virtue of any action or decision taken under, the terms of a commitment, the sum so falling to be paid shall be recoverable on demand by the Managing Authority.

(2) In paragraph (8), “commitment” means an agreement entered into in relation to an award of assistance granted by the Fund.

Signed by authority of the Secretary of State

3rd June 2011

Joan Hanham
Parliamentary Under Secretary of State
Department for Communities and Local Government

SCHEDULE

Regulation 4

Revocations

European Regional Development Fund (West Midlands Operational Programme) (Implementation) Regulations 2007 2007/3618

European Regional Development Fund (Yorkshire and the Humber Operational Programme) (Implementation) Regulations 2007 2007/3619

European Regional Development Fund (South East Operational Programme) (Implementation) Regulations 2007 2007/3620

European Regional Development Fund (North East Operational Programme) (Implementation) Regulations 2007 2007/3621

European Regional Development Fund (North West Operational Programme) (Implementation) Regulations 2007 2007/3622

European Regional Development Fund (South West Operational Programmes) (Implementation) Regulations 2007 2007/3623

European Regional Development Fund (East of England Operational Programme) (Implementation) Regulations 2007 2007/3624

European Regional Development Fund (East Midlands Operational Programme) (Implementation) Regulations 2007 2007/3625

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations vary provision made to implement Council Regulation (EC) No.1083/2006 (“the Council Regulation”) in so far as it lays down general provisions on the European Regional Development Fund (“the Fund”).

The European Commission adopted development strategies (known as operational programmes) aiming with the aid of the Fund to strengthen regional competitiveness and employment in the English regions and to improve conditions for growth and employment in Cornwall and the Isles of Scilly. The Secretary of State for Communities and Local Government is the designated managing authority for each of these programmes under Article 59 of the Council Regulation.

These Regulations change arrangements for managing and controlling the operational programmes.

Regulation 5 amends the European Regional Development Fund (London Operational Programme) (Implementation) Regulations 2008 (S.I.1342). The effect of the amendments is that the functions entrusted to the London Development Agency cease to be exercisable by the agency and are entrusted to the Greater London Authority by reference to a published schedule entitled “Schedule of Functions of the Managing Authority for the European Regional Development Fund: Operational Programme covering the Regional competitiveness and employment objective for London 2011” (“the Schedule”). A copy of the Schedule has been placed in the libraries of both Houses of Parliament.

Regulation 4 revokes the instruments by which managing authority functions were entrusted to regional development agencies outside London, so that the functions become exercisable by the managing authority.

Regulation 6 provides for the transfer of property, rights and liabilities from the regional development agencies outside London to the managing authority and from the London Development Agency to the Greater London Authority.

Regulation 7 makes provision for continuity in relation to the exercise of functions.

Copies of the operational programmes and of the Schedule can be obtained from ERDF Programme Strategy and Coordination Division, Zone 4/G6, Department for Communities and Local Government, Eland House, Bressenden Place, London SW1E 5DU, and from the internet website www.communities.gsi.gov.uk. An impact assessment has not been produced for this instrument as no impact on the private and voluntary sectors is foreseen.

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STATUTORY INSTRUMENTS

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£4.00