

Status: Point in time view as at 11/11/2020.

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SCHEDULES

SCHEDULE 1

Sections 30 and 32

AGRICULTURAL SECTORS RELEVANT TO PRODUCER ORGANISATION PROVISIONS

Commencement Information

II Sch. 1 in force at Royal Assent for specified purposes, see s. 57(1)(b)(c)

Dairy
Beef
Sheep
Goats
Pig
Poultry
Eggs
Cereals
Fruit and vegetables
Sugar
Hops
Wine
Apiculture

SCHEDULE 2

Section 31

RECOGNISED ORGANISATIONS: COMPETITION EXCLUSIONS

1 Schedule 3 to the Competition Act 1998 (general exclusions) is amended as follows.

Commencement Information

I2 Sch. 2 para. 1 in force at Royal Assent for specified purposes, see s. 57(1)(b)(c)

2 (1) Paragraph 9 (agricultural products) is amended as follows.

(2) For sub-paragraph (1) substitute—

“(1) The Chapter 1 prohibition does not apply to an agreement to the extent that it is an agreement between the members of—

(a) a recognised producer organisation (“PO”), or

(b) a recognised association of producer organisations (“APO”),

for the PO or APO (as the case may be) to carry out one or more of the activities mentioned in sub-paragraph (1A) on behalf of its members (for

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all or part of their total production), provided that Conditions A and B are also met.

This exclusion is referred to in this paragraph as the “RPO exclusion”.

(1A) The activities are—

- (a) planning production;
- (b) optimising production costs;
- (c) concentrating supply;
- (d) placing products on the market;
- (e) negotiating supply contracts.

(1B) Condition A is that—

- (a) in the case of a PO, the PO concentrates supply and places the products of its members on the market, whether or not there is a transfer of ownership of agricultural products by the producers to the PO, or
- (b) in the case of an APO, the APO concentrates supply and places the products of the members of the POs it represents on the market, whether or not there is a transfer of ownership of agricultural products by the producers to the APO or to any of the POs the APO represents.

(1C) Condition B is that—

- (a) in the case of a PO, none of the producers concerned are members of any other PO as regards the products covered by the activities mentioned in sub-paragraph (1A) to which the agreement relates, or
- (b) in the case of an APO, none of the producers concerned are members of a PO that is a member of any other APO as regards the products covered by the activities mentioned in sub-paragraph (1A) to which the agreement relates.

(1D) But the Secretary of State may decide that the RPO exclusion applies if Condition B is not met, if—

- (a) every producer which is a member of more than one PO holds distinct production units located in different geographical areas, and
- (b) the Secretary of State considers that it is appropriate in all the circumstances for the RPO exclusion to apply.

(1E) If the Secretary of State is considering whether to make a decision under sub-paragraph (1D), the Secretary of State may by notice in writing require any party to the agreement in question to give the Secretary of State such information in connection with the agreement as the Secretary of State may require.”

(3) Omit sub-paragraph (2).

(4) In sub-paragraph (3), for “agriculture exclusion” substitute “ RPO exclusion ”.

(5) For sub-paragraph (9) substitute—

“(9) In this paragraph—

“agricultural product” means a product that falls within a sector mentioned in Schedule 1 to the Agriculture Act 2020;

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“recognised association of producer organisations” means an association recognised under section 30 of that Act;

“recognised producer organisation” means a producer organisation recognised under section 30 of that Act.”

Commencement Information

I3 Sch. 2 para. 2 in force at Royal Assent for specified purposes, see s. 57(1)(b)(c)

3 After paragraph 9, insert—

“10 (1) The Chapter 1 prohibition does not apply to an agreement to the extent that it is an agreement between the members of a recognised interbranch organisation that has the object of carrying out one or more specified activities, provided that the condition in sub-paragraph (2) is also met.

This exclusion is referred to in this paragraph as the “RIBO exclusion”.

(2) The condition in this sub-paragraph is that the organisation has notified the agreement to the CMA and provided all further details required by the CMA, and—

(a) the CMA has decided that it is appropriate for the RIBO exclusion to apply, or

(b) within two months of the CMA receiving all the details it requires, the CMA has not decided that it is inappropriate for the RIBO exclusion to apply.

(3) In deciding whether it is appropriate for the RIBO exclusion to apply, the CMA must consider whether the benefit of the agreement to the specified activities of the recognised interbranch organisation outweighs any prevention, restriction or distortion of competition within the United Kingdom as a result of the agreement.

(4) The CMA may at any time give a direction to the effect that the RIBO exclusion no longer applies to a particular agreement.

(5) Sub-paragraphs (4) to (8) of paragraph 9 apply to a direction under this paragraph as they apply to a direction under paragraph 9.

(6) In this paragraph—

“recognised interbranch organisation” means an organisation of agricultural businesses recognised under section 30 of the Agriculture Act 2020;

“specified activities” means the activities specified in regulations under section 30(6)(e) of that Act.”

Commencement Information

I4 Sch. 2 para. 3 in force at Royal Assent for specified purposes, see s. 57(1)(b)(c)

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SCHEDULE 3

Section 36

AGRICULTURAL TENANCIES

PART 1

AMENDMENTS TO THE AGRICULTURAL HOLDINGS ACT 1986

Introductory

1 The Agricultural Holdings Act 1986 is amended as follows.

Commencement Information

I5 Sch. 3 para. 1 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

Notices relating to third party determination of rent

- 2 (1) Section 12 (arbitration or third party determination of rent) is amended as follows.
- (2) In subsection (1) for “referred to arbitration under this Act” substitute “determined in accordance with this section”.
- (3) For subsection (1A) substitute—
- “(1A) Where a notice under subsection (1) is served, the question of how much rent is to be payable in respect of the holding as from the next termination date—
- (a) may be required by the landlord or tenant to be determined by arbitration under this Act (see section 84), or
- (b) may be referred by the landlord and tenant for third party determination under this Act (see section 84A).”
- (4) In subsection (2), for the words from “demand” to “third party determination” substitute “notice under subsection (1)”.
- (5) In subsection (3)—
- (a) for “demand for arbitration under this section” substitute “notice under subsection (1)”;
- (b) for “the demand” substitute “the notice”;
- (c) in paragraph (a), after “arbitrator” insert “or third party”.
- (6) In subsection (4)—
- (a) omit the words from “in relation to” to “third party determination”;
- (b) for the first “the demand or reference” substitute “a notice under subsection (1)”;
- (c) for the second “the demand or reference” substitute “the notice”;
- (d) for the third “the demand or reference” substitute “the notice under subsection (1)”.

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Commencement Information

I6 Sch. 3 para. 2 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

- 3 (1) Schedule 2 (arbitration or third party determination of rent: provisions supplementary to section 12) is amended as follows.
- (2) In the italic heading before paragraph 4, for “arbitrations” substitute “determinations”.
- (3) In paragraph 4, in sub-paragraph (1)—
- (a) for “demand for arbitration” substitute “notice under section 12(1) of this Act”;
 - (b) for “the demand” substitute “the notice”.

Commencement Information

I7 Sch. 3 para. 3 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

Appointment of arbitrators etc

- 4 In section 12 (arbitration or third party determination of rent), in subsection (3)(b), for the words from “to the” to “by him” substitute “under section 84 for the appointment of an arbitrator”.

Commencement Information

I8 Sch. 3 para. 4 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

- 5 (1) Section 22 (rights to require certain records to be made) is amended as follows.
- (2) In subsection (2), for the words from “in default” to “so appointed” substitute “by the landlord and tenant (“the parties”) or, in default of agreement between the parties, by a person appointed by a professional authority on the application of either of them; and any person appointed by a professional authority”.
- (3) After subsection (2) insert—
- “(2A) A party may not make an application to a professional authority under subsection (2) in any case if the other party has already made an application to a professional authority under that subsection in that case.”
- (4) In subsection (4)—
- (a) for “the President” substitute “a professional authority”;
 - (b) for “him” substitute “that authority”.
- (5) In subsection (5)—
- (a) for the first “the President” substitute “a professional authority”;
 - (b) for the second “the President” substitute “that authority”.

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(6) After subsection (5) insert—

“(6) In this section “professional authority” has the same meaning as in section 84.”

Commencement Information

I9 Sch. 3 para. 5 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

6 (1) Section 84 (arbitrations) is amended as follows.

(2) In subsection (2), for “the President of the RICS” substitute “ a professional authority ”.

(3) After subsection (2) insert—

“(2A) A party may not make an application to a professional authority under subsection (2) in relation to a matter if the other party has already made an application to a professional authority under that subsection in relation to that matter.”

(4) In subsection (4)—

- (a) for “the President of the RICS” substitute “ a professional authority ”;
- (b) for “him”, in both places, substitute “ that authority ”.

(5) For subsection (6) substitute—

“(6) In this section “professional authority” means—

- (a) the President of the Royal Institution of Chartered Surveyors,
- (b) the President of the Central Association of Agricultural Valuers, or
- (c) the Chair of the Agricultural Law Association.

(7) The appropriate authority may by regulations amend this section so as to—

- (a) include a person in, or remove a person from, the definition of “professional authority”;
- (b) reflect changes in the name or internal organisation of any body mentioned in that definition.

(8) In subsection (7) “appropriate authority” means—

- (a) the Secretary of State, in relation to England, and
- (b) the Welsh Ministers, in relation to Wales.”

