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**S T A T U T O R Y I N S T R U M E N T S**

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**2001 No. 872****EUROPEAN COMMUNITIES WALES****The European Social Fund (National Assembly for Wales)  
Regulations 2001**

<i>Made - - - - -</i>	<i>8th March 2001</i>
<i>Laid before Parliament</i>	<i>9th March 2001</i>
<i>Coming into force - -</i>	<i>1st April 2001</i>

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

**Title and commencement**

1. These Regulations may be cited as the European Social Fund (National Assembly for Wales) Regulations 2001, and shall come into force on 1st April 2001.

**Interpretation**

2. In these Regulations—

- (a) “the 1993 Structural Funds Regulation” means Council Regulation (EEC) No. 4253/88(c) laying down provisions for implementing Council Regulation (EEC) No. 2052/88(d) as regards co-ordination of the activities of the different Structural Funds between themselves and with the operations of the European Investment Bank and the other existing financial instruments, as amended by Council Regulation (EEC) No. 2082/93(e);
- (b) “the 1994 Structural Funds Regulation” means Commission Regulation (EC) No. 1681/94(f) concerning irregularities and the recovery of sums wrongly paid in connection with the financing of the structural policies and the organisation of an information system in this field;
- (c) “the 1997 Structural Funds Regulation” means Commission Regulation (EC) No. 2064/97(g) (as amended by Commission Regulation (EC) No. 2406/98(h) establishing detailed arrangements for the implementation of Council Regulation (EEC) No. 4253/88 as regards the financial control by Member States of operations co-financed by the Structural Funds;
- (d) “the 1999 Structural Funds Regulation” means Council Regulation (EEC) No. 1260/1999(i) laying down provisions on the Structural Funds;

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(a) S.I. 1999/2788.

(b) 1972 c. 68.

(c) OJ L 374, 31.12.88, p. 1.

(d) OJ L 185, 15.07.88, p. 9.

(e) OJ L 193, 31.07.93, p. 20.

(f) OJ L 178, 12.07.94, p. 43.

(g) OJ L 290, 23.10.97, p. 1.

(h) OJ L 298, 07.11.98, p. 15.

(i) OJ L 161, 26.06.99, p. 1.

- (e) “the 2000 Structural Funds Regulations” means, collectively, Commission Regulation (EC) No. 643/2000<sup>(a)</sup> on arrangements for using the euro for the purposes of the budgetary management of the Structural Funds; Commission Regulation (EC) No. 1159/2000<sup>(b)</sup> on information and publicity measures to be carried out by the Member States concerning assistance from the Structural Funds and Commission Regulation (EC) No. 1685/2000<sup>(c)</sup> laying down detailed rules for the implementation of Council Regulation (EEC) No. 1260/1999 as regards eligibility of expenditure of operations co-financed by the Structural Funds;
- (f) “the Assembly” means the National Assembly for Wales;
- (g) “the European Social Fund” means the fund (which is one of the Structural Funds) established under Articles 146 to 148 of the Treaty establishing the European Community<sup>(d)</sup>;
- (h) “the Secretary of State” means the Secretary of State for Education and Employment;
- (i) “Structural Funds” means the funds identified in Article 159 of the Treaty establishing the European Community<sup>(e)</sup>;
- (j) “the transferred programmes” means those programmes for the operation of the Structural Funds known as
  - (i) Objectives 1, 2 and 3 defined in Article 1 of the 1999 Structural Funds Regulation; and
  - (ii) Interreg and URBAN, as defined in Article 20 of the 1999 Structural Funds Regulation;
- (k) “Wales” includes the sea adjacent to Wales out as far as the boundary of the territorial sea and the boundary between those parts of the sea within the Severn and Dee Estuaries which are to be treated as adjacent to Wales and those which are not shall be, in each case, a line drawn between the co-ordinates set out in Schedule 3 to the National Assembly for Wales (Transfer of Functions) Order 1999<sup>(f)</sup>.

#### **Transfer of functions relating to the European Social Fund**

3.—(1) The Assembly shall exercise the designated functions in relation to Wales, insofar as such functions—

- (a) are exercisable in respect of the European Social Fund, and
- (b) relate to the transferred programmes.

