STATUTORY INSTRUMENTS

2022 No. 706

AGRICULTURE, ENGLAND

The Direct Payments to Farmers (Advance Payments and Activation of Payment Entitlements) (Amendment) (England) Regulations 2022

Made - - - -	*27th June 2022*
Laid before Parliament	*28th June 2022*
Coming into force - -	*19th July 2022*

The Secretary of State, in exercise of the powers conferred by sections 9(1)(c) and 50(3)(a) and (d) of the Agriculture Act 2020(**a**), makes the following Regulations.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Direct Payments to Farmers (Advance Payments and Activation of Payment Entitlements) (Amendment) (England) Regulations 2022 and come into force on 19th July 2022.

(2) These Regulations extend to England and Wales but apply in relation to England only.

Amendment of Article 75 of Regulation (EU) No 1306/2013

2. In Article 75 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council on the finance, management and monitoring of the common agricultural policy(**b**) (payment to beneficiaries)—

(a) in paragraph 1, in the third subparagraph, in point (a)—

(i) for "but not before 16 October" substitute "in any claim year";

(ii) after "pay advances" insert "of up to 50% of the estimated value of a beneficiary's application";

(iii) after "for direct payments" insert "before the verification of eligibility conditions, to be carried out by the relevant authority in accordance with Article 74, has been finalised";

(b) in paragraph 2, after "in the paragraph 1" insert "(other than advances made under paragraph 1(a))".

(**a**) 2020 c. 21.

(**b**) EUR 2013/1306. This Regulation (insofar as relating to the CAP direct payments schemes) was incorporated into domestic law by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2). Relevant amendments were made in respect of direct payments in England by S.I. 2020/90.

Amendment of Article 32 of Regulation (EU) No 1307/2013

3. In Article 32 of Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy(**a**) (activation of payment entitlements)—

(a) in paragraph 2—

(i) at the end of subparagraph (b)(ii) omit "or";

(ii) at the end of subparagraph (b)(iii), after "Regulation (EU) 1305/2013" insert—

"(iv) for the duration of the relevant commitment of the individual farmer, gives a right to payments under a countryside stewardship scheme in accordance with the Countryside Stewardship (England) Regulations 2020(**b**); or

(v) for the duration of the relevant commitment of the individual farmer, gives a right to payments under a countryside stewardship scheme, a local nature recovery scheme or a landscape recovery scheme in accordance with section 1 of the Agriculture Act 2020 and the Agriculture (Financial Assistance) Regulations 2021(**c**);";

(b) in paragraph 4, after "exceptional circumstances" insert—

"or in the case where, in respect of the basic payment scheme claim year 2022 only, those areas are areas that both:

(i) gave a right in 2008 to payments under the single payment scheme as laid down in Title 3 of Regulation (EC) 1782/2003(**d**); and

(ii) give a right to payments under a countryside stewardship scheme in accordance with the Countryside Stewardship (England) Regulations 2020".

Victoria Prentis
Minister of State
27th June 2022 Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Agriculture Act 2020 (c. 21). They apply in relation to England only.

Regulation 2 amends Article 75 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council on the finance, management and monitoring of the common agricultural policy (EUR 2013/1306). Paragraph 1(a) of Article 75 is amended to enable advances of direct payments of up to 50 per cent of the estimated application value to be paid to the beneficiary by the Secretary of State prior to 1st December in any claim year. Paragraph 2 of Article 75 is also amended to disapply the prohibition on the making of direct payments before verification of the eligibility conditions has been finalised by the Secretary of State to advances of direct payments made under paragraph 1(a) of that Article.

Regulation 3 amends Article 32 of Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy (EUR 2013/1307). Regulation 3 expands the meaning of "eligible hectare" for the purposes of a claim for direct payments under the Basic

(**a**) EUR 2013/1307; relevant amendments were made by S.I. 2020/91. This Regulation (apart from Article 13) was incorporated into domestic law by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020.
(**b**) S.I. 2020/41, as amended by S.I. 2021/42, 2022/141.
(**c**) S.I. 2021/405, as amended by S.I. 2022/389.
(**d**) OJ L 270, 21.10.2003, p 1; Regulation (EC) 1782/2003 was repealed by Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007.

Payment Scheme. Regulation 3 also exempts areas entitled to payments under a countryside stewardship scheme to which the Countryside Stewardship (England) Regulations 2020 (S.I. 2020/41) apply from the requirement that those areas must be eligible throughout the calendar year. This exemption applies to the claim year 2022 only.

An impact assessment has not been produced for this instrument as no, or no significant impact, on the private or voluntary sector is foreseen.

© Crown copyright 2022

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.90

http://www.legislation.gov.uk/id/uksi/2022/706

ISBN 978-0-34-823676-7