Commencement Information

I10 Sch. 3 para. 6 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

Requests for landlord's consent or variation of terms

7 Before section 20 insert—

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Disputes relating to requests for landlord's consent or variation of terms

- “19A(1) The appropriate authority may by regulations make provision for the tenant of an agricultural holding to refer for arbitration under this Act a request made by the tenant to the landlord where—
- (a) the request falls within subsection (3), and
 - (b) no agreement has been reached with the landlord on the request.
- (2) The regulations may also provide that, where the tenant is given the right to refer a request to arbitration, the landlord and tenant may instead refer the request for third party determination under this Act.
- (3) A request falls within this subsection if—
- (a) it is a request for—
 - (i) the landlord's consent to a matter which under the terms of the tenancy requires such consent, or
 - (ii) a variation of the terms of the tenancy,
 - (b) it is made for the purposes of—
 - (i) enabling the tenant to request or apply for relevant financial assistance or relevant financial assistance of a description specified in the regulations, or
 - (ii) complying with a statutory duty, or a statutory duty of a description specified in the regulations, applicable to the tenant, and
 - (c) it meets such other conditions (if any) as may be specified in the regulations.
- (4) The regulations may provide for the arbitrator or third party on a reference made under the regulations, where the arbitrator or third party considers it reasonable and just (as between the landlord and tenant) to do so—
- (a) to order the landlord to comply with the request (either in full or to the extent specified in the award or determination);
 - (b) to make any other award or determination permitted by the regulations.
- (5) The regulations may (among other things) make provision—
- (a) about conditions to be met before a reference may be made;
 - (b) about matters which an arbitrator or third party is to take into account when considering a reference;
 - (c) for regulating the conduct of arbitrations or third party determinations;
 - (d) about the awards or determinations which may be made by the arbitrator or third party, which may include making an order for a variation in the rent of the holding or for the payment of compensation or costs;
 - (e) about the time at which, or the conditions subject to which, an award or determination may be expressed to take effect;
 - (f) for restricting a tenant's ability to make subsequent references to arbitration where a reference to arbitration or third party

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determination has already been made under the regulations in relation to the same tenancy.

(6) The provision covered by subsection (5)(e) includes, in the case of a request made for the purpose described in subsection (3)(b)(i), conditions relating to the making of a successful application for assistance.

(7) In this section—

“appropriate authority” means—

- (a) in relation to England, the Secretary of State, and
- (b) in relation to Wales, the Welsh Ministers;

“relevant financial assistance” means financial assistance under—

- (a) section 1 of the Agriculture Act 2020 (powers of Secretary of State to give financial assistance),
- (b) section 21 of, or paragraph 8 of Schedule 5 to, that Act (powers of Secretary of State and Welsh Ministers to give financial assistance in exceptional market conditions), or
- (c) a scheme of the sort mentioned in section 2(4) of that Act (third party schemes);

“statutory duty” means a duty imposed by or under—

- (a) an Act of Parliament;
- (b) an Act or Measure of Senedd Cymru;
- (c) retained direct EU legislation.”

Commencement Information

III Sch. 3 para. 7 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

Arbitration or third party determination of rent: relevant factors

8 (1) In Schedule 2 (arbitration or third party determination of rent), paragraph 3 is amended as follows.

(2) In paragraph (a), omit the final “and”.

(3) After paragraph (a) insert—

“(aa) in a case where the tenant is, under an agreement in writing with the landlord, required to make payments in respect of improvements to the holding that are or are to be wholly or partly financed by the landlord, shall disregard any effect on the rent of—

- (i) the fact that the tenant is required to make such payments, and
- (ii) any benefit to the tenant arising from the improvements before the date on which the last of those payments falls to be made, and”.

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Commencement Information

I12 Sch. 3 para. 8 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

Notices to quit: cases where consent of tribunal not required

- 9 In Part 1 of Schedule 3 (cases where consent of tribunal to operation of notice to quit not required), in Case A, in paragraph (a), for “the age of sixty-five” substitute “the tenant's pensionable age (as specified from time to time in Part 1 of Schedule 4 to the Pensions Act 1995)”.

Commencement Information

I13 Sch. 3 para. 9 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

Succession on death or retirement: condition relating to occupation of commercial unit

- 10 In section 35 (application of sections 36 to 48), in subsection (2) omit “(and in Part I of Schedule 6 to this Act)”.

Commencement Information

I14 Sch. 3 para. 10 in force at Royal Assent for specified purposes, see s. 57(1)(b)(c)

- 11 (1) Section 36 (right of any eligible person to apply for new tenancy on death of tenant) is amended as follows.
- (2) In subsection (3)—
- (a) omit the words from “subject to” to “this Act and”;
 - (b) for “conditions are” substitute “condition is”;
 - (c) omit paragraph (b) and the preceding “and”.
- (3) For subsection (5) substitute—
- “(5) For the purposes of the condition in subsection (3)(a), any period during which a close relative of the deceased was, in the period of seven years mentioned in that condition, attending a full-time course at a university, college or other establishment of higher or further education shall be treated as a period throughout which the relative's only or principal source of livelihood derived from the relative's agricultural work on the holding; but not more than three years in all shall be so treated by virtue of this subsection.”

Commencement Information

I15 Sch. 3 para. 11 in force at Royal Assent for specified purposes, see s. 57(1)(b)(c)

- 12 In section 41 (application by not fully eligible person), in subsection (1) omit paragraph (a).

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Commencement Information

I16 Sch. 3 para. 12 in force at Royal Assent for specified purposes, see s. 57(1)(b)(c)

13 (1) Section 50 (right to apply for new tenancy on retirement of tenant) is amended as follows.

(2) In subsection (2)—

- (a) omit the words from “(subject to” to “subsection (4) below”;
- (b) for “conditions are” substitute “ condition is ”;
- (c) omit paragraph (b) and the preceding “and”.

(3) For subsection (4) substitute—

“(4) For the purposes of the condition in subsection (2)(a), any period during which a close relative of the retiring tenant was, in the period of seven years mentioned in that condition, attending a full-time course at a university, college or other establishment of higher or further education shall be treated as a period throughout which the relative's only or principal source of livelihood derived from the relative's agricultural work on the holding; but not more than three years in all shall be so treated by virtue of this subsection.”

Commencement Information

I17 Sch. 3 para. 13 in force at Royal Assent for specified purposes, see s. 57(1)(b)(c)

14 Omit section 58 (effect of direction under section 53 on succession to other holdings).

Commencement Information

I18 Sch. 3 para. 14 in force at Royal Assent for specified purposes, see s. 57(1)(b)(c)

15 (1) Section 59 (interpretation of Part 4) is amended as follows.

(2) In subsection (1) omit the words from “(and” to “this Act”.

(3) In subsection (2) omit the words from “(and” to “above”.

Commencement Information

I19 Sch. 3 para. 15 in force at Royal Assent for specified purposes, see s. 57(1)(b)(c)

16 Omit Schedule 6 (eligibility to apply for new tenancy).

Commencement Information

I20 Sch. 3 para. 16 in force at Royal Assent for specified purposes, see s. 57(1)(b)(c)

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Succession on death or retirement: condition relating to suitability

- 17 In section 39 (applications for tenancy of holding), for subsection (8) substitute—
- “(8) For the purposes of this section, a person's suitability to become the tenant of a holding is to be determined (having regard to any views stated by the landlord) in accordance with criteria specified in regulations made by—
- (a) the Secretary of State, in relation to England, and
 - (b) the Welsh Ministers, in relation to Wales.
- (8A) The criteria referred to in subsection (8) must relate to the person's likely capacity to farm the holding commercially to high standards of efficient production and care for the environment, and may in particular include—
- (a) criteria relating to the person's experience, training or skills in agriculture or business management;
 - (b) criteria relating to the person's physical health, financial standing or character;
 - (c) criteria relating to the character or condition of the holding or the terms of the tenancy.”

Commencement Information

I21 Sch. 3 para. 17 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

- 18 (1) Section 53 (application for tenancy of holding by nominated successor) is amended as follows.
- (2) In subsection (6) omit the words from “and in making” to the end.
- (3) After subsection (6) insert—
- “(6A) Section 39(8) and (8A) apply for the purposes of determinations under this section relating to a person's suitability to become the tenant of a holding.”

Commencement Information

I22 Sch. 3 para. 18 in force at Royal Assent for specified purposes, see s. 57(1)(b)(c)

Succession on retirement: minimum age of retiring tenant

- 19 In section 51 (cases excluded from operation of section 50(1)) omit subsection (3).

Commencement Information

I23 Sch. 3 para. 19 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

- 20 In section 53 (application for tenancy of holding by nominated successor) omit subsection (4).

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Commencement Information

I24 Sch. 3 para. 20 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

Regulations and orders

- 21 (1) Section 94 (orders and regulations) is amended as follows.
- (2) In subsection (1), for “the Minister or the Lord Chancellor” substitute “ the Secretary of State, the Lord Chancellor or the Welsh Ministers ”.
- (3) In subsection (2), for “either House of Parliament” substitute—
- “(a) either House of Parliament, in the case of a statutory instrument made by the Secretary of State or Lord Chancellor, or
 - (b) Senedd Cymru, in the case of a statutory instrument made by the Welsh Ministers”.
- (4) In subsection (3), for “each House of Parliament” substitute—
- “(a) each House of Parliament, in the case of regulations made by the Secretary of State, or
 - (b) Senedd Cymru, in the case of regulations made by the Welsh Ministers”.
- (5) In subsection (4), for “each House of Parliament” substitute—
- “(a) each House of Parliament, in the case of an order made by the Secretary of State, or
 - (b) Senedd Cymru, in the case of an order made by the Welsh Ministers”.

