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The Common Agricultural Policy Non-IACS Support Schemes (Appeals) (England) Regulations 2004, Great Britain, Stationery Office, 2004, 0110489632, 9780110489636, . Enabling power: European Communities Act 1972, s. 2 (2). Issued: 29.03.2004. Made: 04.03.2004. Laid: 08.03.2004. Coming into force: 01.04.2004. Effect: None. Territorial extent & classification: E. General. EC note: These Regs enable the Secretary of State for Environment, Food and Rural Affairs to establish a procedure for the further consideration of an initial determination made under any of the Common Agricultural Policy support schemes listed in the sch. to the Regs.

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“appellant” means a person in respect of whom an initial determination has been made by or on behalf of the Secretary of State in connection with the administration of any of the Schemes listed in the Schedule to these Regulations and who wishes to have that initial determination reconsidered by or on behalf of the Secretary of State;

(1) The Secretary of State may establish a procedure, to be applied at the request of any appellant, for the further consideration on her behalf of an initial determination made in relation to the appellant in respect of the administration of any of the Schemes listed in the Schedule, such procedure operating by way of appeal from the initial determination.

(2) Any such procedure so established may provide for consideration of the initial determination by such persons (not exceeding three) as the Secretary of State may appoint for that purpose, with a view to their making a report of their conclusions in relation to the initial determination and a recommendation as to the manner in which the matter should be finally determined by her.

The procedure will operate by way of appeal from the initial determination made in relation to the appellant in respect of the administration of any of the Schemes listed in the Schedule to these Regulations (regulation 4). The procedure may take the form of consideration by persons appointed by the Secretary of State with a view to their making a recommendation to her as to how the matter should be determined.

These Regulations abolish the Dairy Produce Quota Tribunals (regulation 2) and make consequential amendments to the Dairy Produce Quotas (General Provisions) Regulations 2002 (S.I. 2002/458). These Regulations also make consequential amendments to the Agriculture Act

1986 (regulation 4) and repeal and revoke various other enactments (Part 1 of the Schedule). Disputes concerning the allocation of quota, which would previously have been considered by a Dairy Produce Quota Tribunal, will instead be considered under the relevant Common Agricultural Policy Non-IACS Support Schemes Appeals procedure.

The power of the Secretary of State, as a Minister designated by virtue of S.I. 1972/1811 in relation to the common agricultural policy of the European Community, to make regulations which extend to Scotland remains exercisable by virtue of section 57(1) of the Scotland Act 1998 (1998 c. 46). The Secretary of State's power, as a Minister so designated, to make regulations which apply to Wales is confirmed by article 4(4) of S.I. 2005/2766. The Secretary of State's power, as a Minister so designated, to make regulations which extend to Northern Ireland is confirmed by article 3(2) of S.I. 2000/2812.

These Regulations enable the Secretary of State for Environment, Food and Rural Affairs (the Secretary of State) to establish a procedure for the further consideration of an initial determination made under any of the Common Agricultural Policy (CAP) support schemes listed in the Schedule to the Regulations. An appeal system for CAP support schemes administered under the Integrated Administration and Control System (IACS) has already been established by the Secretary of State using powers in the Common Agricultural Policy Support Schemes (Appeals) Regulations 2002 (S.I. 2002 No. 646).

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