

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 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.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Direct Payments to Farmers (Advance Payments and Activation of Payment Entitlements) (Amendment) (England) Regulations 2022. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Regulations revoked by [S.I. 2023/1430 Sch. 3 para. 1 Table 2](#)