

---

STATUTORY INSTRUMENTS

---

**2023 No. 1430**

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

**PART 3**

**Making and recovery of delinked payments**

**Making delinked payments**

**9.**—(1) Subject to paragraph (3), a delinked payment must be paid by the Secretary of State to a person before the expiry of the period of 13 months beginning on 1st January in the year to which the payment relates.

(2) A delinked payment in relation to a year may be paid by the Secretary of State to a person in two instalments, the first of which represents up to 50% of the estimated total value of the delinked payment payable to that person for that year and the second of which represents the balance due to that person after the total value of the delinked payment for that year has been calculated.

(3) The Secretary of State may pay a delinked payment, or any part of a delinked payment, to a person after the expiry of the period specified in paragraph (1) where the Secretary of State is satisfied that there are good reasons for doing so.

**Recovery of delinked payments**

**10.**—(1) The Secretary of State may recover on demand an amount paid to a person by way of a delinked payment to which that person was not entitled.

(2) Where the Secretary of State decides to recover an amount under paragraph (1) from any person, the Secretary of State must notify that person in writing of—

- (a) the amount to be repaid; and
- (b) the deadline specified in paragraph (3) by which the repayment of that amount must be made by that person.

(3) The deadline specified in this paragraph is before the end of the period of 60 days beginning on the date on which the notification under paragraph (2) is given.

(4) Where a person fails to repay the full amount referred to in paragraph (2)(a) within the deadline specified in paragraph (3), the Secretary of State may recover the amount outstanding as a debt, together with interest on that amount, calculated in accordance with paragraph (5).

(5) Where the Secretary of State exercises the power conferred under paragraph (4), interest may be charged to the amount to be repaid for each day from the repayment deadline specified in paragraph (3) to the date on which repayment of that amount, together with any associated interest, is made in full.

(6) The rate of interest applicable on any day is one percentage point above the Bank of England base rate.

(7) In this regulation, “the Bank of England base rate” has the meaning given in regulation 28(6) of the Agriculture (Financial Assistance) Regulations 2021<sup>(1)</sup>.

---

<sup>(1)</sup> [S.I. 2021/405](#), to which there are amendments not relevant to these Regulations.