



# Agriculture Act 2020

## 2020 CHAPTER 21

### PART 1

#### FINANCIAL ASSISTANCE

### CHAPTER 3

#### OTHER FINANCIAL SUPPORT AFTER EU EXIT

#### **14 General provision connected with payments to farmers and other beneficiaries**

- (1) The Secretary of State may by regulations modify the following legislation so far as it operates in relation to England—
  - (a) retained direct EU legislation relating to the financing, management and monitoring of the common agricultural policy, and
  - (b) subordinate legislation relating to that legislation.
- (2) Regulations under this section may only be made for or in connection with making changes that the Secretary of State considers would serve any one or more of the following purposes—
  - (a) securing that any provision of legislation referred to in subsection (1) ceases to have effect;
  - (b) simplifying the operation of any provision of such legislation, or making its operation more efficient or effective;
  - (c) removing or reducing burdens, or the overall burdens, imposed by such legislation on persons applying for, or in receipt of, payments governed by the legislation, or otherwise improving the way that the legislation operates in relation to such persons;
  - (d) securing that any sanction or penalty imposed by such legislation is appropriate and proportionate.
- (3) In this section—

“burden” includes—

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- (a) a financial cost;
  - (b) an administrative inconvenience;
  - (c) an obstacle to efficiency, productivity or profitability;

“retained direct EU legislation relating to the financing, management and monitoring of the common agricultural policy” includes—

  - (a) [Regulation \(EU\) No 1306/2013](#) of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy;
  - (b) retained direct EU legislation made under that Regulation;
  - (c) the legacy regulations.
- (4) In subsection (3), the “legacy regulations” means retained direct EU legislation relating to the financing, management and monitoring of the common agricultural policy that preceded [Regulation \(EU\) No 1306/2013](#) and includes—
  - (a) Council Regulation (EC) No 1258/1999 of 17 May 1999 on the financing of the common agricultural policy;
  - (b) Commission Regulation (EC) No 1975/2006 of 7 December 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 1698/2005, as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures;
  - (c) [Commission Regulation \(EU\) No 65/2011](#) of 27 January 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1698/2005, as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures.
- (5) Regulations under this section are subject to negative resolution procedure (unless section 50(5) applies).

#### Commencement Information

**II** [S. 14](#) in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see [s. 57\(1\)\(b\)\(c\)\(6\)](#)

## 15 Aid for fruit and vegetable producer organisations

- (1) The Secretary of State may by regulations modify the following retained direct EU legislation for the purpose of securing that it ceases to have effect in relation to England—
  - (a) Articles 32 to 38 of the CMO Regulation, which make provision about aid for fruit and vegetable producer organisations (“producer organisations aid”);
  - (b) so far as relating to producer organisations aid, Commission Delegated [Regulation \(EU\) 2017/891](#) of 13 March 2017 supplementing the CMO Regulation with regard to the fruit and vegetable, and processed fruit and vegetable, sectors;
  - (c) so far as relating to producer organisations aid, Council Implementing [Regulation \(EU\) 2017/892](#) of 13 March 2017 laying down rules for the application of the CMO Regulation with regard to the fruit and vegetable, and processed fruit and vegetable, sectors.
- (2) Regulations under this section are subject to negative resolution procedure (unless section 50(5) applies).

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#### Commencement Information

**I2** [S. 15](#) in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see [s. 57\(1\)\(b\)\(c\)\(6\)](#)

## 16 Support for rural development

- (1) The Secretary of State may by regulations modify the Rural Development Regulation and retained direct EU legislation made under that Regulation, as it has effect in relation to England, for or in connection with—
  - (a) extending the period to which the core contribution relates;
  - (b) amending the amount of the core contribution;
  - (c) changing the currency in which the core contribution is expressed;
  - (d) amending Annex 1 of the Regulation (support for rural development).
- (2) In subsection (1), the “core contribution” means the amount for the time being specified in Article 58(1) of the Rural Development Regulation as being the core contribution to rural development.
- (3) The Secretary of State may by regulations modify retained direct EU legislation relating to support for rural development, as it has effect in relation to England, for or in connection with—
  - (a) removing a requirement that the commitment period in relation to support for a measure must be at least 5 years;
  - (b) removing a restriction on extending the commitment period in relation to support for a measure;
  - (c) enabling, in connection with financial assistance under section 1, the conversion or adjustment of commitments that have been made;
  - (d) securing that any provision of the legislation ceases to have effect.
- (4) The provision which may be made under subsection (3)(b) includes provision—
  - (a) removing requirements for extensions to be made on an annual basis,
  - (b) securing that the Secretary of State may extend a commitment period whenever the Secretary of State considers it appropriate to do so, and
  - (c) removing requirements for provision about extending the commitment period to be included in a rural development programme.
- (5) The Secretary of State may by regulations modify the Common Provisions Regulation and retained direct EU legislation made under that Regulation, as it has effect in relation to England, for or in connection with extending the deadline by which a payment must have been made in order for it to be eligible for support for rural development (see Article 65 of the Common Provisions Regulation).
- (6) In this section—