(2) In paragraph (1) “the designated functions” means such functions as are conferred or imposed on a Member State by—

- (a) Articles 21, 23, 24, 25, 26, 27, 28, 29 and 32 of the 1993 Structural Funds Regulation,
- (b) the 1994 Structural Funds Regulation,
- (c) the 1997 Structural Funds Regulation,
- (d) the 1999 Structural Funds Regulation,
- (e) the 2000 Structural Funds Regulations.

#### **Transitional provisions**

4.—(1) There shall be transferred to and vest in the Assembly by virtue of this paragraph all rights and liabilities to which the Secretary of State is entitled or subject, at the coming into force of these Regulations, in connection with any function exercisable by him which is made exercisable by the Assembly by these Regulations.

(2) There may be continued by or in relation to the Assembly anything (including legal proceedings) which relates to—

- (a) any function exercisable by the Secretary of State which is made exercisable by the Assembly by these Regulations, or

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(a) OJ L 78, 29.03.00, p. 4.

(b) OJ L 130, 31.05.00, p. 30.

(c) OJ L 193, 29.07.00, p. 39.

(d) These Articles, ex. Articles 123 to 125 respectively, were renumbered, and Article 148 was amended, by the Treaty of Amsterdam (Cm. 4434), OJ C 340, 10.11.97, p. 1.

(e) This Article, ex. Article 130b, was renumbered by the Treaty of Amsterdam.

(f) S.I. 1999/672.

(b) any rights or liabilities transferred by paragraph (1) as the result of any such function being made so exercisable,  
and which is in the process of being done by or in relation to the Secretary of State immediately before these Regulations come into force.

(3) Anything which was done by the Secretary of State for the purpose of or in connection with—

(a) any function exercisable by him which is made exercisable by the Assembly by these Regulations, or

(b) any rights or liabilities transferred by paragraph (1) as the result of any such function being made exercisable by the Assembly by these Regulations,

and which is in effect immediately before these Regulations come into force shall have effect as if done by the Assembly.

(4) The Assembly shall be substituted for the Secretary of State in any instruments, contracts or legal proceedings which relate to—

(a) any function exercisable by him which is made exercisable by the Assembly by these Regulations, or

(b) any rights or liabilities transferred by paragraph (1) as the result of any such function being made exercisable by the Assembly by these Regulations,

and which are made or commenced before these Regulations come into force.

(5) This regulation shall not apply to rights or liabilities relating to the employment of persons in Crown employment (as defined in section 191(3) of the Employment Rights Act 1996(a)).

*Tessa Jowell*  
Minister of State,

Department for Education and Employment

8th March 2001

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(a) 1996 c. 18.

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations provide for the National Assembly for Wales (“the Assembly”) to exercise in relation to Wales certain European Social Fund functions relating to specified Structural Fund programmes. The functions, hitherto exercisable by the Secretary of State, are conferred or imposed on Member States by the following European Community Regulations:

Articles 21, 23, 24, 25, 26, 27, 28, 29 and 32 of Council Regulation (EEC) No. 4253/88, as amended by Council Regulation (EEC) No. 2082/93;

Commission Regulation (EC) No. 1681/1994 concerning irregularities and the recovery of sums wrongly paid in connection with the financing of the structural policies and the organisation of an information system in this field;

Commission Regulation (EC) No. 2064/97 establishing detailed arrangements for the implementation of Council Regulation (EEC) No. 4253/88 as regards the financial control by Member States of operations co-financed by the Structural Funds, as amended by Commission Regulation (EC) 2406/98;

Council Regulation (EEC) No. 1260/1999 laying down general provisions on the Structural Funds;

Commission Regulation (EC) No. 643/2000 on arrangements for using the euro for the purposes of the budgetary management of the Structural Funds;

Commission Regulation (EC) No. 1159/2000 on information and publicity measures to be carried out by the Member States concerning assistance from the Structural Funds;

Commission Regulation (EC) No. 1685/2000 laying down detailed rules for implementation of 1260/1999 as regards eligibility of expenditure of operations co-financed by the Structural Funds.

Regulation 4 contains provisions for the transfer to the Assembly of third party rights and liabilities associated with the functions transferred by these Regulations. These provisions are designed to ensure continuity in respect of on-going matters upon the transfer of functions from the Secretary of State to the Assembly.

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