
STATUTORY INSTRUMENTS

2014 No. 3263

The Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014

PART 1

INTRODUCTION

Citation, commencement, application and extent

1.—(1) These Regulations may be cited as the Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014 and come into force on 1st January 2015.

(2) Subject to [^{F1}paragraphs (2A), (3) and (4)], these Regulations apply in England only.

[^{F2}(2A) These Regulations do not apply to direct payments in England in respect of any year falling after the end of 2023.]

(3) A revocation of a statutory instrument by regulation 35 and Schedule 5 has the same application and extent as the statutory instrument being revoked.

(4) The following provisions extend to the United Kingdom—

- (a) regulations 3, 4, 9(1) and 34;
- (b) regulations 20 to 29 and, so far as relevant to regulation 21, regulation 33;
- (c) paragraphs (2) and (7) and, so far as relevant to paragraph (2), paragraph (10) of regulation 35; and
- (d) regulation 2 so far as relevant to any of the regulations mentioned in sub-paragraphs (a) and (b).

Textual Amendments

- F1** Words in [reg. 1\(2\)](#) substituted (1.1.2024) by [The Agriculture \(Delinked Payments and Consequential Provisions\) \(England\) Regulations 2023 \(S.I. 2023/1430\)](#), [reg. 1\(2\)\(a\)](#), [Sch. 4 para. 8\(2\)\(a\)](#)
- F2** [Reg. 1\(2A\)](#) inserted (1.1.2024) by [The Agriculture \(Delinked Payments and Consequential Provisions\) \(England\) Regulations 2023 \(S.I. 2023/1430\)](#), [reg. 1\(2\)\(a\)](#), [Sch. 4 para. 8\(2\)\(b\)](#)

Interpretation

2.—(1) In these Regulations—

“the Common Provisions Regulation” means Regulation (EU) No. 1303/2013 of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural

Fund for Rural Development and the European Maritime and Fisheries Fund etc^{F3} as amended by the European Structural and Investment Funds Common Provisions (Amendments) (EU Exit) Regulations 2019;]

“the Direct Payments Delegated Regulation” means Commission Delegated Regulation (EU) No. 639/2014 supplementing the Direct Payments Regulation^{M1}^{F4} as that Regulation applied in relation to England immediately before the end of 2023];

“the Direct Payments Implementing Regulation” means Commission Implementing Regulation (EU) No. 641/2014 laying down rules for the application of the Direct Payments Regulation^{M2}^{F5} as that Regulation applied in relation to England immediately before the end of 2023];

“the Direct Payments Regulation” means Regulation (EU) No. 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy^{M3}^{F6} as that Regulation applied in relation to England immediately before the end of 2023];

“the European Regulations” means—

- (a) the Common Provisions Regulation;
- (b) the Direct Payments Delegated Regulation;
- (c) the Direct Payments Implementing Regulation;
- (d) the Direct Payments Regulation;
- (e) the Horizontal Delegated Regulation;
- (f) the Horizontal Finance Implementing Regulation;
- (g) the Horizontal Implementing Regulation;
- (h) the Horizontal Regulation;
- (i) the Rural Development Delegated Regulation;
- (j) the Rural Development Implementing Regulation;
- (k) the Rural Development Regulation; and
- (l) the SCMO Regulations.

“the Horizontal Delegated Regulation” means 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 compliance^{M4};

“the Horizontal Finance Implementing Regulation” means 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^{M5};

“the Horizontal Implementing Regulation” means Commission Implementing Regulation (EU) No. 809/2014 laying down rules for the application of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance^{M6};

“the Horizontal Regulation” means Regulation (EU) No. 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy^{M7};

“Regulation 1698/2005” means Council Regulation (EC) No. 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) etc ^{M8};

“the Rural Development Delegated Regulation” means Commission Delegated Regulation (EU) No. 807/2014 supplementing the Rural Development Regulation ^{M9};

“the Rural Development Implementing Regulation” means Commission Implementing Regulation (EU) No. 808/2014 laying down rules for the application of the Rural Development Regulation ^{M10};

“the Rural Development Regulation” means Regulation (EU) No. 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development ^{M11};

“the SCMO Regulations” means the Regulations listed in Schedule 1, as amended from time to time;

F7
...

