



Agriculture Act 2020

2020 CHAPTER 21

PART 1

FINANCIAL ASSISTANCE

CHAPTER 1

NEW FINANCIAL ASSISTANCE POWERS

1 Secretary of State's powers to give financial assistance

- (1) The Secretary of State may give financial assistance for or in connection with any one or more of the following purposes—
- (a) managing land or water in a way that protects or improves the environment;
 - (b) supporting public access to and enjoyment of the countryside, farmland or woodland and better understanding of the environment;
 - (c) managing land or water in a way that maintains, restores or enhances cultural or natural heritage;
 - (d) managing land, water or livestock in a way that mitigates or adapts to climate change;
 - (e) managing land or water in a way that prevents, reduces or protects from environmental hazards;
 - (f) protecting or improving the health or welfare of livestock;
 - (g) conserving native livestock, native equines or genetic resources relating to any such animal;
 - (h) protecting or improving the health of plants;
 - (i) conserving plants grown or used in carrying on an agricultural, horticultural or forestry activity, their wild relatives or genetic resources relating to any such plant;
 - (j) protecting or improving the quality of soil.

Changes to legislation: Agriculture Act 2020, PART 1 is up to date with all changes known to be in force on or before 27 April 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (2) The Secretary of State may also give financial assistance for or in connection with either or both of the following purposes—
 - (a) starting, or improving the productivity of, an agricultural, horticultural or forestry activity;
 - (b) supporting ancillary activities carried on, or to be carried on, by or for a producer.
- (3) Financial assistance may only be given in relation to England.
- (4) In framing any financial assistance scheme, the Secretary of State must have regard to the need to encourage the production of food by producers in England and its production by them in an environmentally sustainable way.
- (5) For the purposes of this section—

“ancillary activities” means selling, marketing, preparing, packaging, processing or distributing products deriving from an agricultural, horticultural or forestry activity;

“better understanding of the environment” includes better understanding of agroecology;

“conserving” includes restoring or enhancing—

 - (a) a population of a relevant species;
 - (b) in the case of animals or plants in the wild, a habitat;

“cultural or natural heritage” includes uplands and other landscapes;

“improving productivity”, in relation to carrying on an activity, includes—

 - (a) improving the quality of any products deriving from the activity, and
 - (b) improving the efficiency of the activity in terms of the resources used in, or in connection with, it;

“livestock” includes any creature kept for the production of food, drink, oils, fibres or leathers, or for the purpose of its use in the farming of land;

“producer” means a person who carries on, or is to carry on, an agricultural, horticultural or forestry activity.
- (6) In this Chapter—

“financial assistance” means financial assistance under this section;

“financial assistance scheme” means a scheme for giving financial assistance made by the Secretary of State.

Commencement Information

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

2 Financial assistance: forms, conditions, delegation and publication of information

- (1) Financial assistance may be given by way of grant, loan or guarantee or in any other form.
- (2) Financial assistance may be given subject to such conditions as the Secretary of State considers appropriate.

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- (3) The conditions may (among other things) include provision under which the financial assistance is to be repaid or otherwise made good (with or without interest).
- (4) Financial assistance may be given to the maker or operator of a third party scheme in connection with expenditure involved in establishing or operating the scheme (including the provision of financial support).
- (5) In subsection (4) “third party scheme” means a scheme for giving financial support for any one or more of the purposes in section 1(1) and (2) which is not made by the Secretary of State.
- (6) The Secretary of State may delegate functions relating to the giving of financial assistance to any other person.
- (7) Functions delegated under subsection (6) may include—
 - (a) the giving of guidance;
 - (b) the exercise of a discretion.
- (8) The Secretary of State may by regulations make provision for or in connection with requiring the Secretary of State or another person to publish specified information about financial assistance which has been given.
- (9) Information which may be specified includes information about—
 - (a) the recipient of the financial assistance;
 - (b) the amount of the financial assistance;
 - (c) the purpose for which the financial assistance was given.
- (10) Regulations under subsection (8) are subject to affirmative resolution procedure.
- (11) In this section “specified” means specified by regulations under subsection (8).

