



Agriculture Act 2020

2020 CHAPTER 21

PART 6

WTO AGREEMENT ON AGRICULTURE

43 Power to make regulations for securing compliance with WTO Agreement on Agriculture: general

- (1) The Secretary of State may make regulations for the purpose of securing compliance with obligations of the United Kingdom under the Agreement on Agriculture.
- (2) The provision which may be made under subsection (1) includes (among other things)
 - (a) provision made in accordance with section 44 (limits on the amount of domestic support provided in the United Kingdom);
 - (b) provision falling within section 45 (classification of domestic support).
- (3) Regulations under this section may—
 - (a) confer functions on a person other than the Secretary of State;
 - (b) provide for the Secretary of State to delegate functions;
 - (c) provide for a person to exercise a discretion in dealing with any matter.
- (4) Regulations under this section are subject to affirmative resolution procedure.
- (5) In this section and sections 44 and 45—
 - “the Agreement on Agriculture” means the Agreement on Agriculture, part of Annex 1A to the WTO Agreement (as modified from time to time);
 - “appropriate authority” means—
 - (a) the Secretary of State, or
 - (b) a devolved authority;
 - “devolved authority” means—
 - (a) the Scottish Ministers,
 - (b) the Welsh Ministers, or

Changes to legislation: Agriculture Act 2020, PART 6 is up to date with all changes known to be in force on or before 19 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(c) a Northern Ireland department;

“domestic support” means subsidies or other financial support that is regarded as domestic support for the purposes of the Agreement on Agriculture;

“the WTO Agreement” means the agreement establishing the World Trade Organisation signed at Marrakesh on 15 April 1994.

Commencement Information

II S. 43 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

44 Regulations under section 43: limits on provision of domestic support in the United Kingdom

- (1) This section applies in relation to any domestic support to which a specific limit in respect of the United Kingdom applies under the Agreement on Agriculture (“domestic support of the relevant kind”).
- (2) It is immaterial for the purposes of subsection (1) whether the domestic support in question is identified by indicating what the limit applies to or by indicating what it does not apply to (or by a combination of the two).
- (3) Regulations under section 43 may make provision setting—
 - (a) a limit on the amount of domestic support of the relevant kind that may be given in the United Kingdom as a whole;
 - (b) a limit for each of England, Wales, Scotland and Northern Ireland on the amount of domestic support of the relevant kind that may be given in that country.
- (4) The limit (if any) set under subsection (3)(a) may be less than the total amount of domestic support of the relevant kind that is allowable to the United Kingdom under the Agreement on Agriculture.
- (5) Different limits may be set under subsection (3)(b) for different countries within the United Kingdom.
- (6) A limit may be set under subsection (3)—
 - (a) by specifying a monetary amount,
 - (b) in the case of a limit under subsection (3)(b), by specifying a percentage of—
 - (i) the limit under subsection (3)(a) (if any), or
 - (ii) the total amount of domestic support of the relevant kind that is allowable to the United Kingdom under the Agreement on Agriculture, or
 - (c) in any other way the Secretary of State considers appropriate.
- (7) The regulations may provide for domestic support of a specified description not to count towards any one or more of the limits set under subsection (3).
- (8) When considering what limits to set under subsection (3), and what is or is not to count towards the limits that are set, the matters that the Secretary of State may take into account include—

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- (a) domestic support that is or may be given across the whole of the United Kingdom, and
- (b) financial support that—
 - (i) is or may be given in any territory outside the United Kingdom, and
 - (ii) counts towards the total amount of support (or support of a particular kind) that is allowable to the United Kingdom under the Agreement on Agriculture.

Commencement Information

I2 S. 44 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

45 Regulations under section 43: classification of domestic support

- (1) Regulations under section 43 may make the following kinds of provision.
- (2) The regulations may make provision about the classification of domestic support for the purposes of—
 - (a) the Agreement on Agriculture, or
 - (b) any limits set under section 44.
- (3) The provision which may be made by virtue of subsection (2) includes provision setting out—
 - (a) a process for the appropriate authorities to decide how different types of domestic support should be classified (including reviewing and amending their existing classification);
 - (b) a process for the resolution of disputes between the appropriate authorities regarding the classification of domestic support, which may include provision making the Secretary of State the final arbiter on any decision on classification.

Commencement Information

I3 S. 45 in force at Royal Assent for specified purposes and otherwise at 11.1.2021, see s. 57(1)(b)(c)(6)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 42(4A)(4B) inserted by [2021 c. 10 s. 9\(2\)](#)
- s. 42(6A)-(6C) inserted by [2021 c. 10 s. 9\(4\)](#)