“the Common Provisions Regulation” means [Regulation \(EU\) No 1303/2013](#) of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund etc;

“retained direct EU legislation relating to support for rural development” means—

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- (a) the Rural Development Regulation,
  - (b) [Regulation \(EU\) No 1310/2013](#) of the European Parliament and of the Council of 17 December 2013 laying down certain transitional provisions on support for rural development,
  - (c) the legacy regulations, and
  - (d) retained direct EU legislation made under the legislation in paragraphs (a) to (c);
- “the Rural Development Regulation” means [Regulation \(EU\) No 1305/2013](#) of the European Parliament and of the Council of 17 December 2013 on support for rural development.
- (7) In subsection (6), “the legacy regulations” means retained direct EU legislation relating to support for rural development that preceded the Rural Development Regulation and includes—
- (a) Council Regulation [\(EC\) No 1698/2005](#) of 20 September 2005 on support for rural development,
  - (b) Council Regulation [\(EC\) No 1257/99](#) of 17 May 1999 on support for rural development,
  - (c) Council Regulation [\(EEC\) No 2080/92](#) of 30 June 1992 instituting a Community aid scheme for forestry measures in agriculture,
  - (d) Council Regulation [\(EEC\) No 2078/92](#) of 30 June 1992 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside, and
  - (e) Council Regulation [\(EEC\) No 1096/88](#) of 25 April 1988 establishing a Community scheme to encourage the cessation of farming.
- (8) Regulations under this section are subject to negative resolution procedure (unless section 50(5) applies).

#### Commencement Information

**I3** [S. 16](#) in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see [s. 57\(1\)\(b\)\(c\)\(6\)](#)

## 17 Continuing EU programmes: power to provide financial assistance

- (1) The appropriate national authority may give financial assistance to—
- (a) a person who is a party to an agreement entered into in accordance with any of the following provisions—
    - (i) the Rural Development Regulation,
    - (ii) any legacy rural development provision, or
    - (iii) Articles 32 to 35 of the Common Provisions Regulation (community-led local development), so far as relating to support for rural development,
 where the agreement has not concluded, or
  - (b) a producer organisation implementing an operational programme approved in accordance with the producer organisations aid provisions.
- (2) In this section—
- “appropriate national authority” means—

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- (a) the Secretary of State, in the case of an agreement entered into or an operational programme approved in accordance with any provision or provisions so far as having effect in relation to England;
- (b) the Welsh Ministers, in the case of an agreement entered into or an operational programme approved in accordance with any provision or provisions so far as having effect in relation to Wales;
- (c) the Scottish Ministers, in the case of an agreement entered into or an operational programme approved in accordance with any provision or provisions so far as having effect in relation to Scotland;
- (d) DAERA, in the case of an agreement entered into or an operational programme approved in accordance with any provision or provisions so far as having effect in relation to Northern Ireland;

“the Common Provisions Regulation” means [Regulation \(EU\) No 1303/2013](#) of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund etc;

“legacy rural development provision” means any EU regulation, EU decision or EU tertiary legislation relating to support for rural development that preceded the Rural Development Regulation (including—

- (a) Council Regulation [\(EC\) No 1698/2005](#) of 20 September 2005 on support for rural development,
- (b) Council Regulation [\(EC\) No 1257/99](#) of 17 May 1999 on support for rural development,
- (c) Council Regulation [\(EEC\) No 2080/92](#) of 30 June 1992 instituting a Community aid scheme for forestry measures in agriculture,
- (d) Council Regulation [\(EEC\) No 2078/92](#) of 30 June 1992 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside, and
- (e) Council Regulation [\(EEC\) No 1096/88](#) of 25 April 1988 establishing a Community scheme to encourage the cessation of farming);

“the producer organisations aid provisions” means—

- (a) Articles 32 to 38 of the CMO Regulation, which make provision about aid for fruit and vegetable producer organisations (“producer organisations aid”),
- (b) so far as relating to producer organisations aid, Commission Delegated [Regulation \(EU\) 2017/891](#) of 13 March 2017 supplementing the CMO Regulation with regard to the fruit and vegetable, and processed fruit and vegetable, sectors, and
- (c) so far as relating to producer organisations aid, Council Implementing [Regulation \(EU\) 2017/892](#) of 13 March 2017 laying down rules for the application of the CMO Regulation with regard to the fruit and vegetable, and processed fruit and vegetable, sectors;

“the Rural Development Regulation” means [Regulation \(EU\) No 1305/2013](#) of the European Parliament and of the Council of 17 December 2013 on support for rural development.