F8
...

“authorised person”, except in Part 4, means any person who is authorised by the Secretary of State, the Forestry Commissioners or Natural England, either generally or specifically, whether or not an officer or employee of that authority, to act in relation to matters arising under these Regulations;

“beneficiary”, except in Schedule 2, has the meaning given by sub-paragraph (1) of Article 2(1) of the Horizontal Delegated Regulation;

[^{F9}“CMO support” means financial support granted under—

- (a) Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products (“Regulation 1308/2013”);
- (b) any regulations made under, or delegated or implementing acts adopted on the basis of, Regulation 1308/2013;
- (c) any delegated or implementing acts adopted on the basis of Council Regulation (EC) No1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products;
- (d) Regulation (EU) No 1144/2014 of the European Parliament and of the Council on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries (“Regulation 1144/2014”);
- (e) any regulations made under, or delegated or implementing acts adopted on the basis of, Regulation 1144/2014;]

“commitment”, except in regulation 35(3) and (4), means an undertaking to the Secretary of State or other delivery body to comply with any requirement which is a condition of receiving a rural development payment;

“competent authority”^{F10} ... means—

- (a) in England, the Secretary of State;
- (b) in Northern Ireland, the Department of Agriculture and Rural Development;
- (c) in Scotland, the Scottish Ministers;
- (d) in Wales, the Welsh Ministers;

“delivery body” means—

- (a) the Forestry Commissioners;

- (b) Natural England;
- (c) the Secretary of State; or
- (d) any local action group and, where relevant, its accountable body;

[^{F11}“direct payments” means payments granted under the Direct Payments Regulation;]

F12 ... M12

F12 ...

F12 ...

“farmer” has the meaning given by Article 4(1)(a) of the Direct Payments Regulation;

“local action group” means a group which has been selected to implement a local development strategy in accordance with Article 34 of the Common Provisions Regulation;

“non-compliance” has the meaning given by Article 2(2)(b) of the Horizontal Delegated Regulation;

“officer”, in relation to a body corporate, means a director, manager, secretary or other similar officer of the body or any person purporting to act in such capacity;

“officer” or “member”, in relation to an unincorporated association, includes any person purporting to act in such capacity;

“partner” includes any person purporting to act in such capacity;

“partnership” does not include a limited liability partnership;

“rural development applicant” means any person who makes a rural development application;

“rural development application” means an application to the Secretary of State or other delivery body to enter into a commitment;

“rural development beneficiary” means a person who has entered into a commitment;

[^{F13}“rural development payment” means any payment made by the Secretary of State under Title III of the Rural Development Regulation or Title III, Chapter II of the Common Provisions Regulation except in regulations 9(2A)(b) and 35(4) (where it has the meaning given in those regulations);]

F14 ...

“unincorporated association” does not include a partnership.

[^{F15}(1A) In paragraph (1) “accountable body” means a body responsible for carrying out administrative and financial activities on behalf of a local action group in accordance with Article 34(2) of the Common Provisions Regulation.]

[^{F16}(1B) In these Regulations, references to the Horizontal Delegated Regulation, the Horizontal Implementing Regulation and the Horizontal Regulation are, to the extent that they relate to the direct payments for claim year 2020, references to those Regulations incorporated into domestic law and amended under the Direct Payments to Farmers (Legislative Continuity) Act 2020.]

(2) Other terms used in these Regulations that are also used in any of the European Regulations have the meaning they bear in those Regulations.

Textual Amendments

- F3** Words in [reg. 2\(1\)](#) inserted (31.12.2020) by [The European Structural and Investment Funds Common Provisions \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/785\)](#), [regs. 1, 2](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F4** Words in [reg. 2\(1\)](#) inserted (1.1.2024) by [The Agriculture \(Delinked Payments and Consequential Provisions\) \(England\) Regulations 2023 \(S.I. 2023/1430\)](#), [reg. 1\(2\)\(a\)](#), [Sch. 4 para. 8\(3\)\(a\)](#)

