
Status: This version of this Instrument contains provisions that are prospective.
Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Common Agricultural Policy Basic Payment and Support Schemes (England) (Amendment) Regulations 2017. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

STATUTORY INSTRUMENTS

2017 No. 1198

AGRICULTURE, ENGLAND

The Common Agricultural Policy Basic Payment and Support Schemes (England) (Amendment) Regulations 2017

<i>Made</i>	- - - -	<i>1st December 2017</i>
<i>Laid before Parliament</i>		<i>4th December 2017</i>
<i>Coming into force</i>	- -	<i>1st January 2018</i>

The Secretary of State makes these Regulations under section 2(2) of the European Communities Act 1972(1).

The Secretary of State is a Minister designated for the purposes of section 2(2) of that Act in relation to the common agricultural policy(2).

PROSPECTIVE

Citation, application and commencement

1.—(1) These Regulations may be cited as the Common Agricultural Policy Basic Payment and Support Schemes (England) (Amendment) Regulations 2017.

(2) They apply in England only.

(3) They come into force on 1st January 2018 and apply to aid applications relating to each year beginning with 1st January and ending on 31st December.

Commencement Information

II Reg. 1 in force at 1.1.2018, see [reg. 1\(3\)](#)

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- (1) [1972 c. 68](#); section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 ([c. 51](#)) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 ([c. 7](#)). The function of the former Minister of Agriculture, Fisheries and Food of making regulations under section 2(2) was transferred to the Secretary of State by the Minister of Agriculture, Fisheries and Food (Dissolution) Order 2002 ([S.I. 2002/794](#)).
- (2) [S.I. 1972/1811](#), to which there are amendments not relevant to these Regulations.

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Amendment of the Common Agricultural Policy Basic Payment and Support Schemes (England) Regulations 2014

2. The Common Agricultural Policy Basic Payment and Support Schemes (England) Regulations 2014⁽³⁾ are amended as follows.

Commencement Information

I2 Reg. 2 in force at 1.1.2018, see [reg. 1\(3\)](#)

Amendment of regulation 2 (interpretation)

3. In regulation 2(1), for the definition of “the Direct Payments Delegated Regulation” substitute—

““the Direct Payments Delegated Regulation” means Commission Delegated Regulation (EU) No 639/2014 supplementing the Direct Payments Regulation⁽⁴⁾”

Commencement Information

I3 Reg. 3 in force at 1.1.2018, see [reg. 1\(3\)](#)

Amendment of regulation 13 (ecological focus areas)

4. Regulation 13 is amended as follows.

(1) After paragraph (1) insert—

“(1A) For the purposes of Article 45(2) of the Direct Payments Delegated Regulation, land must lie fallow in the period which runs from and including 1st January up to and including 30st June.”

(2) In paragraph (2), for the words from “landscape” to the end substitute “the landscape feature selected is as listed in point (a) of the first sub-paragraph of that Article (hedges, wooded strips or trees in line)”.

(3) In paragraph (3), for the words from “the minimum” to “SMR 10, is” substitute “buffer strips and field margins must be at least”.

(4) In paragraph (4)—

(a) in sub-paragraph (b)(i) for “31st August” substitute “20th August”;

(b) in sub-paragraph (b)(ii) for “1st October” substitute “14thOctober”.

(5) Omit paragraph 6.

Commencement Information

I4 Reg. 4 in force at 1.1.2018, see [reg. 1\(3\)](#)

⁽³⁾ [S.I. 2014/3259](#), amended by [S.I. 2015/1325](#), [2015/1997](#).

⁽⁴⁾ OJ No L 181, 20.6.2014, p 48, as last amended by Commission Delegated Regulation (EU) 2017/1155 (OJ) No L 167, 30.6.2017, p 1. The effect of the Interpretation Act 1978 (c. 30) is that the updated reference to Direct Payments Delegated Regulation is to that Regulation as last amended by Commission Delegated Regulation (EU) No 2017/1155.

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1st December 2017

George Eustice
Minister of State
Department for Environment, Food and Rural
Affairs

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PROSPECTIVE

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Common Agricultural Policy Basic Payment and Support Schemes (England) Regulations 2014 ([S.I. 2014/3259](#)), which make provision in England for the implementation of certain elements of EU Regulations relating to direct payments.

The changes are made pursuant to Commission Delegated Regulation (EU) 2017/1155 (OJ No L 167, 30.6.2017, p 1).

Regulation 4 sets out the period that land must lie fallow and provides for wooded strips and trees in line to be included within the landscape feature group. It also sets out the minimum width for the newly merged ecological focus area of buffer strips and field margins, and removes the provision excluding buffer strips required under cross compliance rules from the calculation of minimum width. Finally, it extends the time period for which catch crops must be maintained, bringing it in line with the new minimum period under EU law.

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

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Changes and effects yet to be applied to :

- Regulations revoked by [S.I. 2023/1430 Sch. 3 para. 1 Table 2](#)
- reg. 1 coming into force by [S.I. 2017/1198 reg. 1\(3\)](#)
- reg. 2 coming into force by [S.I. 2017/1198 reg. 1\(3\)](#)
- reg. 3 coming into force by [S.I. 2017/1198 reg. 1\(3\)](#)
- reg. 4 coming into force by [S.I. 2017/1198 reg. 1\(3\)](#)