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STATUTORY INSTRUMENTS

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**2023 No. 124**

**AGRICULTURE, ENGLAND**

The Market Measures Payment Schemes  
(Amendments, Revocation and Transitional  
Provision) (England) Regulations 2023

Made - - - - at 10.20 a.m. on 7th  
February 2023  
Laid before Parliament at 4.00 p.m. on 7th  
February 2023  
Coming into force in accordance with regulation 1(2)

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 22(1), (2)(a) and (b) and (4), and section 50(3) of the Agriculture Act 2020<sup>(1)</sup>.

**PART 1**

Introductory

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Market Measures Payment Schemes (Amendments, Revocation and Transitional Provision) (England) Regulations 2023.

(2) These Regulations come into force—

- (a) as regards Parts 1 and 2, at 9.00 a.m. on 28th February 2023;
- (b) otherwise, at 9.10 a.m. on 28th February 2023.

(3) These Regulations extend to England and Wales.

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<sup>(1)</sup> 2020 c. 21. See section 51 of the Act for the meaning of “modify”.

## PART 2

### Amendment of Regulation (EU) No 1308/2013 of the European Parliament and of the Council

2. In Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products(2), in Article 13 (public intervention), after paragraph 4, insert—

“4A. In relation to England, paragraph 4 is to be read as if for “Article 7(1)” there were substituted “Article 1a(1) of Council Regulation (EU) No 1370/2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products(3)”.”.

## PART 3

### Other amendments to retained direct EU legislation

#### Regulation (EU) No 1306/2013 of the European Parliament and of the Council

3.—(1) Regulation (EU) No 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy(4) is amended as follows.

(2) In Article 7 (designation of paying agencies and coordinated action by relevant authorities), after paragraph 5, insert—

“5A. Paragraph 5 does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(3) In Article 8 (commission powers), after paragraph 1, insert—

“1A. Paragraph 1 does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(4) In Article 20, (public intervention expenditure) after paragraph 3, insert—

“3A. This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(5) In Article 46 (commission powers), after paragraph 6, insert—

“7. Paragraph 6 does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(6) In Article 62 (powers as regards checks), after paragraph 2, insert—

“3. Point (i) of paragraph 2 does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

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(2) EUR 2013/1308; relevant amending instruments are [S.I. 2019/821](#), [831](#) (which itself was amended by [S.I. 2020/1445](#)).

(3) EUR 2013/1370; relevant amending instruments are [S.I. 2019/821](#), [831](#) (which itself was amended by [S.I. 2020/1445](#)), [1422](#).

(4) EUR 2013/1306; relevant amending instruments are [S.I. 2019/748](#), [763](#), [1402](#), [2020/90](#), [576](#), [1445](#).

## **Regulation (EU) No 1308/2013 of the European Parliament and of the Council**

4.—(1) Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products is amended as follows.

(2) In Article 9 (origin of eligible products), at the end, insert—

“In relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020, the first paragraph is to be read as if “for buying-in under public intervention or” were omitted.”.

(3) In each of Articles 11 (products eligible for public intervention) and 12 (public intervention periods), at the end, insert—

“This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(4) In Article 13 (public intervention), after paragraph 5, insert—

“6. This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(5) In Article 14 (buying-in at a fixed price or tendering), at the end, insert—

“This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(6) In Article 15 (public intervention price), after paragraph 2, insert—

“3. This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(7) In Article 16 (general principles on disposal from public intervention), after paragraph 3, insert—

“4. This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(8) In Article 17 (eligible products), at the end, insert—

“The second paragraph does not apply in relation to England.”.

(9) In Article 19 (delegated powers)—

(a) after paragraph 3, insert—

“3A. Paragraphs 1 to 3 do not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”;

(b) after paragraph 5, insert—

“5A. Paragraph 5 does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.

5B. In relation to private storage aid schemes in England, paragraph 5 is to be read as if point (c) were omitted.”;

(c) at the end, insert—

“7. In relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020, or in relation to private storage aid schemes in England, the first subparagraph of paragraph 6 is to be read as if, for “the market intervention measures”, there were substituted “aid for private storage”.”

