

STATUTORY INSTRUMENTS

2015 No. 1997

The Common Agricultural Policy (Amendment) (No. 2) Regulations 2015

PART 3

The Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014

Amendment of the Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014

5. The Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014(1) are amended as follows.

Commencement Information

11 Reg. 5 in force at 1.1.2016, see [reg. 1\(2\)](#)

Amendment of regulation 2 (interpretation)

6. In regulation 2 (interpretation)—

- (a) in paragraph (1) omit the definition of “accountable body”;
- (b) for the definition of “rural development payment” substitute—

““rural development payment” means any payment made by the Secretary of State under Title III of the Rural Development Regulation(2) or Title III, Chapter II of the Common Provisions Regulation(3) except in regulations 9(2A)(b) and 35(4) (where it has the meaning given in those regulations);”;

(c) after paragraph (1) insert—

“(1A) In paragraph (1) “accountable body” means a body responsible for carrying out administrative and financial activities on behalf of a local action group in accordance with Article 34(2) of the Common Provisions Regulation.”.

Commencement Information

12 Reg. 6 in force at 1.1.2016, see [reg. 1\(2\)](#)

(1) [S.I. 2014/3263](#), amended by [S.I. 2015/1325](#).

(2) Regulation (EU) No 1305/2013 of the European Parliament and of the Council (OJ L 347 20.12.2013, p. 487), last amended by Commission Delegated Regulation (EU) 2015/791 (OJ L 127, 22.5.2015, p. 1).

(3) Regulation (EU) No 1303/2013 of the European Parliament and of the Council (OJ L 347 20.12.2013, p. 320), to which there is an amendment that is not relevant to this instrument.

Amendment of regulation 9 (set-off)

7. In regulation 9 (set-off)—

(a) for paragraph (2) substitute—

“(2) The amount of any payment listed in paragraph (2A) may be set off against the amount of any recoverable sum listed in paragraph (2B).

(2A) The payments referred to in paragraph (2) are—

- (a) any rural development payment payable by the Secretary of State;
- (b) any rural development payment payable by the Secretary of State or an accountable body under the Rural Development (Enforcement) (England) Regulations 2007⁽⁴⁾;
- (c) any sum payable to a beneficiary under the England Rural Development Programme (Enforcement) Regulations 2000⁽⁵⁾;
- (d) any sum payable by the Secretary of State under—
 - (i) the Direct Payments Regulation;
 - (ii) Council Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers⁽⁶⁾; or
 - (iii) Council Regulation (EC) No. 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers⁽⁷⁾.

(2B) The recoverable sums referred to in paragraph (2) are—

- (a) any sum recoverable by the Secretary of State or a delivery body (which may include the Secretary of State) under regulation 7(1) or 15(1);
- (b) any sum recoverable by the Secretary of State or an accountable body under regulation 9(1) or 10(1) of the Rural Development (Enforcement) (England) Regulations 2007;
- (c) any sum recoverable by the Minister under regulation 6(1) or 7(1) of the England Rural Development Programme (Enforcement) Regulations 2000⁽⁸⁾;
- (d) any sum recoverable by a competent authority under regulation 8 of the Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control System) Regulations 2009⁽⁹⁾.”;

(b) for paragraph (3) substitute—

“(3) In this regulation—

- (a) “accountable body” has the meaning given by regulation 2(1) of the Rural Development (Enforcement) (England) Regulations 2007;
- (b) “beneficiary” has the meaning given by regulation 2(1) of the England Rural Development Programme (Enforcement) Regulations 2000;
- (c) “competent authority” has the same meaning as in the Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control System) Regulations 2009;

(4) S.I. 2007/75, revoked with savings by S.I. 2014/3263.

(5) OJ No L 30, 31.1.2009, p. 16, repealed by Article 72(2) of the Direct Payments Regulation.

(6) OJ No L 270, 21.10.2003, p. 1, repealed by Council Regulation (EC) No 73/2009 (OJ No L 30, 31.1.2009, p. 16).

(7) OJ No L 30, 31.1.2009, p. 16, repealed by Article 72(2) of the Direct Payments Regulation.

(8) S.I. 2000/3044, revoked with savings by S.I. 2014/3263.

(9) S.I. 2009/3263, revoked by S.I. 2014/3263.

- (d) “Minister” has the meaning given by regulation 2(1) of the England Rural Development Programme (Enforcement) Regulations 2000;
- (e) “rural development payment”, except in paragraph (2A)(a), has the meaning given by regulation 2(1) of the Rural Development (Enforcement) (England) Regulations 2007, except in paragraph (2A)(a)(where it has the meaning given by regulation 2(1)).”.

