

Draft Regulations laid before the Assembly under section 50(6) of the Agriculture Act 2020 for approval

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2022 No. 0000

AGRICULTURE

**The Direct Payments to Farmers (Simplifications)
Regulations (Northern Ireland) 2022**

*Made - - - - 00st January 2022
Coming into operation in accordance with
regulation 1(1)*

The Department of Agriculture, Environment and Rural Affairs makes these Regulations in exercise of the powers conferred by section 50(3) of, and paragraphs 2 and 5 of Schedule 6 to, the Agriculture Act 2020⁽¹⁾.

PART 1

Preliminary

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Direct Payments to Farmers (Simplifications) Regulations (Northern Ireland) 2022 and come into operation on the day following the day on which they are made.

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

(3) In these Regulations —

“the Direct Payments Regulation” means [Regulation \(EU\) No 1307/2013](#) of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009⁽³⁾.

(1) 2020 c. 21.

(2) 1954 c. 33 (N.I.).

(3) EUR 2013/1307, as amended by [S.I. 2020/91](#), 576, and 760; [S.R. 2021 No. 40](#) and 42; and by section 5 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2.). This Regulation was incorporated into domestic law by section 1 of that Act.

PART 2

National or regional reserve

Amendment to the Direct Payments Regulation

2.—(1) The Direct Payments Regulation is amended as follows.

(2) In Article 30 after paragraph 11 insert —

“12. A farmer as defined in Article 4(1)(a) who has submitted an application and been unsuccessful in obtaining entitlements from the national or regional reserve under paragraph 6, 7a or 7b in three or more scheme years shall no longer be eligible to be allocated entitlements from the national or regional reserve under paragraph 6, 7a or 7b.

A young farmer as defined in Article 50(2) who has submitted an application and has been unsuccessful in obtaining entitlements from the national or regional reserve under paragraph 6, 7a or 7b in three or more scheme years shall no longer be eligible to be allocated entitlements from the national or regional reserve under paragraph 6, 7a or 7b.”

PART 3

Transfer of payment entitlements

Amendment of the Direct Payments Regulation

3.—(1) The Direct Payments Regulation is amended as follows.

(2) In Article 30 after paragraph (10a) insert—

“(10b) After the application of paragraph (10a), the number of payment entitlements to be allocated to a farmer shall be reduced by the number of entitlements temporarily transferred out by that farmer and by the number of entitlements permanently transferred out by that farmer in the scheme year of application and the previous 2 scheme years, provided those scheme years relate to 2022 or later.”

PART 4

Payment for young farmers

Amendment of the Direct Payments Regulation

4.—(1) The Direct Payments Regulation is amended as follows.

(2) In Article 50, in paragraph 5, after the second subparagraph insert —

“Notwithstanding a change in the head of holding, a farmer as defined in Article 4(1)(a) shall not receive the payment for young farmers for a total period greater than 5 years.”

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on
xx xxxx 2021

Rosemary Agnew
A senior officer of the
Department of Agriculture, Environment and
Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 50(3) and Schedule 6 paragraphs 2, and 5 of the Agriculture Act 2020 (c. 21) in order to make provision in retained EU law governing the direct payment schemes.

Part 2 amends the Direct Payments Regulation to limit to 3, the number of times an applicant and the number of times a farm business can submit an application to the Regional Reserve.

Part 3 amends the Direct Payments Regulation to reduce the number of payment entitlements to be allocated to a farmer by the number of entitlements temporarily transferred out by that farmer and by the number of entitlements permanently transferred out by that farmer in the scheme year of application and the previous 2 scheme years, provided those scheme years relate to 2022 or later.

Part 4 amends the Direct Payments Regulation to limit to 5 years the length of time a farm business can receive the young farmers payment even if there is a change in the head of holding during that period.