

DRAFT STATUTORY INSTRUMENTS

**2023 No.000**

**AGRICULTURE, ENGLAND**

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

Made - - - - - \*\*\*  
Coming into force 1st January 2024

THE AGRICULTURE (DELINKED PAYMENTS  
AND CONSEQUENTIAL PROVISIONS)  
(ENGLAND) REGULATIONS 2023

PART 1

Introduction

1. Citation, commencement, extent and application
2. Interpretation

PART 2

Delinked payments

3. Delinked payments
4. The delinking period
5. Calculation of delinked payments
6. Eligibility conditions
7. Information in support of eligibility
8. Transfers of the reference amount

PART 3

Making and recovery of delinked payments

9. Making delinked payments
10. Recovery of delinked payments

PART 4

Appeals

11. Appeals: general

**Draft Legislation:** This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument:  
*The Agriculture (Delinked Payments and Consequential Provisions) (England) Regulations 2023 No. 1430*

12. Grounds of appeal
13. The appointed person
14. Final determination of appeals

#### PART 5

##### Termination of the basic payment scheme in England

15. Termination of the basic payment scheme in England
16. Revocations and savings

#### PART 6

##### Consequential amendments to other legislation

17. Consequential amendments  
Signature

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### SCHEDULES

#### SCHEDULE 1 — Calculation of delinked payments

1. The Secretary of State must first calculate the reference amount...
2. The amount described in this paragraph is the average amount...
3. The amount described in this paragraph is the reference amount...
4. The reference amount described in paragraph 2 or 3 or...
5. The Secretary of State must then calculate the amount of...

#### SCHEDULE 2 —

##### Part 1 — Requests for the transfer of the reference amount: general

1. A request may be made to the Secretary of State...
2. A request may be made to the Secretary of State...
3. A request under paragraph 1 or paragraph 2—
4. This paragraph applies where— (a) the reference amount calculated by...
5. This paragraph applies where the transfer request—
6. The circumstances described in this paragraph are that the transfer...
7. Where paragraph 4 or 5 applies, the Secretary of State...
8. Where paragraph 6 applies, the Secretary of State must transfer...
9. The Secretary of State may require information or evidence from...
10. Where the Secretary of State requests information or evidence under...

##### Part 2 — Requests for the transfer of the reference amount: inheritance cases

11. A request may be made to the Secretary of State...
12. This paragraph applies where the person making the request under...
13. This paragraph applies where the person making the request under...
14. A request under paragraph 11— (a) may be made to...
15. A request under paragraph 11 may— (a) be made by...
16. The Secretary of State may request information or evidence relating...
17. Where the Secretary of State has requested additional information or...

#### SCHEDULE 3 — Revocations and Saving

##### PART 1 — Revocation of retained direct EU legislation governing the basic payment scheme in England

1. Subject to the saving specified in Part 2, the instruments...

##### PART 2 — Saving

2. The provisions revoked by Part 1, notwithstanding that revocation, continue...

#### SCHEDULE 4 — Consequential Amendments

1. Amendment of Regulation (EU) No1305/2013 of the European Parliament and of the Council
2. Amendment of Regulation (EU) No1306/2013 of the European Parliament and of the Council
3. Amendment of Article 189 of Regulation (EU) No1308/2013 of the European Parliament and of the Council
4. Amendment of Commission Delegated Regulation 640/2014
5. In Commission Delegated Regulation (EU) No807/2014 of 11 March 2014...
6. Amendment of Annex 1 of Commission Implementing Regulation (EU) No808/2014
7. Amendment of Commission Implementing Regulation 809/2014
8. Amendment of the Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014
9. Amendment of Article 2 of Commission Delegated Regulation (EU) 2017/891
10. Amendment of regulation 2 of the Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020
11. Amendment of the Agriculture (Lump Sum Payment) (England) Regulations 2022

Explanatory Note