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## 18 Retained direct EU legislation

- (1) To the extent that any legislation within any of subsections (2) to (6) would (in the absence of this subsection) be prevented from becoming retained direct EU legislation on IP completion day by section 3(2)(a)(bi) of the European Union (Withdrawal) Act 2018, section 3 of that Act is to have effect in relation to that legislation as if subsection (2)(a)(bi) of that section were omitted.
- (2) The legislation within this subsection is—
  - (a) [Regulation \(EU\) No 1305/2013](#) of the European Parliament and of the Council of 17 December 2013 on support for rural development,
  - (b) [Regulation \(EU\) No 1310/2013](#) of the European Parliament and of the Council of 17 December 2013 laying down certain transitional provisions on support for rural development,
  - (c) any EU regulation, EU decision or EU tertiary legislation relating to support for rural development that preceded the Rural Development Regulation (including—
    - (i) Council Regulation [\(EC\) No 1698/2005](#) of 20 September 2005 on support for rural development,
    - (ii) Council Regulation [\(EC\) No 1257/99](#) of 17 May 1999 on support for rural development,
    - (iii) Council Regulation [\(EEC\) No 2080/92](#) of 30 June 1992 instituting a Community aid scheme for forestry measures in agriculture,
    - (iv) Council Regulation [\(EEC\) No 2078/92](#) of 30 June 1992 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside, and
    - (v) Council Regulation [\(EEC\) No 1096/88](#) of 25 April 1988 establishing a Community scheme to encourage the cessation of farming),
  - (d) any legislation made under the legislation in paragraphs (a) to (c), and
  - (e) so far as relating to support for rural development—
    - (i) [Regulation \(EU\) No 1303/2013](#) of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund etc, and
    - (ii) any legislation made under that Regulation.
- (3) The legislation within this subsection is—
  - (a) Articles 32 to 38 of the CMO Regulation, which make provision about aid for fruit and vegetable producer organisations (“producer organisations aid”),
  - (b) so far as relating to producer organisations aid, Commission Delegated [Regulation \(EU\) 2017/891](#) of 13 March 2017 supplementing the CMO Regulation with regard to the fruit and vegetable, and processed fruit and vegetable, sectors, and
  - (c) so far as relating to producer organisations aid, Council Implementing [Regulation \(EU\) 2017/892](#) of 13 March 2017 laying down rules for the application of the CMO Regulation with regard to the fruit and vegetable, and processed fruit and vegetable, sectors.
- (4) The legislation within this subsection is—



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- (a) Articles 55 to 57 of the CMO Regulation (provision about aid for apiculture), and
  - (b) any legislation made under that legislation.
- (5) The legislation within this subsection is the following, so far as it relates to producer organisations aid, apiculture or support for rural development—
  - (a) [Regulation \(EU\) No 1306/2013](#) of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy,
  - (b) any legislation made under that Regulation, and
  - (c) any EU regulation, EU decision or EU tertiary legislation relating to the financing, management and monitoring of the common agricultural policy that preceded [Regulation \(EU\) No 1306/2013](#) (including—
    - (i) [Commission Regulation \(EU\) No 65/2011](#) of 27 January 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1698/2005, as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures,
    - (ii) [Commission Regulation \(EC\) No 1975/2006](#) of 7 December 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 1698/2005, as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures, and
    - (iii) [Council Regulation \(EC\) No 1258/1999](#) of 17 May 1999 on the financing of the common agricultural policy).
- (6) The legislation within this subsection is—
  - (a) [Regulation \(EU\) No 1144/2014](#) of the European Parliament and of the Council of 22 October 2014 on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries,
  - (b) Commission Delegated [Regulation \(EU\) 2015/1829](#) of 23 April 2015 supplementing [Regulation \(EU\) No 1144/2014](#) of the European Parliament and of the Council on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries, and
  - (c) Commission Implementing [Regulation \(EU\) 2015/1831](#) of 7 October 2015 laying down rules for application of [Regulation \(EU\) No 1144/2014](#) of the European Parliament and of the Council on information provision and promotion measures concerning agricultural products implemented in the internal market and in the third countries.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 42(4A)(4B) inserted by [2021 c. 10 s. 9\(2\)](#)
- s. 42(6A)-(6C) inserted by [2021 c. 10 s. 9\(4\)](#)