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## STATUTORY INSTRUMENTS

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# 2020 No. 91

## The Rules for Direct Payments to Farmers (Amendment) Regulations 2020

### [<sup>F1</sup>PART 2

#### Amendment of Regulation (EU) 1307/2013

#### [<sup>F1</sup>Amendment of Title 1 (Scope and definitions)

**3.—(1)** In Article 1, in point (b)—

- (a) in point (i), omit “and a transitional” to the end;
- (b) omit points (ii), (v), (viii), (ix) and (x).

(2) In Article 2, for the words from “Commission” to “Article 70” substitute “appropriate authority may make regulations”.

(3) Omit Article 3.

(4) In the first subparagraph of Article 4(1)—

- (a) in point (a)—
  - (i) omit “by national law”;
  - (ii) for the words from “territorial” to “TFEU” substitute “United Kingdom”;
- (b) in point (b), for “territory of the same Member State” substitute “United Kingdom”;
- (c) in point (c)—
  - (i) in point (ii), for the words from “Member States” to “Commission” substitute “the relevant authority on the basis of the framework set out in Article 4 of Regulation (EU) 639/2014”;
  - (ii) in point (iii) for “Member States” substitute “the relevant authority”;
- (d) in point (d), omit “as well as cotton”;
- (e) in point (h)—
  - (i) for “as well as, where Member States so decide”, substitute “and, where the relevant authority so decides”;
  - (ii) for “Member States so decide”, in the second place it occurs, substitute “the relevant authority so decides”;
  - (iii) for “Member States”, in the last place it occurs, substitute “The relevant authority”;
- (f) in point (i), for “Member State” substitute “United Kingdom”;
- (g) in point (k)—
  - (i) omit “of CN code 0602 90 41”;
  - (ii) omit “to be” in both places it occurs;

- (iii) for “Member States”, in the first place it occurs, substitute “the relevant authority;
- (iv) for “Member States”, in the second place it occurs, substitute “relevant authority”;
- (h) after point (n) insert—
  - “(o) “constituent nation” means England, Wales, Scotland or Northern Ireland, as the case may be;
  - (p) “national reserve” means a reserve established by the relevant authority at the level of the constituent nation;
  - (q) “regional reserves” means reserves established by the relevant authority at regional level;
  - (r) “relevant authority” means—
    - (i) in relation to England, the Secretary of State;
    - (ii) in relation to Wales, the Welsh Ministers;
    - (iii) in relation to Scotland, the Scottish Ministers;
    - (iv) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
  - (s) “appropriate authority” means—
    - (i) the relevant authority for the constituent nation in which the regulations apply, or
    - (ii) the Secretary of State:
      - (aa) in relation to regulations applying in Scotland, if consent is given by the Scottish Ministers;
      - (bb) in relation to regulations applying in Northern Ireland, if consent is given by the Department of Agriculture, Environment and Rural Affairs.”;
- (5) In the second subparagraph of Article 4(1)—
  - (a) for “Member States” substitute “a relevant authority”;
  - (b) for “have”, in the first place it occurs, substitute “has”.
- (6) In Article 4(2)—
  - (a) for the first subparagraph substitute—
 

“For the purposes of point (c) of paragraph 1:

    - (a) the criteria to be met by farmers in order to fulfil the obligation to maintain an agricultural area in a state suitable for grazing or cultivation, as referred to in point (c)(ii) are the criteria set by the relevant authority prior to exit day;
    - (b) where applicable in a constituent nation, the minimum activity to be carried out on agricultural areas naturally kept in a state suitable for grazing or cultivation, as referred to in point (c)(iii) is as defined by the relevant authority prior to exit day.”;
  - (b) in the second, third and fourth subparagraphs, for “Member States”, in each place it occurs, substitute “The relevant authority”;
  - (c) in the fourth subparagraph, for “their territory” substitute “the constituent nation”;
  - (d) for the fifth subparagraph substitute—
 

“This paragraph only applies where the decisions to which it refers were made and notified to the Commission by:

- (a) 31st January 2015, in the case of a decision taken under the second subparagraph;
  - (b) 31st March 2018, in the case of a decision taken under the third or fourth subparagraph.”;
- (7) Omit paragraph 3.]

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**Textual Amendments**

- F1** Regulations revoked (E.) (1.1.2024) by The Agriculture (Delinked Payments and Consequential Provisions) (England) Regulations 2023 (S.I. 2023/1430), reg. 1(2)(a), **Sch. 3 para. 1** Table 2 (with Sch. 3 Pt. 2)

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**Commencement Information**

- I1** Reg. 3 in force at 31.1.2020 at 11.00 p.m. on exit day (in accordance with 2018 c. 16, s. 20(1)-(5)), see reg. 1(2)

**Changes to legislation:**

There are currently no known outstanding effects for the The Rules for Direct Payments to Farmers (Amendment) Regulations 2020, Section 3.