

EXPLANATORY MEMORANDUM TO

The Direct Payments to Farmers (Amendment) Regulations (Northern Ireland) 2022

2022 No 193

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 48 of, and paragraph 5 of Schedule 6 to, the Agriculture Act 2020 and is subject to the negative resolution procedure.

2. Purpose

- 2.1 These Regulations amend Article 75 of Regulation (EU) 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy.

3. Background

- 3.1. Prior to this amendment Article 75 of Regulation (EU) 1306/2013 prohibited advance payments before 16 October in any given year, and only after the verification of eligibility conditions (administrative checks, supplemented with on-the-spot checks) have been finalised.
- 3.2. In response to a crisis in the industry the Minister for Agriculture, Environment and Rural Affairs announced that direct payments will be paid in full from 1 September to help with cash flow issues caused by market disturbances.
- 3.3. Regulation 2 enables payments to be made prior to 1 December but after the verification of eligibility conditions (administrative checks only) has been finalised. The regulations removes the need for on-the-spot checks to be completed before payments can commence, but does not remove the need for the on-the-spot checks to be carried out.

4. Consultation

- 4.1. There has been no consultation specific to these Regulations.

5. Equality Impact

- 5.1. Consideration was given to Section 75 of the Northern Ireland Act 1998 but an Equality Impact Assessment has not been prepared for these Regulations as they have no impact in terms of equality of opportunity.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment has not been prepared for these Regulations as they have no impact in terms of costs on business, charities, social economy enterprises or voluntary bodies.

7. Financial Implications

- 7.1. None.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Regulations enable direct payments to be made in full prior to 1 December and do not have any human rights implications, nor are they incompatible with EU law. The Regulations are therefore deemed to comply with the requirements of section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. None.

10. Parity or Replicatory Measure

10.1 The Department for Environment, Food and Rural Affairs (DEFRA) announced on 9 May 2022 that Basic Payment Scheme payments will be made in two instalments; with the first instalment paid from the end of July, and the remainder from December. A Statutory Instrument to enable this change will come into force on 19 July 2022.

11. Additional information

11.1. None.

12. Contact

12.1 Audrey Henderson at the Department of Agriculture, Environment and Rural Affairs, (Tel: 028 774 42222 or email: audrey.henderson@daera-ni.gov.uk) can answer any queries.