
STATUTORY RULES OF NORTHERN IRELAND

2021 No. 40

**The Direct Payments to Farmers (Amendment)
Regulations (Northern Ireland) 2021**

Amendment of Regulation (EU) No 1307/2013

2.—(1) Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy⁽¹⁾ is amended as follows:

(2) In Article 4—

(a) in paragraph 1—

(i) in point (c)—

(aa) at the end of point (i) insert “or”;

(bb) in point (ii), omit the words from “on the basis” to the end;

(cc) omit point (iii);

(ii) after point (s) insert—

“(t) ‘total ceiling’ means the amount determined in accordance with Article 5A.”;

(b) in paragraph 2, in the first subparagraph, omit point (b).

(3) After Article 5, insert—

“Article 5A

The total ceiling for Northern Ireland

1. In determining the total ceiling, the Department of Agriculture, Environment and Rural Affairs must determine an amount equivalent to the 2020 national ceiling in Annex II, as it is applicable in relation to Northern Ireland.

2. The Department of Agriculture, Environment and Rural Affairs must determine the total ceiling

(a) for the purposes of the year beginning 1 January 2021, on or before 28 February 2021 and,

(b) in the case of any subsequent year, before the start of that year.

3. When the total ceiling has been determined, the Department of Agriculture, Environment and Rural Affairs must publish that amount as soon as practicable after it has been made.

4. The total ceiling, for any year, is to be distributed among all allocated payment entitlements, the national reserve or the regional reserves, and ceilings fixed in accordance with Articles 47 and 51 and where applicable, Articles 42 and 53.

⁽¹⁾ EUR 2013/1307, as amended by [S.I. 2020/91](#), [S.I. 2020/576](#) and [S.I. 2020/760](#). This Regulation was incorporated into domestic law by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2).

5. Where the Department of Agriculture, Environment and Rural Affairs makes a decision under Article 22(2) to increase the basic payment scheme ceiling, the total ceiling, for any year, may be exceeded by the increase decided pursuant to that Article.”
- (4) Omit Articles 6, 7 and 7A.
- (5) Omit Article 9.
- (6) In Article 10—
- (a) in paragraph 1, for “Subject to paragraph 2, the” substitute “The”;
 - (b) omit paragraph 2.
- (7) Omit Article 14.
- (8) In Article 21(b), omit “comply with Article 9 and”.
- (9) In Article 22—
- (a) omit paragraph 1;
 - (b) for paragraph 2 substitute—

“2. The basic payment scheme ceiling for the given year is the amount which remains for the basic payment scheme after deducting, from the total ceiling, the ceilings set under Article 47 and 51 (and, where applicable, Articles 42 and 53) for that year. The relevant authority may increase the amount of the basic payment scheme ceiling. That increase may not exceed 3% of the total ceiling after deduction of the amount resulting from the application of Article 47(1) for the relevant year.”;
 - (c) in paragraph 4—
 - (i) omit “its share of”;
 - (ii) omit the second sentence;
 - (d) in paragraph 5—
 - (i) for “paragraph 1” substitute “ paragraph 2”;
 - (ii) for “Article 7A, Article 14,” substitute “or”;
- (10) In Article 23—
- (a) in the heading, for “national ceilings” substitute “basic payment scheme ceiling”;
 - (b) in paragraph 2, for the words from “its share of” to “Article 22(1)” substitute “the basic payment scheme ceiling referred to in Article 22(2)”.
- (11) In Article 25—
- (a) in paragraph 1—
 - (i) in the first subparagraph—
 - (aa) for “relevant authority’s share of the national ceiling” substitute “total ceiling”;
 - (ii) in the second subparagraph—
 - (aa) omit “the relevant authority’s share of”, in the first place it occurs;
 - (bb) after “Article 30” insert “, as it had effect immediately before exit day,”.
- (12) In Article 30—
- (a) for “relevant authority’s share of the basic payment scheme ceiling”, in each place it occurs, substitute “basic payment scheme ceiling in Northern Ireland”;
 - (b) after “regional ceiling”, in each place it occurs, insert “in Northern Ireland”;
 - (c) omit paragraph 5;

- (d) in paragraph 7(f), omit “and Article 65(1), (2) and (3)”;
- (13) In Article 31(1)(a), omit point (i).
- (14) In Article 32—
 - (a) in paragraph 1—
 - (i) omit “of financial discipline,”;
 - (ii) omit “Article 7 and”;
 - (b) omit paragraph 5.
- (15) In Article 34(1), omit the words from “entitled” to “Article 9”.
- (16) In Article 35(1), omit point (h).
- (17) In Article 50(4)—
 - (a) omit “of financial discipline,”;
 - (b) omit the words from “and of linear” to “this Regulation”.
- (18) In Article 51—
 - (a) in paragraph 1—
 - (i) in the first subparagraph, for “its share of the annual national” substitute “the total”;
 - (ii) for the second subparagraph substitute—

“Where the relevant authority decides by 15 October in a calendar year to revise the percentage, that revised percentage will have effect for the following calendar year.”;
 - (b) in paragraph 2, for “relevant authority’s share of the national” substitute “total”;
 - (c) in paragraph 3, for “its share of the annual national” substitute “the total”.
- (19) In Article 71—
 - (a) in paragraph 1, for “paragraphs 2” substitute “paragraphs 3”;
 - (b) omit paragraph 2.
- (20) Omit Annex 3.