Commencement Information

I25 Sch. 3 para. 21 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

PART 2

AMENDMENTS TO THE AGRICULTURAL TENANCIES ACT 1995

Introductory

- 22 The Agricultural Tenancies Act 1995 is amended as follows.

Commencement Information

I26 Sch. 3 para. 22 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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Appointment of arbitrators

- 23 (1) Section 12 (appointment of arbitrator) is amended as follows.
- (2) The existing subsection becomes subsection (1).
- (3) In that subsection, for the words from “the President” to the end substitute “ a professional authority for the appointment of an arbitrator by that authority ”.
- (4) After that subsection insert—
- “(2) A party may not make an application to a professional authority under subsection (1) in any case if the other party has already made an application to a professional authority under that subsection in that case.”

Commencement Information

I27 Sch. 3 para. 23 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

- 24 (1) Section 19 (references to arbitration of certain disputes) is amended as follows.
- (2) In subsection (4), for the words from “the President” to the end substitute “ a professional authority, subject to subsections (9) and (9A) below, for the appointment of an arbitrator by that authority ”.
- (3) After subsection (9) insert—
- “(9A) An application may not be made to a professional authority under subsection (4) above in any case by the landlord or the tenant if the other of them has already made an application to a professional authority under that subsection in that case.”

Commencement Information

I28 Sch. 3 para. 24 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

- 25 (1) Section 22 (settlement of claims for disputes) is amended as follows.
- (2) In subsection (3), for the words from “the President” to the end substitute “ a professional authority for the appointment of an arbitrator by that authority ”.
- (3) After subsection (3) insert—
- “(3A) A party may not make an application to a professional authority under subsection (3) above in relation to a claim if the other party has already made an application to a professional authority under that subsection in relation to that claim.”
- (4) In subsection (4)—
- (a) in paragraph (b), after “as an application” insert “ to the same professional authority ”;
- (b) in the words after paragraph (b), for “the President of the RICS” substitute “ the professional authority ”.

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Commencement Information

I29 Sch. 3 para. 25 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

- 26 (1) Section 28 (resolution of disputes) is amended as follows.
- (2) In subsection (2), for the words from “the President” to the end substitute “ a professional authority for the appointment of an arbitrator by that authority ”.
- (3) In subsection (3), for the words from “the President” to the end substitute “ a professional authority for the appointment of an arbitrator by that authority ”.
- (4) After subsection (3) insert—
- “(3A) A party may not make an application to a professional authority under subsection (3) above in relation to a dispute if the other party has already made an application to a professional authority under that subsection in relation to that dispute.”

Commencement Information

I30 Sch. 3 para. 26 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

- 27 (1) Section 30 (general provisions applying to arbitrations) is amended as follows.
- (2) In subsection (2)—
- (a) for “the President of the RICS” substitute “ a professional authority ”;
- (b) for “by him” substitute “ by that authority ”;
- (c) for “as the President” substitute “ as that authority ”.
- (3) In subsection (3)—
- (a) after “appointed” insert “ by a professional authority ”;
- (b) for “the President of the RICS” substitute “ that authority ”;
- (c) for “by him” substitute “ by that authority ”.

Commencement Information

I31 Sch. 3 para. 27 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

- 28 In section 38 (interpretation), in subsection (1), for the definition of “the RICS” substitute—
- ““professional authority” has the same meaning as it has for the time being for the purposes of section 84 of the Agricultural Holdings Act 1986;”.

Commencement Information

I32 Sch. 3 para. 28 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

Status: Point in time view as at 11/11/2020.

Changes to legislation: Agriculture Act 2020 is up to date with all changes known to be in force on or before 31 May 2024. 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)

- 29 In section 39 (index)—
(a) after the entry relating to planning permission insert—

“professional authority section 38(1)”;

- (b) omit the entry relating to “the RICS”.

Commencement Information

I33 Sch. 3 para. 29 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

SCHEDULE 4

Section 37

AGRICULTURAL PRODUCTS RELEVANT TO MARKETING STANDARDS PROVISIONS

Commencement Information

I34 Sch. 4 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

Milk and milk products

Products falling within any of entries (a) to (f) in the table in Part XVI of Annex 1 of the CMO Regulation

Spreadable fats

Products that—

- (a) fall within any of paragraphs (a) to (c) in Point 1 of Part VII of Annex VII of the CMO Regulation, and
(b) have a fat content of at least 10% but not more than 90% by weight

Beef and veal

Products falling within the table in Part XV of Annex 1 of the CMO Regulation, but excluding any entry in the table for live animals

Poultry and poultrymeat

Products falling within the table in Part XX of Annex 1 of the CMO Regulation, including any entry in the table for live poultry

Eggs and egg products

Products falling within the table in Part XIX of Annex 1 of the CMO Regulation, including any entry in the table for eggs

Fruit and vegetables, other than olives

Products falling within the table in any of Parts IX to XI of Annex 1 of the CMO Regulation

Olive oil and table olives

Products falling within the table in Part VII of Annex 1 of the CMO Regulation

Hops

Products falling within the table in Part VI of Annex 1 of the CMO Regulation

Status: Point in time view as at 11/11/2020.

Changes to legislation: Agriculture Act 2020 is up to date with all changes known to be in force on or before 31 May 2024. 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)

Wine

Products falling within the table in Part XII of Annex 1 of the CMO Regulation
Aromatised wine

Products falling within the definition of “aromatised wine products” in Article 3 of the Aromatised Wine Regulation

Interpretation

In this Schedule—

references to the CMO Regulation are to that Regulation as amended from time to time before IP completion day;

“the Aromatised Wine Regulation” means [Regulation \(EU\) No 251/2014](#) of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products as amended from time to time before IP completion day.

SCHEDULE 5

Section 46

PROVISION RELATING TO WALES

PART 1

FINANCIAL SUPPORT AFTER EU EXIT

Direct payments after EU exit: interpretation

- 1 (1) This paragraph defines or explains expressions used in this paragraph and paragraphs 2 and 3.
- (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 Wales, 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 redistributive, greening or young farmers payment (see Chapter 1 of Title III),
 - (b) a redistributive payment (see Chapter 2 of Title III),
 - (c) a greening payment (see Chapter 3 of Title III), and
 - (d) 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).

Status: Point in time view as at 11/11/2020.

Changes to legislation: Agriculture Act 2020 is up to date with all changes known to be in force on or before 31 May 2024. 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)

- (4) References to a direct payment under the basic payment scheme are to any payment under that scheme, whether or not including a redistributive payment, a greening payment, a young farmers payment or any two or more of those elements.
- (5) 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.

Commencement Information

I35 [Sch. 5 para. 1](#) in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see [s. 57\(1\)\(b\)\(c\)\(6\)](#)

Power to modify legislation governing the basic payment scheme

- 2 (1) The Welsh Ministers may by regulations modify legislation governing the basic payment scheme, so far as it operates in relation to Wales, for or in connection with making changes the Welsh Ministers consider 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 Wales only.
- (2) The provision which may be made under sub-paragraph (1) includes provision made for or in connection with terminating greening payments in relation to Wales 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 paragraph, “burden” includes—
 - (a) a financial cost;
 - (b) an administrative inconvenience;
 - (c) an obstacle to efficiency, productivity or profitability.
- (4) Regulations under this paragraph are subject to negative resolution procedure (unless section 50(5) applies).

Commencement Information

I36 [Sch. 5 para. 2](#) in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see [s. 57\(1\)\(b\)\(c\)\(6\)](#)

Status: Point in time view as at 11/11/2020.

Changes to legislation: Agriculture Act 2020 is up to date with all changes known to be in force on or before 31 May 2024. 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)

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

- 3 (1) The Welsh Ministers 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 Wales for one or more years beyond 2020.
- (2) The power conferred by sub-paragraph (1) includes power to provide for the direct payments ceiling for Wales for any relevant year to be determined, in a specified manner, by the Welsh Ministers.
- (3) Provision made by virtue of sub-paragraph (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 paragraph—
- “the direct payments ceiling for Wales” is the national ceiling of the kind referred to in Article 6 of the Direct Payments Regulation that is applicable in relation to Wales for any relevant year;
- “relevant year” means a year in respect of which direct payments under the basic payment scheme fall, as a result of provision made under sub-paragraph (1), to be made in relation to Wales;
- “specified” means specified in regulations under this paragraph.
- (5) Nothing in this paragraph affects any power under this Part 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 paragraph are subject to affirmative resolution procedure.

Commencement Information

I37 Sch. 5 para. 3 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

Other financial support: modification in relation to Wales of general provision connected with payments to farmers and other beneficiaries

- 4 (1) The Welsh Ministers may by regulations modify the following legislation so far as it operates in relation to Wales—
- (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 paragraph may only be made for or in connection with making changes that the Welsh Ministers consider would serve any one or more of the following purposes—
- (a) securing that any provision of legislation referred to in sub-paragraph (1) ceases to have effect;
 - (b) simplifying the operation of any provision of such legislation, or making its operation more efficient or effective;

Status: Point in time view as at 11/11/2020.

