EXPLANATORY MEMORANDUM TO THE

COMMON AGRICULTURAL POLICY SINGLE PAYMENT AND SUPPORT SCHEMES (APPEALS) (ENGLAND) REGULATIONS 2004

2004 No. 2689

1. This explanatory memorandum has been prepared by the Department for Environment, Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The Common Agricultural Policy Single Payment and Support Schemes (Appeals) (England) Regulations 2004 ("the Regulations") enable the Secretary of State to establish procedures for dealing with farmers' appeals against decisions under the legislation giving effect to the reformed common agricultural policy ("CAP"). The procedures which the Secretary of State can establish include setting up an appeals panel to make a recommendation to her about how an appeal should be decided. If an appeals panel is established, the Regulations give the Secretary of State power to make a charge of no more than £100 to farmers who appeal to the panel and also to pay reasonable remuneration and expenses to panel members.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 Not applicable

4. Legislative background

4.1 The Regulations are made under section 2(2) of the European Communities Act 1972, and, in relation to the fees they authorise, under section 56(1) and (2) of the Finance Act 1973. They implement Council Regulation (EC) No 1782/2003, Commission Regulation (EC) No 2237/2003, Commission Regulation (EC) No 795/2004 and Commission Regulation (EC) No 796/2004 by making provision about appeals against decisions under those Regulations and the domestic legislation implementing them.

4.2 Most of the new Community and domestic legislation referred to in paragraph 4.1 will come into force on or after 1st January 2005, but some decisions relating to the establishment of the reformed CAP will need to be taken before 1st January 2005, and some parts of the legislation referred to in paragraph 4.1 are already in force.

5. Extent

5.1 This instrument extends to all of the United Kingdom.

6. European Convention on Human Rights

6.1 Not applicable.

7. Policy background

7.1 The single payment scheme is being introduced as part of the reform of the CAP, as are the dairy premium, additional dairy payment, area aid payment for nuts, aid for energy crops and protein crop premium. The Regulations are required to give the Secretary of State power to establish appeal procedures, for which a charge not exceeding £100 can be made, for farmers dissatisfied with decisions taken in connection with the introduction and administration of the single payment scheme and other support schemes.

7.2 The appeals procedures to be established under the Regulations will already be familiar to farmers. They will mirror procedures already established under the Common Agricultural Policy Support Schemes (Appeals) Regulations 2002 (S.I. 2002/646) and the Common Agricultural Policy Non-IACS Support Schemes (Appeals) (England) Regulations 2004 (S.I. 2004/590), which make provision about appeals against decisions relating to support schemes under the existing CAP system.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Peter Crewe at the Department for Environment, Food and Rural Affairs, Tel: 0118 954 1907 or email: peter.crewe@rpa.gsi.gov.uk can answer any queries regarding the Regulations.