Commencement Information

I2 [S. 2](#) in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see [s. 57\(1\)\(b\)\(c\)\(6\)](#)

3 Financial assistance: checking, enforcing and monitoring

- (1) The Secretary of State may by regulations make provision for or in connection with—
 - (a) checking whether eligibility criteria for receipt of financial assistance are met and the consequences, where financial assistance has already been given, if not;
 - (b) enforcing compliance with conditions subject to which financial assistance is given;
 - (c) monitoring the extent to which the purpose of financial assistance has been achieved;
 - (d) the investigation of suspected offences in connection with applications for, or receipt of, financial assistance.
- (2) Regulations under subsection (1) may (among other things) include provision—
 - (a) about the provision of information;
 - (b) conferring powers of entry;
 - (c) conferring powers of inspection, search and seizure;

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- (d) about the process for determining if eligibility criteria, or conditions subject to which financial assistance is given, are met;
 - (e) about the keeping of records;
 - (f) about the recovery or making good of all or any part of financial assistance which has been given (with or without interest) or the withholding of all or any part of financial assistance;
 - (g) imposing monetary penalties (including penalties calculated by reference to the amount of financial assistance);
 - (h) prohibiting a person from receiving financial assistance, or financial assistance of a specified description, for a specified period or until specified conditions are satisfied;
 - (i) about appeals;
 - (j) conferring functions (including functions involving the exercise of a discretion) on a person.
- (3) Regulations under this section may not authorise entry to a private dwelling without a warrant issued by a justice of the peace.
- (4) The provision which may be made under subsection (2)(f) includes provision for interest on any recoverable amount to be payable from such day (whether the day on which the financial assistance in question was given or a later day) as may be provided for in, or determined under, the regulations.
- (5) Regulations under this section are subject to affirmative resolution procedure.
- (6) In this section “specified” means specified by, or determined under, regulations under subsection (1).

Commencement Information

I3 [S. 3](#) in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see [s. 57\(1\)\(b\)\(c\)\(6\)](#)

4 Multi-annual financial assistance plans

- (1) The Secretary of State must from time to time prepare a document (a “multi-annual financial assistance plan”) giving information about the expected use of the powers conferred on the Secretary of State by section 1 during the period to which the plan relates (the “plan period”).
- (2) A multi-annual financial assistance plan must (as a minimum)—
- (a) specify the plan period,
 - (b) set out the Government's strategic priorities for giving financial assistance during the plan period, and
 - (c) describe, in such manner and giving such detail as the Secretary of State considers appropriate, each financial assistance scheme that—
 - (i) is in operation, or
 - (ii) the Secretary of State expects to come into operation during the plan period.
- (3) The plan period for the first plan is the period of seven years beginning with 1 January 2021.

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- (4) The plan period for a subsequent plan may not be shorter than five years.
- (5) The Secretary of State must ensure that the plan period for a plan does not expire without a new plan being in place for a plan period beginning the day after the last day of the expiring plan period.
- (6) A plan prepared under this section must be laid before Parliament, and published, by the Secretary of State—
 - (a) in the case of the first plan, as soon as practicable before the beginning of the plan period for the plan, and
 - (b) in the case of a subsequent plan, at least 12 months before the beginning of the plan period for the plan.
- (7) Where, before the end of the plan period for a plan—
 - (a) the Government's strategic priorities for giving financial assistance change, or
 - (b) it appears to the Secretary of State that any information given in the plan by virtue of subsection (2)(c) has ceased to be accurate and complete,the Secretary of State must amend the plan accordingly as soon as it is practicable to do so.
- (8) A document setting out amendments being made to a plan must be laid before Parliament, and published, by the Secretary of State, as soon as practicable after being prepared.
- (9) The Secretary of State must have regard to the strategic priorities set out in the plan by virtue of subsection (2)(b) when determining—
 - (a) what financial assistance to give;
 - (b) the overall budget for, or for any period of operation of, a financial assistance scheme.
- (10) In this section “the Government” refers to Her Majesty's Government in the United Kingdom.