Changes to legislation: Agriculture Act 2020 is up to date with all changes known to be in force on or before 31 May 2024. 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)

- (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 paragraph—
- “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 sub-paragraph (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 paragraph are subject to negative resolution procedure (unless section 50(5) applies).

Commencement Information

I38 [Sch. 5 para. 4](#) in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see [s. 57\(1\)\(b\)\(c\)\(6\)](#)

Apiculture

- 5 (1) The Welsh Ministers may by regulations modify any of the following legislation so far as it has effect in relation to Wales—
- (a) retained direct EU legislation relating to apiculture, and
 - (b) subordinate legislation relating to that legislation.
- (2) In this paragraph “retained direct EU legislation relating to apiculture” includes in particular—

Status: Point in time view as at 11/11/2020.

Changes to legislation: Agriculture Act 2020 is up to date with all changes known to be in force on or before 31 May 2024. 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)

- (a) Articles 55 to 57 of the CMO Regulation, and
 - (b) retained direct EU legislation made under that legislation.
- (3) Regulations under this paragraph are subject to negative resolution procedure (unless section 50(5) applies).

Commencement Information

I39 [Sch. 5 para. 5](#) in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see [s. 57\(1\)\(b\)\(c\)\(6\)](#)

Support for rural development: modification of legislation in relation to Wales

- 6 (1) The Welsh Ministers may by regulations modify any of the following legislation so far as it has effect in relation to Wales—
- (a) retained direct EU legislation relating to support for rural development, and
 - (b) subordinate legislation relating to that legislation.
- (2) In this paragraph “retained direct EU legislation relating to support for rural development” includes in particular—
- (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) Council Regulation [\(EC\) No 1698/2005](#) of 20 September 2005 on support for rural development,
 - (d) so far as it relates to support for rural development, [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,
 - (e) Council Regulation [\(EC\) No 1257/99](#) of 17 May 1999 on support for rural development,
 - (f) Council Regulation [\(EEC\) No 2080/92](#) of 30 June 1992 instituting a Community aid scheme for forestry measures in agriculture,
 - (g) 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
 - (h) retained direct EU legislation made under the retained direct EU legislation in paragraphs (a) to (g).
- (3) Regulations under this paragraph are subject to affirmative resolution procedure.

Commencement Information

I40 [Sch. 5 para. 6](#) in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see [s. 57\(1\)\(b\)\(c\)\(6\)](#)

Status: Point in time view as at 11/11/2020.

Changes to legislation: Agriculture Act 2020 is up to date with all changes known to be in force on or before 31 May 2024. 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)

PART 2

INTERVENTION IN AGRICULTURAL MARKETS

Declaration relating to exceptional market conditions

- 7 (1) The Welsh Ministers may make and publish a declaration in accordance with this paragraph if the Welsh Ministers consider that there are exceptional market conditions which justify making the powers conferred by or referred to in paragraph 8 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 Wales in terms of the prices achievable for one or more agricultural products.
- (3) A declaration must—
- (a) state that the Welsh Ministers consider 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
 - (iii) the grounds for considering that the conditions in sub-paragraph (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 paragraph 8 available for use, and
 - (d) state that the powers conferred by or referred to in paragraph 8 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 sub-paragraph (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 Welsh Ministers 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 7 days ending with the day specified under sub-paragraph (3)(d) the Welsh Ministers consider 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 paragraph 8,
- the Welsh Ministers 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.

Status: Point in time view as at 11/11/2020.

Changes to legislation: Agriculture Act 2020 is up to date with all changes known to be in force on or before 31 May 2024. 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)

- (7) The fact that a declaration under this paragraph has expired or been revoked does not prevent the Welsh Ministers 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 paragraph must be laid before Senedd Cymru by the Welsh Ministers as soon as practicable after it is published.
- (9) In this paragraph and paragraph 8 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

I41 Sch. 5 para. 7 in force at Royal Assent for specified purposes, see s. 57(1)(b)(c)

Exceptional market conditions: powers available to Welsh Ministers

- 8 (1) This paragraph applies during the period for which a declaration under paragraph 7 has effect.
- (2) The Welsh Ministers may give, or agree to give, financial assistance to agricultural producers in Wales whose incomes are being, or are likely to be, adversely affected by the exceptional market conditions described in the declaration.
- (3) The Welsh Ministers may also make such use as the Welsh Ministers consider appropriate of any available powers under retained direct EU legislation which provides for the operation of public intervention and aid for private storage mechanisms, in response to a declaration under paragraph 7.
- (4) Financial assistance under sub-paragraph (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 Welsh Ministers consider 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 sub-paragraph (1) or (2) prevents the Welsh Ministers from giving, or agreeing to give, financial assistance under sub-paragraph (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.

Commencement Information

I42 Sch. 5 para. 8 in force at Royal Assent for specified purposes, see s. 57(1)(b)(c)

Power to modify retained direct EU legislation relating to public market intervention and private storage aid

- 9 (1) The Welsh Ministers may by regulations modify retained direct EU legislation relating to public market intervention or aid for private storage, for the purpose of

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altering the operation of provisions of such legislation so far as they have effect in relation to Wales in connection with exceptional market conditions which are the subject of a declaration under paragraph 7.

- (2) The Welsh Ministers may by regulations modify retained direct EU 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 Wales, otherwise than in connection with exceptional market conditions which are the subject of a declaration under paragraph 7;
 - (b) altering the operation of provisions of such legislation, so far as they have effect in relation to Wales 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 sub-paragraph (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 sub-paragraphs (1) and (2) include power to change the agricultural products that are eligible for public market intervention or aid for private storage.
- (5) Regulations under this paragraph are subject to negative resolution procedure (unless section 50(5) applies).
- (6) In this paragraph “retained direct EU 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 2 of Schedule 7 (amendment of Articles 219, 220, 221 and 222 of the CMO Regulation) is in force, any reference in this paragraph to exceptional market conditions which are the subject of a declaration under paragraph 7 includes a reference to circumstances which are the subject of measures under any of those Articles.

Status: Point in time view as at 11/11/2020.

Changes to legislation: Agriculture Act 2020 is up to date with all changes known to be in force on or before 31 May 2024. 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)

Commencement Information

I43 Sch. 5 para. 9 in force at Royal Assent for specified purposes, see s. 57(1)(b)(c)

PART 3

COLLECTION AND SHARING OF DATA

Agri-food supply chains: requirement to provide information

- 10 (1) The Welsh Ministers may require a person in, or closely connected with, an agri-food supply chain to provide information about matters connected with any of the person's activities connected with the supply chain so far as the activities are in Wales.
- (2) The Welsh Ministers may make regulations requiring a person in, or closely connected with, an agri-food supply chain to provide information about matters connected with any of the person's activities connected with the supply chain so far as the activities are in Wales.
- (3) See paragraph 11 for provision about—
- the meaning of “agri-food supply chain”,
 - who is in such a supply chain, and
 - who is closely connected with such a supply chain.
- (4) Sub-paragraphs (1) and (2) do not apply in relation to individuals in a supply chain so far as they are in the supply chain by reason of them, or members of their households, being the ultimate consumers (see paragraph 11).
- (5) A requirement imposed on a person under sub-paragraph (1) or (2) does not apply to so much of the information as the person would in legal proceedings be entitled to refuse to provide on grounds of legal privilege.
- (6) A requirement under sub-paragraph (1) must be in writing.
- (7) Sub-paragraph (1) binds the Crown.
- (8) Regulations under sub-paragraph (2) are subject to affirmative resolution procedure.

Commencement Information

I44 Sch. 5 para. 10 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

Meaning of “agri-food supply chain”

- 11 (1) This paragraph has effect for the purposes of this Part.
- (2) An “agri-food supply chain” is a supply chain for providing individuals with items of food or drink for personal consumption where the items consist of or include, or have been produced using (directly or indirectly, and whether or not exclusively), the whole or part of—
- anything grown or otherwise produced in carrying on agriculture,

Status: Point in time view as at 11/11/2020.

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- (b) any creature kept in carrying on agriculture, or
 - (c) any creature or other thing taken from the wild.
- (3) The persons in an agri-food supply chain are—
- (a) those individuals (“the ultimate consumers”),
 - (b) the persons carrying on the agriculture or (as the case may be) taking things from the wild, and
 - (c) anybody in the supply chain between those persons and the ultimate consumers.
- (4) The persons “closely connected” with an agri-food supply chain are—
- (a) anybody supplying seeds, stock, equipment, feed, fertiliser, pesticides, medicines or similar items to the persons within sub-paragraph (3)(b) for use in the agriculture or taking,
 - (b) anybody providing, to persons within sub-paragraph (3)(b) or (c), services related to—
 - (i) the health of creatures, or plants, involved in the supply chain, or
 - (ii) the safety or quality of the food or drink to be provided to the ultimate consumers,
 - (c) any person carrying on activities capable of affecting a matter mentioned in sub-paragraph (i) or (ii) of paragraph (b), and
 - (d) bodies representing persons within any of paragraphs (b) and (c) of sub-paragraph (3) and paragraphs (a), (b) and (c) of this sub-paragraph.
- (5) Activities of the kind mentioned in sub-paragraph (4)(c) are to be treated for the purposes of paragraph 10(1) and (2) as connected with the supply chain, but this is not to be read as limiting the generality of “connected” in paragraph 10(1) and (2).
- (6) In this paragraph—
- “agriculture” includes any growing of plants, and any keeping of creatures, for the production of food or drink;
 - “plants” includes fungi;
 - “seeds” includes bulbs and other things from which plants grow.