(10) In Article 20 (implementing powers in accordance with the examination procedure), at the end, insert—

“This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.

In relation to private storage aid schemes in England, point (o) is to be read as if point (ii) were omitted.”

### **Council Regulation (EU) No 1370/2013**

5.—(1) Council Regulation (EU) No 1370/2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products is amended as follows.

(2) In Article 1a (reference thresholds), after paragraph 3, insert—

“4. This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”

(3) In Article 2 (public intervention prices), after paragraph 3, insert—

“4. This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”

(4) In Article 3 (buying-in prices and applicable quantitative limitations), after paragraph 4, insert—

“4A. This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”

### **Commission Delegated Regulation (EU) No 907/2014**

6.—(1) Commission Delegated Regulation (EU) No 907/2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro<sup>(5)</sup> is amended as follows.

(2) In Article 3 (obligations of the paying agency as regards public intervention), after paragraph 4, insert—

“4A. This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”

(3) In Article 4 (inventory), after paragraph 2, insert—

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(5) EUR 2014/907, amended by S.I. 2019/765 (which itself was amended by S.I. 2020/1445); there are other amending instruments but none is relevant.

“3. This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(4) In Article 29 (production refunds and specific types of aid)—

(a) after paragraph 3, insert—

“3A. Paragraph 3 does not apply in relation to England.”;

(b) after paragraph 4, insert—

“4A In relation to England, paragraph 4 is to be read as if for “paragraphs 2 and 3” there were substituted “paragraph 2”.”.

(5) In Article 36 (other amounts and prices), at the end, insert—

“This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(6) In Article 40 (determination of the exchange rate), at the end, insert—

“Point (b) of the second paragraph does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(7) In Annex 2, at the beginning, insert—

“ZA. APPLICATION

This Annex does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(8) In Annex 3, at the beginning, insert—

“This Annex does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(9) In Annex 4, at the beginning, insert—

“A1. This Annex does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

### **Commission Implementing Regulation (EU) No 908/2014**

7.—(1) Commission Implementing Regulation (EU) No 908/2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, rules on checks, securities and transparency(6) is amended as follows.

(2) In Article 11 (general rules on the declaration of expenditure and on assigned revenue), after paragraph 5, insert—

“5A. This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

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(6) EUR 2014/908; relevant amending instruments are [S.I. 2019/765](#) (which itself was amended by [S.I. 2019/1405](#), [2020/1445](#)), [2020/90](#).

(3) In each of Articles 12 (special rules on declarations of expenditure relating to public storage), 16 (content of the public storage accounts to be kept by paying agencies) and 18 (dates for entering expenditure and revenue and product movements in the accounts for public intervention), after paragraph 2, insert—

“3. This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(4) In Article 17 (accounting related to public intervention), after paragraph 2, insert—

“2A. This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(5) In Annex 13 (measures referred to in Article 57), after paragraph 2, insert—

“2A. In relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020, paragraph 2 is to be read as if the first indent were omitted.”.

#### **Commission Delegated Regulation (EU) 2016/1238**

8.—(1) Commission Delegated Regulation (EU) 2016/1238 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage(7) is amended as follows.

(2) In Article 2 (eligibility of operators), after paragraph 3, insert—

“4. This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(3) In Article 3 (eligibility of products), after paragraph 3, insert—

“4. This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(4) In Article 4 (security), at the end, insert—

“This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020, or in relation to private storage aid schemes in England.”.

(5) In Article 5 (release and forfeiture of security), after paragraph 8, insert—

“9. This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020, or in relation to private storage aid schemes in England.”.

(6) In Article 6 (intervention storage places), after paragraph 2, insert—

“3. This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(7) In Article 7 (requirements for storage places), after paragraph 3, insert—

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(7) EUR 2016/1238, amended by [S.I. 2019/823](#) (which itself was amended by [S.I. 2020/1445](#)).