Commencement Information

I4 S. 4 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

5 Annual and other reports on amount of financial assistance given

- (1) For each financial year the Secretary of State must prepare a report (“the annual report”) about the financial assistance given during the year.
- (2) The first year to which subsection (1) applies is financial year 2021-22.
- (3) The annual report must include the following information—
 - (a) the total amount of financial assistance given;
 - (b) the total amount of financial assistance given under the financial assistance schemes in operation during the year (taken together);
 - (c) the required information about each financial assistance scheme in operation during the year (see subsection (4));and the report may include any other information the Secretary of State considers appropriate.

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- (4) The required information about a financial assistance scheme is—
 - (a) the total amount of financial assistance given under the scheme, and
 - (b) the extent to which that assistance met any obligation or commitment under the terms of the scheme as to the timing and amounts of financial assistance to be given during the year.
- (5) For the purposes of subsections (3) and (4), information about amounts of financial assistance given otherwise than by way of grant may be included in the report in such manner as the Secretary of State considers most appropriate.
- (6) The Secretary of State may also prepare—
 - (a) interim reports about the amount of financial assistance given during any period within a financial year;
 - (b) other reports about the amount of financial assistance that has been given.
- (7) The Secretary of State must, after preparing a report under this section—
 - (a) lay a copy of the report before Parliament, and
 - (b) publish the report.
- (8) In the case of an annual report, the Secretary of State must comply with subsection (7) before 1 October in the financial year following the year to which the report relates.

Commencement Information

I5 [S. 5](#) in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see [s. 57\(1\)\(b\)\(c\)\(6\)](#)

6 Monitoring impact of financial assistance etc

- (1) The Secretary of State must, in relation to each financial assistance scheme—
 - (a) monitor the impact of the scheme, and
 - (b) make one or more reports on the impact and effectiveness of the scheme (having had regard to the findings of that monitoring).
- (2) The Secretary of State may, in relation to any financial assistance given otherwise than under a financial assistance scheme—
 - (a) monitor the impact of the financial assistance, and
 - (b) make one or more reports on the impact and effectiveness of the financial assistance (having had regard to the findings of that monitoring).
- (3) Monitoring under subsection (1) or (2) must be carried out in such manner and for such period or periods as the Secretary of State considers appropriate for the scheme or other financial assistance in question.
- (4) The number and frequency of reports made under subsection (1) or (2) are to be as the Secretary of State considers appropriate for the scheme or other financial assistance in question.
- (5) Every such report must be laid before Parliament, and published, by the Secretary of State.

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I6 [S. 6](#) in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see [s. 57\(1\)\(b\)\(c\)\(6\)](#)

CHAPTER 2

DIRECT PAYMENTS AFTER EU EXIT

7 Meaning of “basic payment scheme” and other expressions in Chapter 2

- (1) This section defines or explains expressions used in this Chapter.
- (2) The “basic payment scheme” is the Basic Payment Scheme under the Direct Payments Regulation (see Title III of that Regulation), as it operates in relation to England, including the arrangements relating to each of the following elements of direct payments under that scheme—
 - (a) so much of a direct payment that does not consist of a greening or young farmers payment (see Chapter 1 of Title III),
 - (b) a greening payment (see Chapter 3 of Title III), and
 - (c) a young farmers payment (see article 50 of that Regulation).
- (3) The “legislation governing the basic payment scheme” is—
 - (a) the following retained direct EU legislation—
 - (i) the Direct Payments Regulation;
 - (ii) any Council Delegated Regulation, or Commission Delegated Regulation, made under the Direct Payments Regulation;
 - (iii) any other retained direct EU legislation which relates to the operation of the basic payment scheme, and
 - (b) any subordinate legislation relating to retained direct EU legislation falling within paragraph (a).
- (4) The “agricultural transition period for England” is the period for the time being specified in section 8(1).
- (5) References to a direct payment under the basic payment scheme are to any payment under that scheme, whether or not including a greening payment, a young farmers payment or both elements.
- (6) “Delinked payment” has the meaning given by section 12(2)(a).
- (7) “Relevant payment” means—
 - (a) a direct payment under the basic payment scheme, or
 - (b) a delinked payment.
- (8) The “Direct Payments Regulation” is [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.