Commencement Information

I45 Sch. 5 para. 11 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

Requirement must specify purposes for which information may be processed

- 12 (1) This paragraph applies to a requirement imposed under paragraph 10(1) or (2).
- (2) The requirement must specify the purposes for which the information may be processed.
- (3) Each purpose specified must be in, or covered by, the list of purposes in sub-paragraph (4).
- (4) The list of purposes is as follows—
- (a) helping persons in agri-food supply chains to—
 - (i) increase productivity,

Status: Point in time view as at 11/11/2020.

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- (ii) manage risks (including, but not limited to, financial risks, non-financial trading risks, climatic risks, and risks of or from disease or pollution), or
 - (iii) manage market volatility;
 - (b) promoting transparency or fairness in agri-food supply chains;
 - (c) promoting the health, welfare or traceability of creatures of a kind kept for the production of food, drink, fibres or leathers;
 - (d) promoting the health or quality of plants, fungi or soil;
 - (e) minimising adverse environmental effects of activities connected with agri-food supply chains;
 - (f) minimising waste arising from activities connected with agri-food supply chains;
 - (g) monitoring, or analysing, markets connected with agri-food supply chains.
- (5) For the meaning of “agri-food supply chain” (and “person in” such a chain) see paragraph 11.

Commencement Information

I46 Sch. 5 para. 12 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

Requirements under paragraph 10(1): duty to publish draft requirement

- 13 (1) Before a particular requirement is imposed under paragraph 10(1), the Welsh Ministers must have—
- (a) published—
 - (i) a draft of the requirement,
 - (ii) a description of the persons on whom it is proposed that the requirement may be imposed, and
 - (iii) the deadline for making comments on the draft, which must not be earlier than 4 weeks after the date of publication, and
 - (b) decided, in the light of comments received before the deadline (and any other relevant matters), whether the requirement should be imposed in the terms of the draft or in revised terms.
- (2) A requirement in the decided form may be imposed on a person at any times after the decision when the person is within the published description.

Commencement Information

I47 Sch. 5 para. 13 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

Provision of required information and limitations on its processing

- 14 (1) This paragraph applies to a requirement imposed under paragraph 10(1) or (2).
- (2) Information provided in response to the requirement may be processed for, but only for, purposes specified in the requirement (see paragraph 12).

Status: Point in time view as at 11/11/2020.

Changes to legislation: Agriculture Act 2020 is up to date with all changes known to be in force on or before 31 May 2024. 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)

- (3) Sub-paragraph (2) applies—
- (a) to the person to whom the information is provided, and
 - (b) to a person to whom the information is disclosed,
- but, in the case of a person within paragraph (b), sub-paragraph (2) does not authorise processing contrary to the terms on which disclosure is made.
- (4) Sub-paragraphs (2) and (3) are subject to sub-paragraphs (7) to (9).
- (5) The requirement may specify how and when the required information is to be provided, including (in particular)—
- (a) the person to whom the information is to be provided (who may be a person other than the Welsh Ministers);
 - (b) the form in which the information is to be provided;
 - (c) the means by which it is to be provided;
 - (d) the time or times at which, or by when, it is to be provided.
- (6) The requirement must specify—
- (a) the types of processing to which the information may be subjected, and
 - (b) if the types of processing specified include disclosure of any kind, the forms in which the information may be disclosed.
- (7) Information provided in response to the requirement—
- (a) may not be subjected to types of processing other than those specified in the requirement, and
 - (b) may not be disclosed in any form other than those specified in the requirement,
- except in circumstances specified in the requirement.
- (8) Sub-paragraph (9) applies if—
- (a) information is provided in response to the requirement, and
 - (b) a person (“P”) proposes to make a disclosure of the information that is permitted by sub-paragraph (7).
- (9) Where P proposes that the disclosure should be of the information otherwise than in anonymised form—
- (a) P must consider where the disclosure (if made in the form proposed) would, or might, prejudice the commercial interests of any person, and
 - (b) if P considers that it would or might do so, the disclosure (if made) must be of the information in anonymised form unless the Welsh Ministers consider that it is in the public interest for the disclosure to be of the information in some other form permitted by sub-paragraph (7) (in which event the disclosure may be of the information in that other form).
- (10) In this Part “processing”, in relation to information, means an operation or set of operations which is performed on information, or on sets of information, such as—
- (a) collection, recording, organisation, structuring or storage,
 - (b) adaptation or alteration,
 - (c) retrieval, consultation or use,
 - (d) disclosure by transmission, dissemination or otherwise making available,
 - (e) alignment or combination, or
 - (f) restriction, erasure or destruction.

Status: Point in time view as at 11/11/2020.

Changes to legislation: Agriculture Act 2020 is up to date with all changes known to be in force on or before 31 May 2024. 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)

Commencement Information

I48 Sch. 5 para. 14 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

Enforcement of information requirements

- 15 (1) The Welsh Ministers may by regulations make provision for enforcement of a requirement imposed under paragraph 10(1) or (2).
- (2) In the following provisions of this paragraph “specified” means specified in regulations under sub-paragraph (1).
- (3) In sub-paragraph (1) “enforcement” includes (in particular)—
- (a) monitoring compliance,
 - (b) investigating non-compliance, and
 - (c) dealing with non-compliance.
- (4) The provision that may be made by regulations under sub-paragraph (1) includes (in particular)—
- (a) provision for the imposition of monetary penalties for non-compliance with requirements, whether penalties—
 - (i) of a specified amount,
 - (ii) of an amount calculated in a specified manner,
 - (iii) of an amount, not exceeding a specified maximum or a maximum calculated in a specified manner, decided by a specified person or a person of a specified description, or
 - (iv) by way of suspending, or withholding, payment of any amounts;
 - (b) provision for recovery of amounts due in respect of monetary penalties, including provision for any of interest, set-off and security for payment;
 - (c) provision about the giving of advice or warnings;
 - (d) provision for the acceptance of undertakings to take, or refrain from taking, particular actions;
 - (e) provision giving persons functions in connection with enforcement of requirements;
 - (f) provision about review of, or appeals against, things done (including decisions made) in connection with enforcement of requirements.
- (5) In sub-paragraph (4)(a) “specified manner” includes (in particular) a manner framed by reference to a specified matter such as a person's profits, income or turnover.
- (6) Regulations under sub-paragraph (1) are subject to affirmative resolution procedure.

Commencement Information

I49 Sch. 5 para. 15 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

Status: Point in time view as at 11/11/2020.

Changes to legislation: Agriculture Act 2020 is up to date with all changes known to be in force on or before 31 May 2024. 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)

PART 4

MARKETING STANDARDS AND CARCASS CLASSIFICATION

Marketing standards

- 16 (1) The Welsh Ministers may by regulations, in relation to agricultural products that—
- (a) are listed in paragraph 17(1), and
 - (b) are marketed in Wales,
- make provision about the standards with which those products must conform (“marketing standards”).
- (2) The regulations may cover matters such as—
- (a) technical definitions, designation and sales descriptions;
 - (b) classification criteria such as grading into classes, weight, sizing, age and category;
 - (c) the species, plant variety or animal breed or the commercial type;
 - (d) the presentation, labelling, packaging, rules to be applied in relation to packaging centres, marking, years of harvesting and use of specific terms;
 - (e) criteria such as appearance, consistency, conformation, product characteristics and the percentage of water content;
 - (f) specific substances used in production, or components or constituents, including their quantitative content, purity and identification;
 - (g) the type of farming and production method, including oenological practices;
 - (h) coupage of must and wine (including definitions of those terms), blending and restrictions thereof;
 - (i) the frequency of collection, delivery, preservation and handling, the conservation method and temperature, storage and transport;
 - (j) the place of farming or origin, excluding live poultry, poultrymeat and spreadable fats;
 - (k) restrictions as regards the use of certain substances and practices;
 - (l) specific use of products;
 - (m) the conditions governing the disposal, the holding, circulation and use of products not in conformity with the marketing standards, and the disposal of by-products;
 - (n) the use of terms communicating value-added characteristics or attributes.
- (3) Regulations under sub-paragraph (1) may include provision about enforcement, which 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;
 - (d) about the keeping of records;
 - (e) imposing monetary penalties;
 - (f) creating summary offences punishable with a fine (or a fine not exceeding an amount specified in the regulations, which must not exceed level 4 on the standard scale);
 - (g) about appeals;

Status: Point in time view as at 11/11/2020.

Changes to legislation: Agriculture Act 2020 is up to date with all changes known to be in force on or before 31 May 2024. 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)

- (h) conferring functions (including functions involving the exercise of a discretion) on a person.
- (4) Regulations under this paragraph may not authorise entry to a private dwelling without a warrant issued by a justice of the peace.
- (5) Regulations under this paragraph are subject to affirmative resolution procedure.

