STATUTORY RULES OF NORTHERN IRELAND

2024 No. 211

AGRICULTURE

The Direct Payments to Farmers (Cross-Compliance) (Amendment) Regulations (Northern Ireland) 2024

Made - - - -	*9th December 2024*
Coming into operation	*1st January 2025*

The Department of Agriculture, Environment and Rural Affairs makes these Regulations in exercise of the powers conferred by sections 48 and 50(3)(a) of, and paragraph 5 of Schedule 6 to, the Agriculture Act 2020(**a**).

Citation, commencement, and interpretation

1.—(1) These Regulations may be cited as the Direct Payments to Farmers (Cross-Compliance) (Amendment) Regulations (Northern Ireland) 2024 and come into operation on 1st January 2025.

(2) The Interpretation Act (Northern Ireland) 1954(**b**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of Commission Delegated Regulation (EU) No. 640/2014

2. In Commission Delegated Regulation (EU) No. 640/2014 supplementing Regulation (EU) No. 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance(**c**), in Article 39(4), after the second sub-paragraph insert –

> "Once the maximum percentage of 15% has been reached, the paying agency shall inform the beneficiary concerned that if the same non-compliance is determined again, the beneficiary shall be considered to have acted intentionally within the meaning of Article 40.".

Amendment of Commission Implementing Regulation (EU) No. 809/2014

3. In Commission Implementing Regulation (EU) No. 809/2014(**d**) with regard to the integrated administration and control system, rural development measure and cross compliance, in Article 68, after paragraph 3 insert –

(**a**) 2020 c.21
(**b**) 1954 c.33(N.I.)
(**c**) EUR 2014 No. 640
(**d**) EUR 2014 No. 809

"4. Should on-the-spot checks reveal a significant degree of non-compliance with a given act or standard, the number of on-the-spot checks to be carried out for that act or standard in the following control period shall be increased. Within a specific act the competent control authority may decide to limit the scope of those further on-the-spot checks to the most frequently infringed requirements.".

Revocations

4. The following regulations are revoked —

(a) The Direct Payments to Farmers (Cross-Compliance) (Amendment) Regulations (Northern Ireland) 2022(**a**);

(b) The Direct Payments to Farmers (Cross-Compliance) (Amendment) Regulations (Northern Ireland) 2023(**b**).

Sealed with the Official Seal of the Agriculture, Environment and Rural Affairs on 9th December 2024.

L.S.

Jason Foy
A senior officer of the
Department of Agriculture, Environment and Rural Affairs

(**a**) SR 2022 No.240
(**b**) SR 2023 No.210

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by sections 48 and 50(3)(a) of, and paragraph 5 of Schedule 6 to, the Agriculture Act 2020 (c.21) in order to make provisions in assimilated direct legislation governing payments for nationally funded schemes.

Regulation 2 amends Commission Delegated Regulation (EU) No. 640/2014 to reintroduce the requirement for repeated negligent penalties to be deemed as intentional where there was a recurrence of the same non-compliance.

Regulation 3 amends Commission Implementing Regulation (EU) No. 809/2014 to reintroduce the requirement to increase the number of of-the-spot checks for any act or standards revealing a significant degree of non-compliance.

Regulation 4 revokes the Direct Payments to Farmers (Cross-Compliance) (Amendment) Regulations (Northern Ireland) 2022 and the Direct Payments to Farmers (Cross-Compliance) (Amendment) Regulations (Northern Ireland) 2023.

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