“4. This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”

(8) In Article 8 (payment of aid for private storage)—

(a) after paragraph 2, insert—

“2A. In relation to England, paragraph 2 is to be read as if “or the forfeiture of the security” were omitted.”;

(b) after paragraph 4, insert—

“4A. In relation to England, the first subparagraph of paragraph 4 is to be read as if “during storage or” were omitted.”

(9) In each of Annexes 1 (buying-in of cereals) to 5 (buying-in of skimmed milk powder), at the beginning, insert—

“A1. This Annex does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”

(10) In Annex 6 (quality requirements for aid for private storage), after the fourth paragraph under heading 5, insert—

“In relation to England, the text under this heading is to be read as if—

(a) the first and second paragraphs were omitted;

(b) in the third paragraph, for “Furthermore, the cheese” there were substituted “Cheese”.”

### **Commission Implementing Regulation (EU) 2016/1240**

9.—(1) Commission Implementing Regulation (EU) 2016/1240 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage<sup>(8)</sup> is amended as follows.

(2) In Article 2 (submission and admissibility of offers, tenders and applications), after paragraph 8, insert—

“9. This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”

(3) In each of Articles 3 (intervention storage places), 15 (individual decisions on tenders), 17 (delivery order), 18 (specific provisions for the delivery of cereals and rice), 20 (specific provisions for the delivery of beef), 22 (delivery), 30 (submission and admissibility of tenders), 33 (individual decisions on tenders), 38 (removal of butter and skimmed milk powder) and 57 (specific provisions on checks relating to public intervention), after paragraph 3, insert—

“4. This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”

(4) In each of Articles 4 (establishing the eligibility of products), 5 (minimum quantities of products offered or tendered), 7 (submission and admissibility of offers and tenders), 8 (verification of offers and tenders by the paying agency), 11 (measures for respecting the quantitative limitations), 13 (submission and admissibility of tenders), 14 (decisions on the buying-in price), 23 (the takeover record), 26 (price adjustments for cereals and rice), 27 (payments), 32 (decisions on the selling price), 37 (removal order), 58 (specific provisions on checks relating to public intervention for cereals and

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(8) EUR 2016/1240, amended by [S.I. 2019/823](#), 831 (which itself was amended by [S.I. 2020/1445](#)).

rice) and 59 (specific provisions for the takeover in storage place of the storekeeper for cereals and rice), after paragraph 2, insert—

“3. This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(5) In each of Articles 6 (level of the security for buying-in of products), 10 (submission of offers for buying-in of common wheat, butter and skimmed milk powder at fixed price), 16 (limitation of buying-in for beef), 24 (obligations of the operator), 25 (deboning requirement for beef) and 35 (payments), at the end, insert—

“This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(6) In each of Articles 12 (tendering procedure), 28 (opening of the tendering procedure) and 34 (specific rules for the allocation of beef, butter and skimmed milk powder), after paragraph 5, insert—

“6. This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(7) In Article 19 (transport costs for cereals and rice), after paragraph 1, insert—

“1A. This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(8) In each of Articles 21 (specific provisions for the packing, delivery and storage of butter and skimmed milk powder), 29 (notice of invitation to tender and arrangements related to the invitation to tender), 36 (sales by the paying agency) and 65 (notifications of information on intervention stocks), after paragraph 4, insert—

“5. This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(9) In Article 39 (opening of tendering procedures and fixing aid in advance), after paragraph 1, insert—

“1A. In relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020, or in relation to private storage aid schemes in England, paragraph 1 is to be read as if point (i) were omitted.”.

(10) In Article 40 (submission and admissibility of tenders and applications for aid for private storage), at the end, insert—

“This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.

In relation to private storage aid schemes in England, this Article is to be read as if—

- (a) in point (a)(vi), for “euro” there were substituted “sterling”;
- (b) point (b) were omitted.”.

(11) In Article 52 (obligations of the operator), after paragraph 2, insert—



“**2A.** In relation to private storage aid schemes in England, paragraph 2 is to be read as if—

- (a) point (i) were omitted;
- (b) in point (ii), “for other products” were omitted.”.