Commencement Information

I50 Sch. 5 para. 16 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

Agricultural products

- 17 (1) The agricultural products mentioned in paragraph 16(1) are products falling within any of the following—
- (a) entries (a) to (f) in the table in Part XVI of Annex 1 of the CMO Regulation (milk and milk products);
 - (b) where the product has a fat content of at least 10% but not more than 90% by weight, paragraphs (a) to (c) in Point 1 of Part VII of Annex VII of the CMO Regulation (spreadable fats);
 - (c) the table in Part XV of Annex 1 of the CMO Regulation, but excluding any entry in the table for live animals (beef and veal);
 - (d) the table in Part XX of Annex 1 of the CMO Regulation, including any entry in the table for live poultry (poultry and poultrymeat);
 - (e) the table in Part XIX of Annex 1 of the CMO Regulation (eggs and egg products);
 - (f) the table in any of Parts IX to XI of Annex 1 of the CMO Regulation (fruit and vegetables, other than olives);
 - (g) the table in Part VII of Annex 1 of the CMO Regulation (olive oil and table olives);
 - (h) the table in Part VI of Annex 1 of the CMO Regulation (hops);
 - (i) the table in Part XII of Annex 1 of the CMO Regulation (wine);
 - (j) the definition of “aromatised wine products” in Article 3 of the Aromatised Wine Regulation (aromatised wine).
- (2) In sub-paragraph (1)—
- (a) references to the CMO Regulation are to that Regulation as amended from time to time before IP completion day, and
 - (b) “the Aromatised Wine Regulation” means [Regulation \(EU\) No 251/2014](#) of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products as amended from time to time before IP completion day.
- (3) The Welsh Ministers may by regulations amend this paragraph and paragraph 16 for or in connection with the purpose of—
- (a) adding or removing an agricultural product from sub-paragraph (1);
 - (b) altering the description of an agricultural product in sub-paragraph (1).

Status: Point in time view as at 11/11/2020.

Changes to legislation: Agriculture Act 2020 is up to date with all changes known to be in force on or before 31 May 2024. 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)

(4) Regulations under this paragraph are subject to affirmative resolution procedure.

Commencement Information

I51 Sch. 5 para. 17 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

Carcass classification

- 18 (1) The Welsh Ministers may by regulations make provision about the classification, identification and presentation of bovine, pig and sheep carcasses by slaughterhouses in Wales.
- (2) Regulations under sub-paragraph (1) may include provision about enforcement, which 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;
 - (d) about the keeping of records;
 - (e) imposing monetary penalties;
 - (f) creating summary offences punishable with a fine (or a fine not exceeding an amount specified in the regulations, which must not exceed level 4 on the standard scale);
 - (g) about appeals;
 - (h) conferring functions (including functions involving the exercise of a discretion) on a person.
- (3) Regulations under this paragraph may not authorise entry to a private dwelling without a warrant issued by a justice of the peace.
- (4) Regulations under this paragraph are subject to affirmative resolution procedure.

Commencement Information

I52 Sch. 5 para. 18 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

PART 5

DATA PROTECTION

- 19 (1) This paragraph applies to a duty or power to disclose or use information where the duty or power is imposed or conferred by or under any provision of this Schedule.
- (2) A duty or power to which this paragraph applies does not operate to require or authorise the disclosure or use of information which would contravene the data protection legislation (but the duty or power is to be taken into account in determining whether the disclosure or use would contravene that legislation).

Status: Point in time view as at 11/11/2020.

Changes to legislation: Agriculture Act 2020 is up to date with all changes known to be in force on or before 31 May 2024. 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)

- (3) In this paragraph “data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).

SCHEDULE 6

Section 48

PROVISION RELATING TO NORTHERN IRELAND

PART 1

FINANCIAL SUPPORT AFTER EU EXIT

Direct payments after EU Exit: interpretation

- 1 (1) This paragraph defines or explains expressions used in this paragraph and paragraphs 2 to 4.
- (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 Northern Ireland, including the arrangements relating to each of the following elements of direct payments under the scheme—
- (a) a basic payment for farmers (see Chapter 1 of Title III),
 - (b) a greening payment (see Chapter 3 of Title III),
 - (c) a young farmers payment (see article 50 of that Regulation),
 - (d) if a decision to make such payments is taken, a redistributive payment (see Chapter 2 of Title III), and
 - (e) if provision under paragraph 2(1)(b) is made, a payment for areas with natural constraints.
- (3) The “coupled support scheme” is the voluntary coupled support scheme under the Direct Payments Regulation as the Regulation applies in relation to Northern Ireland (see Chapter 1 of Title IV of the Regulation).
- (4) 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).
- (5) The “legislation governing the coupled support scheme” is—
- (a) the following retained direct EU legislation—
 - (i) the Direct Payments Regulation so far as relating to the coupled support scheme,

Status: Point in time view as at 11/11/2020.

Changes to legislation: Agriculture Act 2020 is up to date with all changes known to be in force on or before 31 May 2024. 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)

- (ii) any Council Delegated Regulation, or Commission Delegated Regulation, made under the Direct Payments Regulation and so far as relating to the coupled support scheme,
 - (iii) any other retained direct EU legislation which relates to the coupled support scheme, and
- (b) any subordinate legislation relating to retained direct EU legislation falling within paragraph (a).
- (6) 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.

Commencement Information

I53 [Sch. 6 para. 1](#) in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see [s. 57\(1\)\(b\)\(c\)\(6\)](#)

Power to modify legislation governing the basic payment scheme

- 2 (1) DAERA may by regulations modify legislation governing the basic payment scheme for or in connection with—
- (a) making changes DAERA considers will simplify or improve the scheme (so far as it operates in relation to Northern Ireland);
 - (b) making provision, including provision corresponding to that made in Chapter 4 of Title III of the Direct Payments Regulation as it has effect in EU law immediately before exit day, for the elements of a direct payment under the scheme as it operates in relation to Northern Ireland to include a payment for areas with natural constraints.
- (2) The provision which may be made under sub-paragraph (1)(a) includes provision made for or in connection with terminating either or both of greening payments and young farmers payments in relation to Northern Ireland.
- (3) Regulations under this paragraph are subject to affirmative resolution procedure.

Commencement Information

I54 [Sch. 6 para. 2](#) in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see [s. 57\(1\)\(b\)\(c\)\(6\)](#)

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

- 3 (1) DAERA 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 Northern Ireland for one or more years beyond 2020.
- (2) The power conferred by sub-paragraph (1) includes power to provide for the direct payments ceiling for Northern Ireland for any relevant year to be determined, in a specified manner, by DAERA.

Status: Point in time view as at 11/11/2020.

Changes to legislation: Agriculture Act 2020 is up to date with all changes known to be in force on or before 31 May 2024. 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)

- (3) Provision made by virtue of sub-paragraph (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 paragraph—
- “the direct payments ceiling for Northern Ireland” is the national ceiling of the kind referred to in Article 6 of the Direct Payments Regulation that is applicable in relation to Northern Ireland for any relevant year;
- “relevant year” means a year in respect of which direct payments under the basic payment scheme fall, as a result of provision under sub-paragraph (1), to be made in relation to Northern Ireland;
- “specified” means specified in regulations under this paragraph.
- (5) Regulations under this paragraph are subject to affirmative resolution procedure.

Commencement Information

I55 Sch. 6 para. 3 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

Power to modify legislation governing the coupled support scheme

- 4 (1) DAERA may by regulations modify legislation governing the coupled support scheme for or in connection with—
- (a) making provision for the continuation, in relation to Northern Ireland, of the option to make payments under the scheme after any time at which, without the provision, the option would terminate;
 - (b) making changes DAERA considers will simplify or improve the scheme so far as it operates, or could be operated, in relation to Northern Ireland.
- (2) Regulations under this paragraph are subject to affirmative resolution procedure.

Commencement Information

I56 Sch. 6 para. 4 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

General provision connected with payments to farmers and other beneficiaries: modification in relation to Northern Ireland

- 5 (1) DAERA may by regulations modify any of the following legislation—
- (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 paragraph may only be made for the purpose of—
- (a) securing that any provision of legislation referred to in sub-paragraph (1) ceases to have effect in relation to Northern Ireland, or

Status: Point in time view as at 11/11/2020.

Changes to legislation: Agriculture Act 2020 is up to date with all changes known to be in force on or before 31 May 2024. 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)

- (b) simplifying or improving the operation of any provision of such legislation in relation to Northern Ireland.
- (3) In this paragraph “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.
- (4) Regulations under this paragraph are subject to negative resolution procedure (unless section 50(5) applies).

Commencement Information

I57 [Sch. 6 para. 5](#) in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see [s. 57\(1\)\(b\)\(c\)\(6\)](#)

Apiculture

- 6 (1) DAERA may by regulations modify any of the following legislation so far as it has effect in relation to Northern Ireland—
 - (a) retained direct EU legislation relating to apiculture, and
 - (b) subordinate legislation relating to that legislation.
- (2) In this paragraph “retained direct EU legislation relating to apiculture” includes in particular—
 - (a) Articles 55 to 57 of the CMO Regulation, and
 - (b) retained direct EU legislation made under that legislation.
- (3) Regulations under this paragraph are subject to negative resolution procedure (unless section 50(5) applies).

