



Agriculture Act 2020

2020 CHAPTER 21

PART 2

FOOD AND AGRICULTURAL MARKETS

CHAPTER 2

INTERVENTION IN AGRICULTURAL MARKETS

20 Declaration relating to exceptional market conditions

- (1) The Secretary of State may make and publish a declaration in accordance with this section if the Secretary of State considers that there are exceptional market conditions which justify making the powers conferred by or referred to in section 21 available for use.
- (2) In this Part “exceptional market conditions” exist where—
 - (a) there is a severe disturbance in agricultural markets or a serious threat of a severe disturbance in agricultural markets, and
 - (b) the disturbance or threatened disturbance has, or is likely to have, a significant adverse effect on agricultural producers in England in terms of the prices achievable for one or more agricultural products.
- (3) A declaration must—
 - (a) state that the Secretary of State considers that there are exceptional market conditions which justify making the declaration,
 - (b) describe the exceptional market conditions in question, in particular by specifying—
 - (i) the disturbance or threatened disturbance in agricultural markets,
 - (ii) any agricultural product which is or is likely to be affected by the disturbance or threatened disturbance, and

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- (iii) the grounds for considering that the conditions in subsection (2) (a) and (b) are met in relation to that disturbance or threatened disturbance,
 - (c) describe the grounds for considering that the exceptional market conditions justify making the powers conferred by or referred to in section 21 available for use, and
 - (d) state that the powers conferred by or referred to in section 21 are (unless the declaration is revoked sooner) available for use in relation to the exceptional market conditions until such day as the declaration may specify.
- (4) A declaration has effect from when it is published until the end of the day specified under subsection (3)(d) (which may not be later than the last day of the period of three months beginning with the day on which it is published).
- (5) The Secretary of State may revoke a declaration by making and publishing a further declaration stating that the declaration is revoked.
- (6) If at any time during the period of seven days ending with the day specified under subsection (3)(d) the Secretary of State considers that—
 - (a) there continue to be exceptional market conditions, and
 - (b) they justify extending the availability of the powers conferred by or referred to in section 21,
 the Secretary of State may make and publish a further declaration extending the effect of the original declaration for such period (not exceeding three months) as the further declaration may specify.
- (7) The fact that a declaration under this section has expired or been revoked does not prevent the Secretary of State from making and publishing another declaration relating in whole or part to the same exceptional market conditions.
- (8) A copy of any declaration made and published under this section must be laid before Parliament by the Secretary of State as soon as practicable after it is published.
- (9) In this section and section 21 a reference to agricultural markets, agricultural producers or agricultural products includes horticultural markets, horticultural producers or horticultural products (as the case may be).

Commencement Information

- I1** [S. 20](#) in force at Royal Assent for specified purposes, see [s. 57\(1\)\(b\)\(c\)](#)
- I2** [S. 20](#) in force at 1.1.2021 in so far as not already in force by [S.I. 2020/1650](#), [reg. 2\(a\)](#)

21 Exceptional market conditions: powers available to Secretary of State

- (1) This section applies during the period for which a declaration under section 20 has effect.
- (2) The Secretary of State may give, or agree to give, financial assistance to agricultural producers in England whose incomes are being, or are likely to be, adversely affected by the exceptional market conditions described in the declaration.
- (3) The Secretary of State may also make such use as the Secretary of State considers appropriate of any available powers under [^{F1}assimilated direct] legislation which

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provides for the operation of public intervention and aid for private storage mechanisms, in response to a declaration under section 20.

- (4) Financial assistance under subsection (2) may be given by way of grant, loan or guarantee or in any other form.
- (5) The financial assistance may be given subject to such conditions as the Secretary of State considers appropriate.
- (6) 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).
- (7) Nothing in subsection (1) or (2) prevents the Secretary of State from giving, or agreeing to give, financial assistance under subsection (2)—
 - (a) after the end of the period for which the declaration has effect, but
 - (b) in response to an application duly made during that period.

Textual Amendments

- F1** Words in s. 21(3) substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), [Sch. para. 93\(2\)\(f\)](#)

Commencement Information

- I3** [S. 21](#) in force at Royal Assent for specified purposes, see [s. 57\(1\)\(b\)\(c\)](#)
- I4** [S. 21](#) in force at 1.1.2021 in so far as not already in force by [S.I. 2020/1650](#), [reg. 2\(b\)](#)

22 Modification of certain [^{F2}assimilated direct] legislation in connection with exceptional market conditions and for general purposes

- (1) The Secretary of State may by regulations modify [^{F2}assimilated direct] legislation relating to public market intervention or aid for private storage, for the purpose of altering the operation of provisions of such legislation so far as they have effect in relation to England in connection with exceptional market conditions which are the subject of a declaration under section 20.
- (2) The Secretary of State may by regulations modify [^{F2}assimilated direct] legislation relating to public market intervention or aid for private storage, for either or both of the following purposes—
 - (a) securing that provisions of such legislation cease to have effect in relation to England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20;
 - (b) altering the operation of provisions of such legislation so far as they have effect in relation to England, otherwise than in connection with such market conditions (pending the achievement of the purpose in paragraph (a) in relation to those provisions).
- (3) The power conferred by subsection (1) includes power to make modifications that apply only in relation to the exceptional market conditions which are the subject of a particular declaration specified in the regulations.
- (4) The powers conferred by subsections (1) and (2) include power to change the agricultural products that are eligible for public market intervention or aid for private storage.

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- (5) Regulations under this section are subject to negative resolution procedure (unless section 50(5) applies).
- (6) In this section “^{F2}assimilated direct] legislation relating to public market intervention or aid for private storage” includes—
- (a) Articles 8 to 18 of the CMO Regulation;
 - (b) Council [Regulation \(EU\) No 1370/2013](#) of 16 December 2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products (so far as relating to public market intervention and aid for private storage);
 - (c) the following Commission Regulations (so far as relating to public market intervention and aid for private storage)—
 - (i) Commission Delegated [Regulation \(EU\) 2016/1238](#) of 18 May 2016 supplementing the CMO Regulation with regard to public intervention and aid for private storage;
 - (ii) Commission Implementing [Regulation \(EU\) 2016/1240](#) of 18 May 2016 laying down rules for the application of the CMO Regulation with regard to public intervention and aid for private storage;
 - (iii) Commission Delegated [Regulation \(EU\) 2017/1182](#) of 20 April 2017 supplementing the CMO Regulation as regards the Union scales for the classification of beef, pig and sheep carcasses and as regards the reporting of market prices of certain categories of carcasses and live animals.
- (7) Until paragraph 1 of Schedule 7 (amendment of Articles 219, 220, 221 and 222 of the CMO Regulation) is in force, any reference in this section to exceptional market conditions which are the subject of a declaration under section 20 includes a reference to circumstances which are the subject of measures under any of those Articles.

Textual Amendments

- F2** Words in s. 22 substituted (1.1.2024) by [The Retained EU Law \(Revocation and Reform\) Act 2023 \(Consequential Amendment\) Regulations 2023 \(S.I. 2023/1424\)](#), reg. 1(2), **Sch. para. 93(2)(g)**

Commencement Information

- I5** S. 22 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see [s. 57\(1\)\(b\)\(c\)\(6\)](#)

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\(4\)](#)