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Commencement Information

I7 [S. 7](#) in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see [s. 57\(1\)\(b\)\(c\)\(6\)](#)

8 The agricultural transition period for England and the termination of relevant payments

- (1) The agricultural transition period for England is the period of seven years starting with 2021.
- (2) After the end of that period no relevant payments are to be made in relation to England, otherwise than in respect of the last year of that period (or an earlier year).
- (3) The Secretary of State may by regulations amend subsection (1) for the purpose of extending the period specified there.
- (4) That power—
 - (a) may be exercised more than once;
 - (b) may not be exercised if the agricultural transition period for England has already ended.
- (5) Regulations under subsection (3) are subject to affirmative resolution procedure.

Commencement Information

I8 [S. 8](#) in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see [s. 57\(1\)\(b\)\(c\)\(6\)](#)

9 Power to modify legislation governing the basic payment scheme

- (1) The Secretary of State may by regulations modify legislation governing the basic payment scheme, so far as it operates in relation to England, for or in connection with making changes the Secretary of State considers would serve any one or more of the following purposes—
 - (a) simplifying the administration of the scheme or otherwise making its operation more efficient or effective;
 - (b) removing provisions which are spent or of no practical utility;
 - (c) removing or reducing burdens, or the overall burdens, on persons applying for, or entitled to, direct payments under the scheme or otherwise improving the way that the scheme operates in relation to them;
 - (d) securing that any sanction or penalty imposed under the scheme is appropriate and proportionate;
 - (e) limiting the application of the scheme to land in England only.
- (2) The provision which may be made under subsection (1) includes provision made for or in connection with terminating greening payments in relation to England before the end of the agricultural transition period for England so long as that provision does not reduce the amount of a direct payment to which a person would have been entitled had the provision not been made.
- (3) In this section, “burden” includes—
 - (a) a financial cost;

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- (b) an administrative inconvenience;
 - (c) an obstacle to efficiency, productivity or profitability.
- (4) Regulations under this section are subject to negative resolution procedure (unless section 50(5) applies).

Commencement Information

I9 [S. 9](#) in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see [s. 57\(1\)\(b\)\(c\)\(6\)](#)

10 Power to provide for the continuation of the basic payment scheme beyond 2020

- (1) The Secretary of State may by regulations modify legislation governing the basic payment scheme to make provision for or in connection with securing that the basic payment scheme continues to operate in relation to England for one or more years beyond 2020 until payments cease by virtue of section 8(2) or 12(7)(a).
- (2) The power conferred by subsection (1) includes power to provide for the direct payments ceiling for England for any relevant year to be determined, in a specified manner, by the Secretary of State.
- (3) Provision made by virtue of subsection (2)—
- (a) must require a determination in respect of a relevant year to be published as soon as practicable after it has been made, and
 - (b) may confer functions on any person in connection with, or with the making of, a determination in respect of a relevant year.
- (4) In this section—
- “the direct payments ceiling for England” is the national ceiling of the kind referred to in Article 6 of the Direct Payments Regulation that is applicable in relation to England for any relevant year;
 - “relevant year” means a year within the agricultural transition period for England in respect of which direct payments under the basic payment scheme fall to be made in relation to England;
 - “specified” means specified in regulations under this section.
- (5) Nothing in this section affects any power under this Chapter or any other enactment to amend or revoke provisions of the legislation governing the basic payment scheme for any year or years beyond 2020.
- (6) Regulations under this section are subject to affirmative resolution procedure.

Commencement Information

I10 [S. 10](#) in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see [s. 57\(1\)\(b\)\(c\)\(6\)](#)

11 Power to provide for phasing out direct payments

- (1) The Secretary of State may by regulations make provision for or in connection with phasing out direct payments under the basic payment scheme in relation to England over the agricultural transition period for England.