(12) In Article 56 (general provisions on checks relating to public intervention and aid for private storage), after paragraph 4, insert—

“**5.** This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(13) In Article 60 (specific provisions on checks relating to aid for private storage)—

(a) after paragraph 2, insert—

“**2A.** In relation to England, the first subparagraph of paragraph 2 is to be read as if for “5%”, in both places it appears, there were substituted “10%”.”;

(b) after paragraph 3, insert—

“**3A.** Paragraph 3 does not apply in relation to England.”;

(c) after paragraph 4, insert—

“**4A.** In relation to England, the second subparagraph of paragraph 4 is to be read as if, for “5%”, in both places it appears, there were substituted “10%”.”;

(d) after paragraph 5, insert—

“**6.** In relation to England, paragraph 5 is to be read as if for “paragraphs 3 and” there were substituted “paragraph”.”.

(14) In Article 60a (specific provision on checks relating to public intervention and aid for private storage for milk and milk products), after paragraph 2, insert—

“**3.** In relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020, or in relation to private storage aid schemes in England, this Article is to be read as if—

- (a) in the heading, “public intervention and” were omitted;
- (b) in paragraph 1, in the second subparagraph, the words from “, in force” to the end were omitted.”.

(15) In each of Annexes 1 (cereals) to 5 (skimmed milk powder), at the beginning, insert—

“**A1.** This Annex does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(16) In the Appendix to Annex 9, after the first paragraph, insert—

“In relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020, or in relation to private storage aid schemes in England, this paragraph is to be read as if for “public intervention and private storage legislation lay” there were substituted “private storage legislation lays”.”.

## PART 4

### Transitional provision

#### **Transitional provision for public intervention**

**10.**—(1) The amendments made by regulations 3 to 9 and the revocation made by regulation 11 are of no effect in so far as they relate to an admissible offer for public intervention which is received before the coming into force of those regulations in accordance with regulation 1(2)(b).

(2) For the purposes of this regulation, an admissible offer for public intervention is an offer which is received in accordance with Articles 2 and 7 of Commission Implementing Regulation (EU) 2016/1240 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage.

## PART 5

### Revocation

#### **Revocation of Commission Delegated Regulation (EU) No 906/2014**

**11.** Commission Delegated Regulation (EU) No 906/2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to public intervention expenditure<sup>(9)</sup> is revoked in relation to England.

*Mark Spencer*  
Minister of State

Department for Environment, Food and Rural  
Affairs

At 10.20 a.m. on 7th February 2023

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(9) EUR 2014/906; amended by [S.I. 2019/748, 765](#) (which itself was amended by [S.I. 2019/1405, 1445](#)).

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make amendments, to apply in relation to England only, to retained direct EU legislation in order to remove the framework related to public intervention (otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020 (c. 21)), and to tailor the framework relating to private storage aid to domestic requirements.

Regulation 2 makes a minor amendment to Article 13 of Regulation (EU) No 1308/2013 (EUR 2013/1308) in order to update a cross reference. This takes effect before regulations 3 to 11 come into force.

Part 4 of these Regulations contains a transitional provision which provides that the amendments made by regulations 3 to 9 and the revocation made by regulation 11 are of no effect in so far as they relate to an admissible offer for public intervention which is received before the coming into force of the instrument.

Part 5 of these Regulations revokes Commission Delegated Regulation (EU) 906/2014 (EUR 2014/906) in relation to England.

With respect to the framework for private storage aid, the amendments made by these Regulations remove the requirement to carry out unannounced, on the spot checks during the period of storage of the product to ensure the presence and identity of the contractual quantity in the place of private storage. They also increase the minimum percentage of physical checks at the beginning and end of the storage period from 5% to 10%.

In addition, these Regulations remove the requirement for operators to lodge a security when submitting a tender or an application for aid for private storage. They also amend the requirement for tenders for private storage aid to set out the amount of proposed aid in euro, so that this is instead set out in sterling.

In respect of the products that are eligible for private storage aid, these Regulations remove the requirement for cheese to have a protected designation of origin or geographical indication in order to be eligible for private storage aid.

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