- F5** Words in reg. 2(1) inserted (1.1.2024) by The Agriculture (Delinked Payments and Consequential Provisions) (England) Regulations 2023 (S.I. 2023/1430), reg. 1(2)(a), **Sch. 4 para. 8(3)(b)**
- F6** Words in reg. 2(1) inserted (1.1.2024) by The Agriculture (Delinked Payments and Consequential Provisions) (England) Regulations 2023 (S.I. 2023/1430), reg. 1(2)(a), **Sch. 4 para. 8(3)(c)**
- F7** Words in reg. 2(1) omitted (1.1.2016) by virtue of The Common Agricultural Policy (Amendment) (No. 2) Regulations 2015 (S.I. 2015/1997), regs. 1(2), **6(a)**
- F8** Words in reg. 2(1) omitted (1.1.2024) by virtue of The Agriculture (Delinked Payments and Consequential Provisions) (England) Regulations 2023 (S.I. 2023/1430), reg. 1(2)(a), **Sch. 4 para. 8(3)(d)**
- F9** Words in reg. 2(1) inserted (31.12.2020) by The Common Agricultural Policy and Agriculture and Horticulture Development Board (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/733), regs. 1, **5(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in reg. 2 omitted in so far as they relate to direct payments (W.) (31.12.2020) by virtue of The Direct Payments to Farmers and Rural Affairs (Miscellaneous Amendments etc.) (Wales) (EU Exit) Regulations 2020 (S.I. 2020/1556), regs. 1(2)(a), **11(2)**; words in reg. 2 omitted (E.S.) (1.1.2021) by virtue of The Direct Payments to Farmers and Cross-Compliance (Simplifications) (England) (Amendment) Regulations 2020 (S.I. 2020/1387), regs. 1(1), **3(2)** and The Common Agricultural Policy (Simplifications and Improvements) (Miscellaneous Amendments) (Scotland) Regulations 2020 (S.S.I. 2020/349), regs. 1, **6(2)**; and words in reg. 2 omitted (N.I.) (25.2.2021) by virtue of The Direct Payments to Farmers (Simplifications) Regulations (Northern Ireland) 2021 (S.R. 2021/42), regs. 1(1), **14(2)**
- F11** Words in reg. 2(1) substituted (31.1.2020) by The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **16(2)(a)**
- F12** Words in reg. 2(1) omitted (31.12.2020) by virtue of The Common Agricultural Policy and Agriculture and Horticulture Development Board (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/733), regs. 1, **5(2)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in reg. 2 substituted (1.1.2016) by The Common Agricultural Policy (Amendment) (No. 2) Regulations 2015 (S.I. 2015/1997), regs. 1(2), **6(b)**
- F14** Words in reg. 2(1) omitted (1.1.2024) by virtue of The Agriculture (Delinked Payments and Consequential Provisions) (England) Regulations 2023 (S.I. 2023/1430), reg. 1(2)(a), **Sch. 4 para. 8(3)(e)**
- F15** Reg. 2(1A) inserted (1.1.2016) by The Common Agricultural Policy (Amendment) (No. 2) Regulations 2015 (S.I. 2015/1997), regs. 1(2), **6(c)**
- F16** Reg. 2(1B) inserted (31.1.2020) by The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (S.I. 2020/90), regs. 1(2), **16(2)(b)**

Marginal Citations

- M1** OJ No. L 181, 20.6.2014, p. 1.
- M2** OJ No. L 181, 20.6.14, p. 74.
- M3** OJ No. L 347, 20.12.2013, p. 608, as amended by Regulation (EU) No. 1310/2013 of the European Parliament and of the Council (OJ No. L 347, 20.12.2013, p. 865).
- M4** OJ No. L 181, 20.6.2014, p.48.
- M5** OJ No. L 255, 28.8.2014, p. 59.
- M6** OJ No. L 227, 31.7.2014, p. 69.
- M7** OJ No. L 347, 20.12.2013, p.549, amended by Regulation (EU) No. 1310/2013 of the European Parliament and of the Council (OJ No. L 347, 20.12.2013, p. 865).
- M8** OJ No. L 277, 21.10.2005, p. 1, as last amended by Regulation (EU) No 1312/2011 of the European Parliament and of the Council (OJ No. L 339, 21.12.2011, p. 1).
- M9** OJ No. L 227, 31.7.2014, p. 1.
- M10** OJ No. L 227, 31.7.2014, p. 18.
- M11** OJ No. L 347, 20.12.2013, p.487, amended by Regulation (EU) No. 1310/2013 of the European Parliament and of the Council (OJ No. L. 347, 20.12.2013, p. 865).