Commencement Information

I58 [Sch. 6 para. 6](#) in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see [s. 57\(1\)\(b\)\(c\)\(6\)](#)

Support for rural development: modification of legislation in relation to Northern Ireland

- 7 (1) DAERA may by regulations modify any of the following legislation so far as it has effect in relation to Northern Ireland—
 - (a) retained direct EU legislation relating to support for rural development, and
 - (b) subordinate legislation relating to that legislation.
- (2) In this paragraph “retained direct EU legislation relating to support for rural development” includes in particular—
 - (a) [Regulation \(EU\) No 1305/2013](#) of the European Parliament and of the Council of 17 December 2013 on support for rural development,

Status: Point in time view as at 11/11/2020.

Changes to legislation: Agriculture Act 2020 is up to date with all changes known to be in force on or before 31 May 2024. 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)

- (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) Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development,
- (d) so far as it relates to support for rural development, [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,
- (e) Council Regulation (EC) No 1257/99 of 17 May 1999 on support for rural development,
- (f) Council Regulation (EEC) No 2080/92 of 30 June 1992 instituting a Community aid scheme for forestry measures in agriculture,
- (g) 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
- (h) retained direct EU legislation made under the retained direct EU legislation in paragraphs (a) to (g).

(3) Regulations under this paragraph are subject to affirmative resolution procedure.

Commencement Information

I59 [Sch. 6 para. 7](#) in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see [s. 57\(1\)\(b\)\(c\)\(6\)](#)

PART 2

INTERVENTION IN AGRICULTURAL MARKETS

Exceptional market conditions: powers available to DAERA

- 8 (1) Where DAERA considers that—
- (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 Northern Ireland in terms of the prices achievable for one or more agricultural products,
- DAERA may give, or agree to give, financial assistance to agricultural producers in Northern Ireland whose incomes are being, or are likely to be, adversely affected by the disturbance in agricultural markets.
- (2) DAERA may also make such use as DAERA considers appropriate of any available powers under retained direct EU legislation which provides for the operation of public intervention and aid for private storage mechanisms, as an alternative to, or in conjunction with, financial assistance under sub-paragraph (1).

Status: Point in time view as at 11/11/2020.

Changes to legislation: Agriculture Act 2020 is up to date with all changes known to be in force on or before 31 May 2024. 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)

- (3) Financial assistance under sub-paragraph (1) may be given by way of grant, loan or guarantee or in any other form.
- (4) The financial assistance may be given subject to such conditions as DAERA considers appropriate.
- (5) 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).
- (6) In this paragraph a reference to agricultural markets, agricultural products or agricultural producers includes horticultural markets, horticultural products or horticultural producers (as the case may be).

Commencement Information

I60 Sch. 6 para. 8 in force at Royal Assent for specified purposes, see s. 57(1)(b)(c)

Power to modify retained direct EU legislation relating to public market intervention and private storage aid

- 9 (1) DAERA may by regulations modify retained direct EU 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 Northern Ireland;
 - (b) altering the operation of provisions of such legislation, so far as they have effect in relation to Northern Ireland (pending the achievement of the purpose in paragraph (a) in relation to those provisions).
- (2) The power conferred by sub-paragraph (1) includes power to change the agricultural products that are eligible for public market intervention or aid for private storage.
- (3) Regulations under this paragraph are subject to affirmative resolution procedure.
- (4) In this paragraph “retained direct EU 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

Status: Point in time view as at 11/11/2020.

Changes to legislation: Agriculture Act 2020 is up to date with all changes known to be in force on or before 31 May 2024. 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)

as regards the reporting of market prices of certain categories of carcasses and live animals.

Commencement Information

I61 Sch. 6 para. 9 in force at Royal Assent for specified purposes, see s. 57(1)(b)(c)

PART 3

COLLECTION AND SHARING OF DATA

Agri-food supply chains: requirement to provide information

- 10 (1) DAERA may require a person in, or closely connected with, an agri-food supply chain to provide information about matters connected with any of the person's activities connected with the supply chain so far as the activities are in Northern Ireland.
- (2) DAERA may make regulations requiring a person in, or closely connected with, an agri-food supply chain to provide information about matters connected with any of the person's activities connected with the supply chain so far as the activities are in Northern Ireland.
- (3) See paragraph 11 for provision about—
- (a) the meaning of “agri-food supply chain”,
 - (b) who is in such a supply chain, and
 - (c) who is closely connected with such a supply chain.
- (4) Sub-paragraphs (1) and (2) do not apply in relation to individuals in a supply chain so far as they are in the supply chain by reason of them, or members of their households, being the ultimate consumers (see paragraph 11).
- (5) A requirement imposed on a person under sub-paragraph (1) or (2) does not apply to so much of the information as the person would in legal proceedings be entitled to refuse to provide on grounds of legal privilege.
- (6) A requirement under sub-paragraph (1) must be in writing.
- (7) Sub-paragraph (1) binds the Crown.
- (8) Regulations under sub-paragraph (2) are subject to affirmative resolution procedure.

Commencement Information

I62 Sch. 6 para. 10 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

Meaning of “agri-food supply chain”

- 11 (1) This paragraph has effect for the purposes of this Part.

Status: Point in time view as at 11/11/2020.

Changes to legislation: Agriculture Act 2020 is up to date with all changes known to be in force on or before 31 May 2024. 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)

- (2) An “agri-food supply chain” is a supply chain for providing individuals with items of food or drink for personal consumption where the items consist of or include, or have been produced using (directly or indirectly, and whether or not exclusively), the whole or part of—
- (a) anything grown or otherwise produced in carrying on agriculture,
 - (b) any creature kept in carrying on agriculture, or
 - (c) any creature or other thing taken from the wild.
- (3) The persons in an agri-food supply chain are—
- (a) those individuals (“the ultimate consumers”),
 - (b) the persons carrying on the agriculture or (as the case may be) taking things from the wild, and
 - (c) anybody in the supply chain between those persons and the ultimate consumers.
- (4) The persons “closely connected” with an agri-food supply chain are—
- (a) anybody supplying seeds, stock, equipment, feed, fertiliser, pesticides, medicines or similar items to the persons within sub-paragraph (3)(b) for use in the agriculture or taking,
 - (b) anybody providing, to persons within sub-paragraph (3)(b) or (c), services related to—
 - (i) the health of creatures, or plants, involved in the supply chain, or
 - (ii) the safety or quality of the food or drink to be provided to the ultimate consumers,
 - (c) any person carrying on activities capable of affecting a matter mentioned in sub-paragraph (i) or (ii) of paragraph (b), and
 - (d) bodies representing persons within any of paragraphs (b) and (c) of sub-paragraph (3) and paragraphs (a), (b) and (c) of this sub-paragraph.
- (5) Activities of the kind mentioned in sub-paragraph (4)(c) are to be treated for the purposes of paragraph 10(1) and (2) as connected with the supply chain, but this is not to be read as limiting the generality of “connected” in paragraph 10(1) and (2).
- (6) In this paragraph—
- “agriculture” includes any growing of plants, and any keeping of creatures, for the production of food or drink;
 - “plants” includes fungi;
 - “seeds” includes bulbs and other things from which plants grow.

Commencement Information

I63 Sch. 6 para. 11 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

Requirement must specify purposes for which information may be processed

- 12 (1) This paragraph applies to a requirement imposed under paragraph 10(1) or (2).
- (2) The requirement must specify the purposes for which the information may be processed.

Status: Point in time view as at 11/11/2020.

Changes to legislation: Agriculture Act 2020 is up to date with all changes known to be in force on or before 31 May 2024. 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)

- (3) Each purpose specified must be in, or covered by, the list of purposes in sub-paragraph (4).
- (4) The list of purposes is as follows—
- (a) helping persons in agri-food supply chains to—
 - (i) increase productivity,
 - (ii) manage risks (including, but not limited to, financial risks, non-financial trading risks, climatic risks, and risks of or from disease or pollution), or
 - (iii) manage market volatility;
 - (b) promoting transparency or fairness in agri-food supply chains;
 - (c) promoting the health, welfare or traceability of creatures of a kind kept for the production of food, drink, fibres or leathers;
 - (d) promoting the health or quality of plants, fungi or soil;
 - (e) minimising adverse environmental effects of activities connected with agri-food supply chains;
 - (f) minimising waste arising from activities connected with agri-food supply chains;
 - (g) monitoring, or analysing, markets connected with agri-food supply chains.
- (5) For the meaning of “agri-food supply chain” (and “person in” such a chain) see paragraph 11.

Commencement Information

I64 Sch. 6 para. 12 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

Requirements under paragraph 10(1): duty to publish draft requirement

- 13 (1) Before a particular requirement is imposed under paragraph 10(1), DAERA must have—
- (a) published—
 - (i) a draft of the requirement,
 - (ii) a description of the persons on whom it is proposed that the requirement may be imposed, and
 - (iii) the deadline for making comments on the draft, which must not be earlier than 4 weeks after the date of publication, and
 - (b) decided, in the light of comments received before the deadline (and any other relevant matters), whether the requirement should be imposed in the terms of the draft or in revised terms.
- (2) A requirement in the decided form may be imposed on a person at any times after the decision when the person is within the published description.

Commencement Information

I65 Sch. 6 para. 13 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

Status: Point in time view as at 11/11/2020.

