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STATUTORY INSTRUMENTS

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**2023 No. 1430**

**The Agriculture (Delinked Payments and  
Consequential Provisions) (England) Regulations 2023**

**PART 2**

**Delinked payments**

**Delinked payments**

**3.** The Secretary of State must make a delinked payment under these Regulations<sup>(1)</sup> for any year falling within the delinking period to a person who, in respect of that year, satisfies the eligibility conditions in regulation 6.

**The delinking period**

**4.** For the purposes of section 12(2)(b)(i) of the Act and of these Regulations, the year specified for the beginning of the delinking period is 2024<sup>(2)</sup>.

**Calculation of delinked payments**

**5.—(1)** A delinked payment is to be calculated by the Secretary of State in accordance with Schedule 1.

(2) The period which applies for the purposes of calculating a delinked payment (the “reference period”) is the period of three years which began on 1st January 2020 and ended on 31st December 2022.

(3) The amount which applies for the purposes of calculating a delinked payment (the “reference amount”) is the amount described in paragraph 1 of Schedule 1 that is calculated by the Secretary of State in respect of a person.

(4) When calculating a delinked payment under Schedule 1, the Secretary of State—

(a) may adjust the reference amount to reflect any alterations to payments made to or in respect of a person under the basic payment scheme<sup>(3)</sup> for any year falling within the reference period; and

(b) must adjust the reference amount—

(i) to offset any proportion of that amount that has been applied for the purposes of calculating a lump sum payment made to any person under regulation 12 of, and the

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(1) Section 12(1) of the Act provides that a delinked payment is made in place of direct payments under the basic payment scheme. See section 7(2) of the Act for the meaning of “basic payment scheme”. See also section 12(2)(a) of the Act for the meaning given to “delinked payment”.

(2) See section 12(2)(b)(ii) of the Act which provides that the delinking period is to end on the last day of the agricultural transition period for England.

(3) See section 7(2) of the Act for the meaning given to “basic payment scheme”.

Schedule to, the Agriculture (Lump Sum Payment) (England) Regulations 2022(4);  
or

(ii) in accordance with paragraph 4 of Schedule 1.

### **Eligibility conditions**

6.—(1) The eligibility conditions are that a person—

- (a) was eligible for and claimed direct payments under the basic payment scheme in the 2023 claim year;
- (b) has a reference amount calculated in respect of them by the Secretary of State under Schedule 1; and
- (c) where applicable, has complied with any request made by the Secretary of State under regulation 7 for the supply of additional information or evidence.

(2) For the purposes of paragraph (1) and of these Regulations, a person includes a natural or legal person or, as the case may be, a group of natural or legal persons, regardless of the legal status afforded to such group and its members.

(3) A person who satisfies the eligibility conditions in paragraph (1) may, at any time, request in writing that the Secretary of State should cease to regard that person as eligible to receive any, or any further, delinked payments under these Regulations.

### **Information in support of eligibility**

7.—(1) The Secretary of State may require a person to provide additional information and evidence in support of that person's eligibility to receive a delinked payment.

(2) The information or evidence must be provided to the Secretary of State on or before the date specified by the Secretary of State.

### **Transfers of the reference amount**

8.—(1) A request may be made to the Secretary of State for the transfer to a person by the Secretary of State of all, or any part, of a reference amount and Parts 1 and 2 of Schedule 2 have effect for these purposes.

(2) The Secretary of State must, as soon as practicable after the receipt of a request made under paragraph (1)—

- (a) determine that request; and
- (b) give notice in writing to the person who made the request of the Secretary of State's decision in relation to that request.

(3) For the purposes of determining a request made under paragraph (1), the Secretary of State may require additional information or evidence in support of that request under paragraph 9 or 16 of Schedule 2.

(4) A person to whom all, or any part, of a reference amount is transferred following a request made under paragraph (1) and Part 2 of Schedule 2 in circumstances where paragraph 13 of that Schedule applies, is, for the purposes of these Regulations, to be treated as a person who has satisfied the eligibility condition in regulation 6(1)(a).