M12 OJ No. L 209, 11.8.2005, p. 1, repealed by Regulation (EU) No. 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy (OJ No. L 347, 20.12.2013, p. 549).

PART 2

CONTROL AND ENFORCEMENT

Competent authority

^{F173}3.

Textual Amendments

F17 Reg. 3 omitted (1.1.2024) by virtue of [The Agriculture \(Delinked Payments and Consequential Provisions\) \(England\) Regulations 2023 \(S.I. 2023/1430\)](#), reg. 1(2)(a), **Sch. 4 para. 8(4)**

Agency arrangements

4.—(1) A competent authority may make an arrangement with another competent authority for any of its relevant functions to be exercised by that other competent authority as its agent.

(2) Such an arrangement must be in writing and signed by or on behalf of the competent authorities concerned and may be subject to conditions.

(3) In this regulation, “relevant functions” means any functions of the competent authority in relation to the ^{F18}... support under Title III of the Rural Development Regulation.

Textual Amendments

F18 Words in reg. 4(3) omitted (1.1.2024) by virtue of [The Agriculture \(Delinked Payments and Consequential Provisions\) \(England\) Regulations 2023 \(S.I. 2023/1430\)](#), reg. 1(2)(a), **Sch. 4 para. 8(5)**

Applications

5.—^{F19}(1) For the purposes of Article 13(1) of the Horizontal Implementing Regulation, Article 1 of ^{F20}Commission Implementing Regulation 2020/501 (insofar as it applies in relation to rural development aid applications and payment claims)] and Article 12 of the Horizontal Delegated Regulation, the final date on which ^{F21}an] aid application or payment claim may be submitted to the Secretary of State is—

^{F22}(a) if the relevant claim year is 2020, 15th June;]

(b) in all other cases, 15th May but if that date is a Saturday, Sunday, Bank Holiday or other public holiday, the next working day.]

(2) In paragraph (1)—

“Bank Holiday” means a day specified in paragraph 1 of Schedule 1 to the Banking and Financial Dealings Act 1971 ^{M13};

“payment claim” means a claim for support under the integrated system as provided by Article 67(2) of the Horizontal Regulation;

“working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday;

F23 ...

[^{F24}“Commission Implementing Regulation 2020/501” means Commission Implementing Regulation (EU) 2020/501 of 6 April 2020 derogating from Implementing Regulation (EU) No 809/2014 as regards the final date of submission of the single application, aid applications or payment claims, the final date for notification of amendments to the single application or payment claim and the final date for applications for allocation of payment entitlements or the increase of the value of payment entitlements under the basic payment scheme for the year 2020.]

Textual Amendments

- F19** Reg. 5(1) substituted (15.5.2018) by [The Common Agricultural Policy \(Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals\) \(Amendment\) \(England\) Regulations 2018 \(S.I. 2018/591\)](#), regs. 1(1), **2(2)**
- F20** Words in reg. 5(1) substituted (15.5.2020) by [The Common Agricultural Policy \(Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals\) \(Coronavirus\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/477\)](#), regs. 1, **2(2)(a)**
- F21** Word in reg. 5(1) substituted (1.1.2024) by [The Agriculture \(Delinked Payments and Consequential Provisions\) \(England\) Regulations 2023 \(S.I. 2023/1430\)](#), reg. 1(2)(a), **Sch. 4 para. 8(6)**
- F22** Reg. 5(1)(a) substituted (15.5.2020) by [The Common Agricultural Policy \(Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals\) \(Coronavirus\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/477\)](#), regs. 1, **2(2)(b)**
- F23** Words in reg. 5(2) omitted (15.5.2020) by virtue of [The Common Agricultural Policy \(Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals\) \(Coronavirus\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/477\)](#), regs. 1, **2(3)(a)**
- F24** Words in reg. 5(2) added (15.5.2020) by [The Common Agricultural Policy \(Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals\) \(Coronavirus\) \(Amendment\) \(England\) Regulations 2020 \(S.I. 2020/477\)](#), regs. 1, **2(3)(b)**

Marginal Citations

- M13** 1971, c.80.

Minimum size of agricultural area

^{F25}6.