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Provision of required information and limitations on its processing

- 14 (1) This paragraph applies to a requirement imposed under paragraph 10(1) or (2).
- (2) Information provided in response to the requirement may be processed for, but only for, purposes specified in the requirement (see paragraph 12).
- (3) Sub-paragraph (2) applies—
- (a) to the person to whom the information is provided, and
 - (b) to a person to whom the information is disclosed,
- but, in the case of a person within paragraph (b), sub-paragraph (2) does not authorise processing contrary to the terms on which disclosure is made.
- (4) Sub-paragraphs (2) and (3) are subject to sub-paragraphs (7) to (9).
- (5) The requirement may specify how and when the required information is to be provided, including (in particular)—
- (a) the person to whom the information is to be provided (who may be a person other than DAERA);
 - (b) the form in which the information is to be provided;
 - (c) the means by which it is to be provided;
 - (d) the time or times at which, or by when, it is to be provided.
- (6) The requirement must specify—
- (a) the types of processing to which the information may be subjected, and
 - (b) if the types of processing specified include disclosure of any kind, the forms in which the information may be disclosed.
- (7) Information provided in response to the requirement—
- (a) may not be subjected to types of processing other than those specified in the requirement, and
 - (b) may not be disclosed in any form other than those specified in the requirement,
- except in circumstances specified in the requirement.
- (8) Sub-paragraph (9) applies if—
- (a) information is provided in response to the requirement, and
 - (b) a person (“P”) proposes to make a disclosure of the information that is permitted by sub-paragraph (7).
- (9) Where P proposes that the disclosure should be of the information otherwise than in anonymised form—
- (a) P must consider whether the disclosure (if made in the form proposed) would, or might, prejudice the commercial interests of any person, and
 - (b) if P considers that it would or might do so, the disclosure (if made) must be of the information in anonymised form unless DAERA considers that it is in the public interest for the disclosure to be of the information in some other form permitted by sub-paragraph (7) (in which event the disclosure may be of the information in that other form).
- (10) In this Part “processing”, in relation to information, means an operation or set of operations which is performed on information, or on sets of information, such as—
- (a) collection, recording, organisation, structuring or storage,

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- (b) adaptation or alteration,
- (c) retrieval, consultation or use,
- (d) disclosure by transmission, dissemination or otherwise making available,
- (e) alignment or combination, or
- (f) restriction, erasure or destruction.

Commencement Information

I66 Sch. 6 para. 14 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

Enforcement of information requirements

- 15 (1) DAERA may by regulations make provision for enforcement of a requirement imposed under paragraph 10(1) or (2).
- (2) In the following provisions of this paragraph “specified” means specified in regulations under sub-paragraph (1).
- (3) In sub-paragraph (1) “enforcement” includes (in particular)—
- (a) monitoring compliance,
 - (b) investigating non-compliance, and
 - (c) dealing with non-compliance.
- (4) The provision that may be made by regulations under sub-paragraph (1) includes (in particular)—
- (a) provision for the imposition of monetary penalties for non-compliance with requirements, whether penalties—
 - (i) of a specified amount,
 - (ii) of an amount calculated in a specified manner,
 - (iii) of an amount, not exceeding a specified maximum or a maximum calculated in a specified manner, decided by a specified person or a person of a specified description, or
 - (iv) by way of suspending, or withholding, payment of any amounts;
 - (b) provision for recovery of amounts due in respect of monetary penalties, including provision for any of interest, set-off and security for payment;
 - (c) provision about the giving of advice or warnings;
 - (d) provision for the acceptance of undertakings to take, or refrain from taking, particular actions;
 - (e) provision giving persons functions in connection with enforcement of requirements;
 - (f) provision about review of, or appeals against, things done (including decisions made) in connection with enforcement of requirements.
- (5) In sub-paragraph (4)(a) “specified manner” includes (in particular) a manner framed by reference to a specified matter such as a person's profits, income or turnover.
- (6) Regulations under sub-paragraph (1) are subject to affirmative resolution procedure.

Status: Point in time view as at 11/11/2020.

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Commencement Information

I67 Sch. 6 para. 15 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

PART 4

MARKETING STANDARDS AND CARCASS CLASSIFICATION

Marketing standards

- 16 (1) DAERA may by regulations, in relation to agricultural products that—
- (a) are listed in paragraph 17(1), and
 - (b) are marketed in Northern Ireland,
- make provision about the standards with which those products must conform (“marketing standards”).
- (2) The regulations may cover matters such as—
- (a) technical definitions, designation and sales descriptions;
 - (b) classification criteria such as grading into classes, weight, sizing, age and category;
 - (c) the species, plant variety or animal breed or the commercial type;
 - (d) the presentation, labelling, packaging, rules to be applied in relation to packaging centres, marking, years of harvesting and use of specific terms;
 - (e) criteria such as appearance, consistency, conformation, product characteristics and the percentage of water content;
 - (f) specific substances used in production, or components or constituents, including their quantitative content, purity and identification;
 - (g) the type of farming and production method, including oenological practices;
 - (h) coupage of must and wine (including definitions of those terms), blending and restrictions thereof;
 - (i) the frequency of collection, delivery, preservation and handling, the conservation method and temperature, storage and transport;
 - (j) the place of farming or origin, excluding live poultry and poultrymeat;
 - (k) restrictions as regards the use of certain substances and practices;
 - (l) specific use of products;
 - (m) the conditions governing the disposal, the holding, circulation and use of products not in conformity with the marketing standards, and the disposal of by-products;
 - (n) the use of terms communicating value-added characteristics or attributes.
- (3) Regulations under sub-paragraph (1) may include provision about enforcement, which 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;
 - (d) about the keeping of records;
 - (e) imposing monetary penalties;

Status: Point in time view as at 11/11/2020.

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- (f) creating summary offences punishable with a fine not exceeding the amount specified in the regulations, which must not exceed level 5 on the standard scale;
 - (g) about appeals;
 - (h) conferring functions (including functions involving the exercise of a discretion) on a person.
- (4) Regulations under this paragraph may not authorise entry to a private dwelling without a warrant issued by a lay magistrate.
- (5) Regulations under this paragraph are subject to affirmative resolution procedure.

Commencement Information

I68 [Sch. 6 para. 16](#) in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see [s. 57\(1\)\(b\)\(c\)\(6\)](#)

Agricultural products

- 17 (1) The agricultural products mentioned in paragraph 16(1) are products falling within any of the following—
- (a) the table in Part XV of Annex 1 of the CMO Regulation, but excluding any entry in the table for live animals (beef and veal);
 - (b) the table in Part XX of Annex 1 of the CMO Regulation, including any entry in the table for live poultry (poultry and poultrymeat);
 - (c) the table in Part XIX of Annex 1 of the CMO Regulation, including any entry in the table for eggs (eggs and egg products);
 - (d) the table in any of Parts IX to XI of Annex 1 of the CMO Regulation (fruit and vegetables other than olives);
 - (e) the table in Part VII of Annex 1 of the CMO Regulation (olive oil and table olives);
 - (f) the table in Part VI of Annex 1 of the CMO Regulation (hops);
 - (g) the table in Part XII of Annex 1 of the CMO Regulation (wine);
 - (h) the definition of “aromatised wine products” in Article 3 of the Aromatised Wine Regulation (aromatised wine).
- (2) In sub-paragraph (1)—
- (a) references to the CMO Regulation are to that Regulation as amended from time to time before IP completion day, and
 - (b) “the Aromatised Wine Regulation” means [Regulation \(EU\) No 251/2014](#) of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products as amended from time to time before IP completion day.
- (3) DAERA may by regulations amend this paragraph and paragraph 16 for or in connection with the purpose of—
- (a) adding or removing an agricultural product from sub-paragraph (1);
 - (b) altering the description of an agricultural product in sub-paragraph (1).
- (4) Regulations under this paragraph are subject to affirmative resolution procedure.

Status: Point in time view as at 11/11/2020.

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Commencement Information

I69 Sch. 6 para. 17 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

Carcass classification

- 18 (1) DAERA may by regulations make provision about the classification, identification and presentation of bovine, pig and sheep carcasses by slaughterhouses in Northern Ireland.
- (2) Regulations under sub-paragraph (1) may include provision about enforcement, which 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;
 - (d) about the keeping of records;
 - (e) imposing monetary penalties;
 - (f) creating summary offences punishable with a fine not exceeding the amount specified in the regulations, which must not exceed level 5 on the standard scale;
 - (g) about appeals;
 - (h) conferring functions (including functions involving the exercise of a discretion) on a person.
- (3) Regulations under this paragraph may not authorise entry to a private dwelling without a warrant issued by a lay magistrate.
- (4) Regulations under this paragraph are subject to affirmative resolution procedure.

Commencement Information

I70 Sch. 6 para. 18 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

PART 5

DATA PROTECTION

- 19 (1) This paragraph applies to a duty or power to disclose or use information where the duty or power is imposed or conferred by or under any provision of this Schedule.
- (2) A duty or power to which this paragraph applies does not operate to require or authorise the disclosure or use of information which would contravene the data protection legislation (but the duty or power is to be taken into account in determining whether the disclosure or use would contravene that legislation).
- (3) In this paragraph “data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).

Status: Point in time view as at 11/11/2020.

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Commencement Information

I71 Sch. 6 para. 19 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

VALID FROM 30/11/2022

SCHEDULE 7

Section 52

THE CMO REGULATION: CONSEQUENTIAL AMENDMENTS

Status:

Point in time view as at 11/11/2020.

Changes to legislation:

Agriculture Act 2020 is up to date with all changes known to be in force on or before 31 May 2024. 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.