

Draft Regulations laid before Parliament under section 50(6) of the Agriculture Act 2020, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2022 No.

AGRICULTURE, ENGLAND

**The Agriculture (Financial Assistance)
(Amendment) Regulations 2022**

Made - - - - - ***
Coming into force - - - - - ***

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 2(8), 3(1) and (2) and 50(3) of the Agriculture Act 2020⁽¹⁾.

In accordance with section 50(6) of that Act, a draft of the instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Agriculture (Financial Assistance) (Amendment) Regulations 2022 and come into force on the day after the day on which they are made.

Amendment of the Agriculture (Financial Assistance) Regulations 2021

2. The Agriculture (Financial Assistance) Regulations 2021⁽²⁾ are amended in accordance with regulations 3 to 12.

Amendment of regulation 2 (Interpretation)

3. In regulation 2—

(a) in paragraph (1)—

(i) after the definition of “the 2020 Act”, insert—

““agreement” means an agreement between the Secretary of State and an agreement holder establishing the conditions under which the Secretary of State agrees to give financial assistance to the agreement holder under a financial assistance scheme in accordance with scheme guidance⁽³⁾”;

(1) 2020 c. 21.

(2) S.I. 2021/405.

(3) “Financial assistance” and a “financial assistance scheme” are defined in section 1(6) of the 2020 Act.

- (ii) for the definition of “agreement holder” substitute—
- ““agreement holder” means a person who has entered into an agreement or—
- (a) a personal representative of that person in the event of that person’s incapacity or death; or
- (b) where applicable for the purposes of complying with or enforcing any obligation under these Regulations, an employee or agent of that person in so far as that employee or agent is acting or has acted for or on behalf of that person in connection with that agreement;”;
- (iii) after the definition of “agreement holder” insert—
- ““animal health and welfare grants scheme” means the scheme comprising elements known as the “animal health and welfare small grants scheme” and the “animal health and welfare large grants scheme” pursuant to which the Secretary of State gives financial assistance under section 1(1) of the 2020 Act;
- “annual health and welfare review” means the scheme known as the “annual health and welfare review” pursuant to which the Secretary of State gives financial assistance under section 1(1) of the 2020 Act;”;
- (iv) for the definition of “applicant” substitute—
- ““applicant” means a person who applies to the Secretary of State for financial assistance under a financial assistance scheme or, where applicable for the purposes of complying with or enforcing any obligation under these Regulations, an employee or agent of that person in so far as that employee or agent is acting or has acted for and on behalf of that person in connection with that agreement;”;
- (v) omit the definition of “CS scheme”;
- (vi) for the definition of “environmental land management pilot scheme” substitute—
- ““environmental land management scheme” means any scheme (including any pilot scheme) known as—
- (a) the sustainable farming incentive scheme;
- (b) the local nature recovery scheme; or
- (c) the landscape recovery scheme,
- pursuant to which the Secretary of State gives financial assistance under section 1(1) of the 2020 Act;”;
- (b) for paragraph (2) substitute—
- “(2) Where a provision in these Regulations is silent as to which financial assistance scheme it applies to, the provision applies to any financial assistance scheme made by the Secretary of State under section 1 of the 2020 Act.”.

Amendment of regulation 3 (Checking eligibility for financial assistance)

4. In regulation 3, for “the CS scheme, the environmental land management pilot scheme, the farming investment fund scheme or the tree health pilot scheme” substitute “a financial assistance scheme”.

Amendment of regulation 7 (Payments under the environmental land management pilot scheme)

5. In regulation 7—

- (a) for the heading substitute “Payments under an environmental land management scheme”;
- (b) in paragraphs (1) and (7), for “the environmental land management pilot scheme” substitute “an environmental land management scheme”.

Amendment of regulation 8 (Payments under the CS scheme, the farming investment fund scheme and the tree health pilot scheme)

6. In regulation 8—

- (a) for the heading substitute “Payments under a financial assistance scheme other than an environmental land management scheme”;
- (b) in paragraph (1), for “the CS scheme, the farming investment fund scheme or the tree health pilot scheme” substitute “a financial assistance scheme other than an environmental land management scheme”.

