

Government response - The Agriculture Support Schemes (Eligibility, Enforcement and Appeals) (Wales) Regulations 2025

Technical scrutiny point 1 and 3: The Welsh Government do not agree with these reporting points and consider no further action is required.

Regulation 19(d) clearly states that it is a breach of the regulations where an agreement holder prevents an authorised person from carrying out inspections in accordance with the relevant provisions. By signing up to the support schemes an agreement holder will be agreeing to allow inspections.

Those carrying out inspections will first try to arrange a convenient time and date agreed by both parties but where that is not possible WMs will inform the agreement holder of the time and date of any inspection. Any refusal or prevention after this stage will be considered a breach.

Technical scrutiny point 2: The Welsh Government note the point raised however feel no further action is required. The Welsh Ministers are bound by the public law principles of proportionality and reasonableness and so any investigation and subsequent withholding of payment will be subject to these principles.

Technical scrutiny point 4: The Welsh Government note the point raised. The appeal process involves the appointment of a panel of persons from outside government who provide recommendations to the Welsh Ministers in appeal cases.

Panel members are appointed by Welsh Ministers following a transparent and robust recruitment process, with vacancies advertised publicly to encourage a wide and diverse pool of applicants, and those shortlisted are then interviewed to assess their suitability and independence.

The final decision will be taken by the Welsh Ministers considering the panel's recommendations. The subsidy appeal process has operated in this way since 2001. Full details of the appeal process will be provided in guidance which will be published in December 2025

Technical scrutiny point 5: The Welsh Government acknowledges the reporting point raised but considers the approach taken is the best option available.

There were two words identified as possible translations for “determination”; these were “penderfyniad” and “dyfarniad”. However, both were already used within the S.I. – the first was used for “decision” and the second (in the form of “dyfarnu”) was used for “award”. In the absence of another option, it was decided that “penderfyniad” was the most appropriate.

For a reader of the Welsh text to understand regulation 29 they must read it in conjunction with regulation 6(2), 10(3) or 25 and this is the same for a reader of the English text.