
STATUTORY INSTRUMENTS

2023 No. 718

AGRICULTURE, ENGLAND

**The Direct Payments to Farmers (Eligible Hectares and
Afforested Areas) (Amendment) (England) Regulations 2023**

<i>Made</i>	- - - -	<i>at 10.45 a.m. on 28th June 2023</i>
<i>Laid before Parliament</i>		<i>at 3.00 p.m. on 28th June 2023</i>
<i>Coming into force</i>	- -	<i>19th July 2023</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 9(1) (a) and (c) and 50(3) of the Agriculture Act 2020⁽¹⁾.

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Direct Payments to Farmers (Eligible Hectares and Afforested Areas) (Amendment) (England) Regulations 2023 and come into force on 19th July 2023.

(2) These Regulations extend to England and Wales but apply in relation to England only.

Amendment of Article 32 of Regulation (EU) No 1307/2013

2.—(1) Article 32 of Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy⁽²⁾ (activation of payment entitlements) is amended as follows.

(2) In paragraph 2—

(a) in subparagraph (b)(ii), omit the words from “or under” to “Regulation (EU) No 1305/2013”;

(b) after subparagraph (b)(ii), insert—

“(ia) for the duration of the relevant commitment by the individual farmer, is afforested under a national scheme the conditions of which comply with—

⁽¹⁾ 2020 c. 21.

⁽²⁾ EUR 2013/1307; relevant amendments were made by S.I. 2020/91, 2022/706. EUR 2013/1307 (apart from Article 13) was incorporated into domestic law by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2).

- (aa) Article 43(1), (2) and (3) of Regulation (EC) No 1698/2005(3); or
- (bb) Article 22 of Regulation (EU) No 1305/2013(4), except that the duration of the relevant commitment may exceed the maximum period of twelve years specified in paragraph 1 of that Article; or”.

Mark Spencer
Minister of State
Department for Environment, Food and Rural
Affairs

At 10.45 a.m. on 28th June 2023

(3) EUR 2005/1698; relevant amendments were made by S.I. 2019/764. S.I. 2019/764 modifies the application of EUR 2005/1698 to the extent that it continues to apply by virtue of the savings provision in Article 88 of EUR 2013/1305.

(4) EUR 2013/1305; relevant amendments were made by S.I. 2019/764.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Agriculture Act 2020 (c. 21). They apply in relation to England only.

Regulation 2 amends Article 32 of Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy (EUR 2013/1307). Regulation 2 amends the meaning of “eligible hectare” for the purposes of a claim for direct payments under the Basic Payment Scheme to include land which is afforested under a national scheme for a duration longer than the maximum period of twelve years specified in Article 22 of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (EUR 2013/1305).

An impact assessment has not been produced for this instrument as no, or no significant impact, on the private or voluntary sector is foreseen.