Amendment of regulation 13 (Publication of data in relation to agreement holders)

7. In regulation 13—

- (a) for paragraph (5) substitute—
 - “(5) Where information within paragraph (4)(c) concerns relevant payments received under the—
 - (a) animal health and welfare grants scheme, the specified information must identify the total relevant payments received by the agreement holder from the animal health and welfare small grants scheme and the animal health and welfare large grants scheme respectively;
 - (b) farming investment fund scheme, the specified information must identify the total relevant payments received by the agreement holder from the farming equipment and technology fund and the farming transformation fund respectively.”;
- (b) for paragraph (6) substitute—
 - “(6) For the purposes of this regulation, “relevant payment” means a payment made to an agreement holder in a financial year under a financial assistance scheme other than the annual health and welfare review or the tree health pilot scheme.”.

Amendment of regulation 14 (Publication of aggregated data)

8. In regulation 14—

- (a) for paragraph (1)(a) substitute—
 - “(a) for each financial assistance scheme, other than the annual health and welfare review and the tree health pilot scheme, the aggregate of the financial assistance paid under that scheme to agreement holders to whom paragraph (2) applies; and”;
- (b) in paragraph (1)(b), before “the tree health pilot scheme”, insert “the annual health and welfare review and”;
- (c) for paragraph (3) substitute—
 - “(3) Where information within paragraph (1)(a) concerns payments received under the—
 - (a) animal health and welfare grants scheme, the information must identify the aggregate of such payments received from the animal health and welfare

small grants scheme and the animal health and welfare large grants scheme respectively;

(b) farming investment fund scheme, the information must identify the aggregate of such payments received from the farming equipment and technology fund and the farming transformation fund respectively.”;

(d) after paragraph (4) insert—

“(5) For the purposes of this regulation, “relevant payment” means a payment made to an agreement holder in a financial year under a financial assistance scheme other than the annual health and welfare review or the tree health pilot scheme.”.

Amendment of regulation 19 (Assisting an authorised person)

9. In regulation 19, in paragraph (2), omit “, and any employee or agent of that person,”.

Amendment of regulation 20 (Breach of regulations)

10. In regulation 20, in paragraph (b), omit “, or any employee or agent of that person,”.

Amendment of regulation 21 (Investigating breaches and suspected offences)

11. In regulation 21—

(a) in paragraphs (2) and (4), after “agreement holder” insert “, or the applicant (where relevant),”;

(b) in paragraph (3)(a), after “agreement holder” insert “, or the applicant (where relevant)”.

Amendment of regulation 22 (Concluding an investigation)

12. In regulation 22—

(a) in paragraph (2)(a), after “agreement holder” insert “, or the applicant (where relevant),”;

(b) for paragraph (3) substitute—

“(3) Where the Secretary of State receives written representations from an agreement holder under paragraph (1) or (2), the Secretary of State must consider those written representations before making a determination under regulation 23.”;

(c) in paragraph (4), after “agreement holder”, insert “or an applicant (where relevant)”.

Date

Name
Minister of State
Department for Environment, Food and Rural
Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Agriculture (Financial Assistance) Regulations 2021 (S.I. 2021/405) (the “2021 Regulations”). They are made under the Agriculture Act 2020 (c. 21) (“the Act”).

Regulation 3 inserts new definitions, and amends existing definitions, in regulation 2 of the 2021 Regulations.

Regulation 4 extends the scope of regulation 3 of the 2021 Regulations to apply to any financial assistance scheme established under Part 1 of the Act.

Regulations 5 and 6 make changes to reflect the new definitions inserted by regulation 3.

Regulations 7 and 8 extend the scope of the publication of information requirements in regulations 13 and 14 of the 2021 Regulations to include other financial assistance schemes established under Part 1 of the Act. The tree health pilot scheme and annual health and welfare review are exempt from certain publication requirements.

Regulations 9 and 10 omit references to any “employee or agent” of an agreement holder; this wording is now incorporated in the new definition of “agreement holder” inserted by regulation 3.

Regulations 11 and 12 extend the investigation powers in regulations 21 and 22 of the 2021 Regulations to enable the Secretary of State to investigate applicants if the Secretary of State reasonably suspects an applicant has committed an offence under other legislation, in so far as it is relevant to an application for, or receipt of, financial assistance.

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