

**2022 No. 240**

**AGRICULTURE**

**The Direct Payments to Farmers (Cross-Compliance)  
(Amendment) Regulations (Northern Ireland) 2022**

*Made* - - - - - *3rd October 2022*

*Coming into force* *24th October 2022*

The Department of Agriculture, Environment and Rural Affairs makes these Regulations in exercise of the powers conferred by sections 48 and 50(3)(a) of, and paragraph 5 of Schedule 6 to, the Agriculture Act 2020(a).

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Direct Payments to Farmers (Cross-Compliance) (Amendment) Regulations (Northern Ireland) 2022 and come into operation on 24th October 2022.

(2) (a) The Interpretation Act (Northern Ireland) 1954(b) shall apply to these Regulations as it applies to an Act of the Assembly.

(b) In these Regulations –

“Direct Payment Scheme” means –

- (i) schemes for direct payment to farmers made under Regulation (EU) No. 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy(c), or
- (ii) schemes for direct payment to farmers under support schemes within the framework of the Agriculture Act 2020.

“the 2022 scheme year” means the scheme year beginning on 1st January and ending on 31st December 2022.

**Amendment of Commission Delegated Regulation (EU) No. 640/2014**

**2.** In Commission Delegated Regulation (EU) No. 640/2014 supplementing Regulation (EU) No. 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross

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(a) 2020 c.21

(b) 1954 c.33 (N.I.)

(c) EUR 2013/1307 as amended by S.I. 2020/91, S.I. 2020/576 and S.I. 2020/760. This Regulation was incorporated into domestic law by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c.2).

compliance(a), in so far as it relates to direct payment schemes in Article 39(4), omit the third subparagraph.

### **2022 Scheme Year Transitional Provisions**

3. The amendment in regulation 2 shall apply in the period of the 2022 scheme year and includes in and from the 2022 scheme year any relevant reoccurrence within the meaning of reoccurrence in Article 38(1) of Commission Delegated Regulation No. 640/2014.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on 3rd October 2022.



*Jason Foy*  
A senior officer of the  
Department of Agriculture, Environment and Rural Affairs

### **EXPLANATORY NOTE**

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

These Regulations are made in exercise of the powers conferred by sections 48 and 50(3)(a) of, and paragraph 5 of Schedule 6 to, the Agriculture Act 2020 (c.21) in order to make provisions in retained EU law governing the direct payment schemes.

Regulation 2 amends Commission Delegated Regulation (EU) No. 640/2014 to remove the automatic application of intentional penalties to negligent non-compliances.

Regulation 3 makes transitional provision throughout the period of the 2022 scheme year for the application of the new Article 39 negligent non-compliance provisions and in this period reoccurrence within the meaning of reoccurrence in Article 38(1) of Regulation (EU) No. 640/2014.

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.

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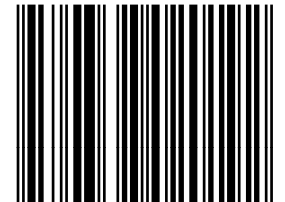
(a) EUR 2014/640 as amended in relation to direct payment schemes by S.I. 2020/90 and in relation to direct payment schemes in England by S.I. 2020/551. EUR 2014/640 was also amended prospectively with effect from IP completion day by S.I. 2019/765. However, by virtue of the amendments in The Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020, these prospective amendments did not have effect in relation to direct payment schemes.



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