Commencement Information

I3 Reg. 7 in force at 1.1.2016, see [reg. 1\(2\)](#)

Amendment of regulation 10 (powers of entry)

8. In regulation 10(1) (powers of entry), after “the purpose of enforcing” insert “these regulations or”.

Commencement Information

I4 Reg. 8 in force at 1.1.2016, see [reg. 1\(2\)](#)

Amendment of regulation 14 (breaches of commitments)

9. In regulation 14(1)(c) (breaches of commitments), omit paragraphs (i) to (iv).

Commencement Information

I5 Reg. 9 in force at 1.1.2016, see [reg. 1\(2\)](#)

Amendment of regulation 15 (powers of recovery in relation to rural development payments)

10. In regulation 15(1) (powers of recovery etc in relation to rural development payments), for “accountable body” substitute “delivery body”.

Commencement Information

I6 Reg. 10 in force at 1.1.2016, see [reg. 1\(2\)](#)

Amendment of regulation 20 (interpretation)

11. In regulation 20 (interpretation), in the definition of “specified commodity”—

- (a) for “Council Regulation ([EC](#)) 1216/2009 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽¹⁰⁾” substitute “Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products⁽¹¹⁾”;

⁽¹⁰⁾ OJ No. L 328, 15.12.2009, p.10.

⁽¹¹⁾ OJ No. L 150, 20.5.2014, p.1.

- (b) for “Annexes B and C to Commission Regulation (EC) 1222/94 laying down common detailed rules for the application of the system of granting export refunds on certain agricultural products etc(12)” substitute “Annexes II and III of Commission Regulation (EU) No 578/2010 of 29 June 2010 on the implementation of Council Regulation (EC) No 1216/2009 as regards the system of granting export refunds for certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds(13),”.

Commencement Information

I7 Reg. 11 in force at 1.1.2016, see [reg. 1\(2\)](#)

Amendment of regulation 21 (powers of entry) and regulation 28 (defence of due diligence)

- 12.** In regulation 21(1)(b) (powers of entry) and regulation 28 (defence of due diligence) omit “(4)”.

Commencement Information

I8 Reg. 12 in force at 1.1.2016, see [reg. 1\(2\)](#)

Amendment of Schedule 1

- 13.** Schedule 1 (the SCMO Regulations) is amended as set out in the Schedule to these Regulations.

Commencement Information

I9 Reg. 13 in force at 1.1.2016, see [reg. 1\(2\)](#)

Amendment of Schedule 2

^{F1}**14.**

F1 [Reg. 14](#) revoked (1.1.2024) by [The Agriculture \(Removal of Cross-Compliance and Miscellaneous Revocations and Amendments, etc.\) \(England\) Regulations 2023 \(S.I. 2023/816\)](#), [reg. 1\(1\)](#), [Sch. Pt. 1 para. 1](#) Table 2 (with [Sch. Pt. 2 para. 2](#))

- (12) OJ No. L 136, 31.5.1994, p.5. Annex B was substituted by [Commission Regulation \(EC\) No. 1341/97](#) (OJ No. L 184, 12.7.1997, p. 12) and amended by [Commission Regulation \(EC\) No. 1909/97](#) (OJ No. L258, 1.10.1997, p. 20). Annex C was substituted by [Commission Regulation \(EC\) No. 229/96](#) (OJ No. L 30, 8.2.1996, p. 24) and amended by [Commission Regulation \(EC\) No. 1341/97](#) (OJ No. L 184, 12.7.1997, p. 12). Annex B was substituted by [Commission Regulation \(EC\) No. 1341/97](#) (OJ No. L 184, 12.7.1997, p. 12) and amended by [Commission Regulation \(EC\) No. 1909/97](#) (OJ No. L258, 1.10.1997, p. 20). Annex C was substituted by [Commission Regulation \(EC\) No. 229/96](#) (OJ No. L 30, 8.2.1996, p. 24) and amended by [Commission Regulation \(EC\) No. 1341/97](#) (OJ No. L 184, 12.7.1997, p. 12).
- (13) OJ No. L 171, 6.7.2010, p.1 as last amended by [Commission Implementing Regulation \(EU\) No 599/2013](#) (OJ No. L 172, 24.6.2013, 11).

Changes to legislation:

There are currently no known outstanding effects for the The Common Agricultural Policy (Amendment) (No. 2) Regulations 2015, PART 3.