

2011 No. 1433

AGRICULTURE, ENGLAND

**The Rural Development Programme (Transfer and Appeals)
(England) Regulations 2011**

<i>Made</i> - - - -	<i>3rd June 2011</i>
<i>Laid before Parliament</i>	<i>9th June 2011</i>
<i>Coming into force</i> - -	<i>1st July 2011</i>

The Secretary of State is a Minister designated(a) for the purposes of making Regulations under section 2(2) of the European Communities Act 1972(b) in relation to the common agricultural policy of the European Union and makes these Regulations under the powers conferred by that section.

Title, application, commencement and interpretation

1.—(1) These Regulations may be cited as the Rural Development Programme (Transfer and Appeals) (England) Regulations 2011; they apply in England and come into force on 1st July 2011.

(2) In these Regulations regional development agencies means agencies established by section 1 of the Regional Development Agencies Act 1998(c).

Transfer from the regional development agencies to the Secretary of State

2.—(1) All rights (including charges over land or other property) and liabilities that the regional development agencies had or to which they were subject immediately before the coming into force of these Regulations in relation to Council Regulation (EC) No 1698/2005 (on support for rural development by the European Agricultural Fund for Rural Development(d)) and Council Regulation (EC) No 1257/1999 (on support for rural development from the European Agricultural Guidance and Guarantee Fund(e)) are transferred from the regional development agencies to the Secretary of State.

(2) Every agreement, trust deed and other instrument relating to those Council Regulations to which a regional development agency was a party immediately before the coming into force of these Regulations, whether in writing or not and whether or not of such nature that rights and liabilities under it could be assigned by the regional development agency, has effect as if—

- (a) the Secretary of State had been a party to the agreement, trust deed or other instrument; and

(a) S. I. 1972/1811.

(b) 1972 c. 68.

(c) 1998 c. 45.

(d) OJ No L 277, 21.10.2005, p. 1 as last amended by Council Regulation (EC) No 473/2009 (OJ No L 144, 9.6.2009, p. 3).

(e) OJ No L 160, 26.6.1999, p. 80 as last amended by Council Regulation (EC) No 2223/2004 (OJ No L 379, 24.12.2004, p. 1).

- (b) a reference to the regional development agency were a reference to the Secretary of State.

Appeals

3.—(1) An applicant aggrieved by any decision made by a regional development agency or by the Secretary of State under Articles 21 to 35, 53 to 60 and 63 of Council Regulation (EC) No 1698/2005 may appeal against that decision to a person appointed by the Secretary of State.

(2) The appeal must be made within sixty days of notification of the decision.

(3) The appeal must be in writing and set out the grounds of appeal.

(4) The only grounds for appeal are that the Secretary of State or the regional development agency—

- (a) misinterpreted the legislation;
- (b) misinterpreted the facts set out in the application; or
- (c) made a procedural error processing the application.

(5) The appointed person must consider the appeal and report in writing to the Secretary of State, who must then make a final determination.

Richard Benyon

Parliamentary Under Secretary of State

Department for Environment Food and Rural Affairs

3rd June 2011

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations transfer from regional development agencies to the Secretary of State rights and liabilities arising under Council Regulations (EC) No 1698/2005 and 1257/1999, and provide that agreements entered into by those agencies under those Regulations now vest in the Secretary of State. They also provide for appeals to a person appointed by the Secretary of State in respect of certain decisions made under Council Regulation (EC) No 1698/2005.

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

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