

Draft Regulations laid before Parliament under section 50(6) of the Agriculture Act 2020, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2023 No.

AGRICULTURE, ENGLAND

**The Agriculture (Financial Assistance) (Amendment)
Regulations 2023**

Made - - - - - ***

Coming into force - - - - - ***

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 2(8), 3(1) and (2) and 50(3) of the Agriculture Act 2020^(a).

In accordance with section 50(6) of that Act, a draft of the instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Agriculture (Financial Assistance) (Amendment) Regulations 2023 and come into force on the day after the day on which they are made.

Amendment of the Agriculture (Financial Assistance) Regulations 2021

2. The Agriculture (Financial Assistance) Regulations 2021^(b) are amended in accordance with regulations 3 to 8.

Amendment of regulation 2 (Interpretation)

3. In paragraph (1) of regulation 2, omit the definitions of—

- (a) “animal health and welfare grants scheme”;
- (b) “environmental land management scheme”;
- (c) “farming investment fund scheme”.

Omission of regulation 7 (Payments under an environmental land management scheme)

4. Omit regulation 7.

(a) 2020 c. 21.

(b) S.I. 2021/405, amended by S.I. 2022/389.

Amendment of regulation 8 (Payments under a financial assistance scheme other than an environmental land management scheme)

5. In regulation 8—

- (a) for the heading, substitute “Payments under a financial assistance scheme”;
- (b) for paragraph (1), substitute—

“(1) Where an agreement holder has submitted a request for payment under an agreement, the Secretary of State may require the agreement holder to provide additional information or evidence in support of that payment.”;
- (c) after paragraph (6), insert—

“(7) Where an agreement holder is awarded financial assistance under an agreement that does not require them to submit a request for payment, that person must submit an annual declaration to the Secretary of State confirming compliance with the conditions subject to which that financial assistance is given.”.

Amendment of regulation 12 (Transfer of agreements)

6. In regulation 12, for paragraph (1) substitute—

- “(1) Where the Secretary of State is satisfied a change in circumstances will affect one or more of the matters specified in regulation 11(1), the Secretary of State may consent to the transfer of all or part of an agreement for financial assistance to another person (“the transferee”) provided that—
- (a) the transferee meets the eligibility criteria for receipt of financial assistance under that agreement;
 - (b) the transferee notifies the Secretary of State of the proposed transfer within any deadline specified by the Secretary of State;
 - (c) the transferee gives an undertaking to the Secretary of State to assume the obligations under that agreement in place of the agreement holder; and
 - (d) the Secretary of State has accepted that undertaking.”

Amendment of regulation 13 (Publication of data in relation to agreement holders)

7. In regulation 13—

- (a) omit paragraph (5);
- (b) for paragraph (6), substitute—

“(6) For the purposes of this regulation—

 - (a) “relevant payment” means a payment made to an agreement holder in a financial year under a financial assistance scheme (or part of a scheme) other than an exempt scheme;
 - (b) “exempt scheme” means—
 - (i) the annual health and welfare review;
 - (ii) the tree health pilot scheme; or
 - (iii) a financial assistance scheme (or part of a scheme) specified by the Secretary of State under paragraph (7).
- (7) The Secretary of State may specify a financial assistance scheme (or part of a scheme) as an exempt scheme where—
 - (a) it is established for or in connection with a purpose in section 1(1)(f) or (h) of the 2020 Act; and
 - (b) the Secretary of State is satisfied that publication of the specified information under paragraph (1) is likely to hinder the extent to which that purpose is achieved.”.

Amendment of regulation 14 (Publication of aggregated data)

8. In regulation 14—

(a) for paragraph (1), substitute—

“(1) For each financial year the Secretary of State must ensure the publication of the following information—

(a) for each financial assistance scheme (or part of a scheme), other than an exempt scheme—

(i) the number of agreement holders to whom paragraph (2) applies; and

(ii) the aggregate of the financial assistance paid to those agreement holders; and

(b) for each exempt scheme—

(i) the number of agreement holders who received financial assistance; and

(ii) the aggregate of the financial assistance paid to those agreement holders.”;

(b) omit paragraph (3);

(c) for paragraph (5), substitute—

“(5) For the purposes of this regulation, “relevant payment” and “exempt scheme” have the meaning given by regulation 13(6).”.

Date

Name
Minister of State
Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Agriculture (Financial Assistance) Regulations 2021 (S.I. 2021/405) (the “2021 Regulations”). They are made under the Agriculture Act 2020 (c. 21) (“the Act”).

Regulation 3 omits existing definitions in regulation 2 of the 2021 Regulations.

Regulation 4 omits regulation 7 of the 2021 Regulations (Payments under an environmental land management scheme).

Regulation 5 extends the scope of regulation 8 of the 2021 Regulations to apply to payments under any financial assistance scheme established under section 1 of the Act (including an environmental land management scheme). Where an agreement holder is not required to submit a request for payment under their agreement, they must submit an annual declaration confirming compliance with the conditions subject to which financial assistance is given.

Regulation 6 amends the conditions in which the Secretary of State may consent to the transfer of an agreement to another person (“the transferee”) in regulation 12 of the 2021 Regulations. The transferee is not required to have management control of the land or assets under the agreement in every case; they must however meet the eligibility criteria, which may include management control where relevant.

Regulation 7 amends the data publication requirements in regulation 13 of the 2021 Regulations. The Secretary of State is not required to publish specified information in relation to agreement holders under regulation 13 of the Regulations where the financial assistance has been awarded to protect or improve the health or welfare of livestock, or to protect or improve the health of plants, and the Secretary of State is satisfied that publication is likely to hinder the extent to which that purpose is achieved. The annual health and welfare review and tree health pilot scheme remain exempt from these publication requirements.

Regulation 8 amends the data publication requirements in regulation 14 of the 2021 Regulations. Where the Secretary of State is required to publish the aggregate of financial assistance paid under

a financial assistance scheme (or part of a scheme), they must also publish the number of agreement holders.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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