Textual Amendments

- F25** Reg. 6 omitted (1.1.2024) by virtue of [The Agriculture \(Delinked Payments and Consequential Provisions\) \(England\) Regulations 2023 \(S.I. 2023/1430\)](#), reg. 1(2)(a), **Sch. 4 para. 8(7)**

Recovery of undue payments

7.—(1) Where a beneficiary is liable to repay all or part of a direct payment or rural development payment in accordance with Article 7(1) of the Horizontal Implementing Regulation, the amount of the repayment, together with the interest on that amount calculated in accordance with regulation 8, is recoverable as a debt.

(2) In any legal proceedings brought pursuant to paragraph (1), a certificate of the Secretary of State which—

- (a) sets out the Bank of England base rate applicable during a specified period; and
- (b) includes a statement that the Bank of England or the coordinating body notified the Secretary of State of that rate for that period,

is evidence of the rate applicable during that period.

(3) In this regulation, “the coordinating body” means the coordinating body referred to in Article 7(4) of the Horizontal Regulation.

Interest

8.—(1) Interest may be charged in respect of each day of the period referred to in Article 7(2) of the Horizontal Implementing Regulation and for this purpose the rate of interest applicable on any day is one percentage point above the Bank of England base rate.

(2) In this regulation, “Bank of England base rate” means—

- (a) except where sub-paragraph (b) applies, the rate announced from time to time by the Monetary Policy Committee of the Bank of England as the official dealing rate, being the rate at which the Bank is willing to enter into transactions for providing short-term liquidity in the money markets; or
- (b) if an order under section 19 (reserve powers) of the Bank of England Act 1998 ^{M14} is in force, any equivalent rate determined by the Treasury under that section.

Marginal Citations

M14 1998, c.11.

Set-off

9.—(1) The Secretary of State acting as principal or agent for another competent authority may set off any debt and interest due from a farmer in accordance with Article 7(1) of the Horizontal Implementing Regulation to that other competent authority against any direct payment due to that farmer.

^{F26}(2) The amount of any payment listed in paragraph (2A) may be set off against the amount of any recoverable sum listed in paragraph (2B).

(2A) The payments referred to in paragraph (2) are—

- (a) any rural development payment payable by the Secretary of State;
- (b) any rural development payment payable by the Secretary of State or an accountable body under the Rural Development (Enforcement) (England) Regulations 2007;
- (c) any sum payable to a beneficiary under the England Rural Development Programme (Enforcement) Regulations 2000;
- (d) any sum payable by the Secretary of State under—
 - (i) the Direct Payments Regulation;
 - (ii) Council Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers; or

- (iii) Council Regulation (EC) No. 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers.

(2B) The recoverable sums referred to in paragraph (2) are—

- (a) any sum recoverable by the Secretary of State or a delivery body (which may include the Secretary of State) under regulation 7(1) or 15(1);
- (b) any sum recoverable by the Secretary of State or an accountable body under regulation 9(1) or 10(1) of the Rural Development (Enforcement) (England) Regulations 2007;
- (c) any sum recoverable by the Minister under regulation 6(1) or 7(1) of the England Rural Development Programme (Enforcement) Regulations 2000;
- (d) any sum recoverable by a competent authority under regulation 8 of the Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control System) Regulations 2009.]

[^{F27}(3) In this regulation—

- (a) “accountable body” has the meaning given by regulation 2(1) of the Rural Development (Enforcement) (England) Regulations 2007;
- (b) “beneficiary” has the meaning given by regulation 2(1) of the England Rural Development Programme (Enforcement) Regulations 2000;
- (c) “competent authority” has the same meaning as in the Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control System) Regulations 2009;
- (d) “Minister” has the meaning given by regulation 2(1) of the England Rural Development Programme (Enforcement) Regulations 2000;
- (e) “rural development payment”, except in paragraph (2A)(a), has the meaning given by regulation 2(1) of the Rural Development (Enforcement) (England) Regulations 2007, except in paragraph (2A)(a)(where it has the meaning given by regulation 2(1)).]