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- (2) See section 12(7) for circumstances in which subsection (1) (with any regulations made under it) may cease to have effect before the end of that period by virtue of provision for delinked payments having been made.
- (3) In subsection (1) “phasing out” means taking steps to secure that, on one or more occasions before the end of the agricultural transition period for England, there are reductions in the amounts paid out to some or all of those entitled to receive direct payments under the basic payment scheme.
- (4) If provision for terminating greening payments is made under section 9(2) (whether before or after the start of the agricultural transition period for England) subsection (1) above has effect as if the reference to direct payments does not include (or no longer includes) the greening payment element of direct payments.
- (5) Regulations under this section are subject to affirmative resolution procedure.

Commencement Information

III S. 11 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

12 Power to make delinked payments

- (1) The Secretary of State may by regulations make provision for or in connection with the making of delinked payments in relation to England (in place of direct payments under the basic payment scheme in relation to England).
- (2) For this purpose—
 - (a) a delinked payment is a payment, with respect to a year within the delinking period, which is made in accordance with the regulations to a person who is under the regulations entitled to receive it, and
 - (b) the delinking period is the period which—
 - (i) begins with a year (other than 2021) that is specified in the regulations, and
 - (ii) ends on the last day of the agricultural transition period for England.
- (3) Regulations under this section making provision for the making of delinked payments must—
 - (a) specify the descriptions of persons who, in respect of a year within the delinking period, are entitled to receive a delinked payment (whether or not they are required by the regulations to make an application or do anything else before anything becomes payable), and
 - (b) make provision setting out rules for determining the amount of the delinked payment to be made to an entitled person with respect to any year.
- (4) Regulations under this section may make provision—
 - (a) for a person who makes a request in accordance with the regulations to cease to be regarded as a person entitled to receive delinked payments,
 - (b) for other circumstances in which a person ceases to be entitled to receive such payments, and
 - (c) for the repayment (with or without interest) of any amount paid as a delinked payment to which the recipient was not entitled.

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- (5) A description of persons specified under subsection (3)(a) may (but need not) be framed by reference to whether they were entitled to a direct payment under the basic payment scheme in respect of a specific year (or one of several specific years) prior to the first year of the delinking period.
- (6) Rules set out under subsection (3)(b) for determining the amount of any delinked payment to be made to a person may (but need not) be framed by reference to the amount of a direct payment to which the person was entitled, or if specific assumptions are made would have been entitled, under the basic payment scheme.
- (7) If provision for the making of delinked payments is made under this section—
 - (a) no direct payments under the basic payment scheme in relation to England are to be made otherwise than in respect of the last year before the delinking period (or an earlier year), and
 - (b) section 11(1) (with any regulations made under it) ceases to have effect at the end of that last year, except in relation to direct payments in respect of that last year (or an earlier year).
- (8) Regulations under this section are subject to affirmative resolution procedure.

Commencement Information

I12 S. 12 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

13 Power to provide for lump sum payments in lieu of relevant payments

- (1) The Secretary of State may by regulations make provision for or in connection with the payment of lump sums to eligible persons.
- (2) For this purpose an eligible person is a person who—
 - (a) applies for payment of a lump sum under the regulations,
 - (b) is entitled to a relevant payment in respect of a year other than the last year of the agricultural transition period for England (whether or not an application for that payment has been made), and
 - (c) meets any other eligibility conditions set out in the regulations.
- (3) A lump sum paid to such a person under the regulations is received in lieu of the payment mentioned in subsection (2)(b) and any further relevant payment or payments to which the person might otherwise have become entitled.
- (4) Regulations under this section may make provision as to the circumstances in which lump sums are to be payable (in addition to the requirements of subsection (2)).
- (5) Regulations under this section are subject to affirmative resolution procedure.

Commencement Information

I13 S. 13 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

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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—

 - (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

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[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

I14 [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).

Commencement Information

I15 [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—

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- (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—
 - (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,

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- (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

I16 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—

- (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—

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- (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.

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,

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- (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—
 - (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

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- (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.

Changes to legislation:

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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\(4\)](#)