Textual Amendments

F26 Reg. 9(2)-(2B) substituted for reg. 9(2) (1.1.2016) by [The Common Agricultural Policy \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1997\)](#), regs. 1(2), **7(a)**

F27 Reg. 9(3) substituted (1.1.2016) by [The Common Agricultural Policy \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1997\)](#), regs. 1(2), **7(b)**

Powers of entry

10.—(1) Subject to paragraph (2), an authorised person may exercise any of the powers specified in this regulation for the purpose of enforcing [^{F28}these regulations or] the European Regulations except for a purpose mentioned in regulation 21(1).

(2) The Forestry Commissioners may not authorise any person to exercise any of the powers specified in this regulation for the purpose of enforcing the Direct Payments Regulation, the Direct Payments Delegated Regulation or the Direct Payments Implementing Regulation.

(3) An authorised person, on producing, if so required, a duly authenticated document showing that person's authority, may at any reasonable hour enter any land or premises other than premises used wholly or mainly as a private dwelling.

(4) A justice of the peace may by signed warrant permit an authorised person to enter any land or premises, if necessary by reasonable force, if the justice, on sworn information in writing, is satisfied that—

- (a) there are reasonable grounds for an authorised person to enter the land or premises for any purpose mentioned in paragraph (1); and
- (b) one or more of the conditions in paragraph (5) is met.

(5) The conditions are that—

- (a) entry to the land or premises has been refused, or is likely to be refused, and—
 - (i) notice of the intention to apply for a warrant has been served on the occupier, or
 - (ii) no such notice has been served on the occupier because serving such a notice would interfere with the purpose or effectiveness of the entry;
- (b) entry is required urgently;
- (c) the premises are unoccupied or the occupier is temporarily absent.

(6) A warrant is valid for three months.

[^{F29}(7) An authorised person entering any land or premises by virtue of this regulation may be accompanied by such other persons as the authorised person considers necessary for any purpose mentioned in paragraph (1).]

(8) An authorised person who enters any unoccupied premises must leave them as effectively secured as they were before entry.

Textual Amendments

F28 Words in reg. 10(1) inserted (1.1.2016) by [The Common Agricultural Policy \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1997\)](#), regs. 1(2), **8**

F29 Reg. 10(7) substituted (31.12.2020) by [The Common Agricultural Policy and Agriculture and Horticulture Development Board \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/733\)](#), regs. 1, **5(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Powers of inspection etc

11.—(1) An authorised person who has entered any land or premises in exercise of a power conferred by regulation 10 may—

- (a) carry out any inquiries, checks, examinations, measurements and tests;
- (b) take samples;
- (c) inspect the land, whether it is farmed or is withdrawn from agricultural production, or premises;
- (d) inspect any livestock, crops, machinery or equipment;
- (e) mark any animal or other thing for identification purposes;
- (f) have access to, inspect, copy and print any documents or records (in whatever form they are held) or remove such documents to enable them to be copied or retained as evidence;
- (g) have access to, inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the documents or records;
- (h) take a photograph, or a record in digital form, of anything on the land;
- (i) remove anything reasonably believed to be evidence of any non-compliance;

- (j) remove a carcass on the land or premises for the purpose of carrying out a post-mortem examination on it.

(2) An authorised person who enters any land or premises under a power under other legislation may exercise any of the powers specified in this regulation for the purposes of enforcing these Regulations.

(3) Paragraph (1) applies in relation to a person referred to in regulation 10(7)(b) when such person is acting under the instructions of an authorised person, as if such person were an authorised person.

Assistance to authorised persons

12. The beneficiary in respect of any land or premises entered by an authorised person in exercise of a power conferred by regulation 10 and any employee or agent of that beneficiary, must give an authorised person (“AP”) such assistance as AP may reasonably request so as to enable AP to exercise any power conferred on AP by regulation 10 or 11 and must arrange for the collection, penning and securing of any animal if requested.

Transfers of holdings

13. For the purposes of Article 8(3)(a) of the Horizontal Implementing Regulation, the period within which the transferee must inform the Secretary of State of the transfer and request payment of the aid or support, or both, is 90 days beginning with the first day after the date of the transfer.

Breaches of commitments etc

14.—(1) A delivery body may determine, in relation to commitments made to that body, that—

- (a) the rural development beneficiary has furnished false or misleading information to that body;
- (b) the rural development beneficiary is in breach of any of the terms of a commitment;
- (c) the rural development beneficiary is in breach of any requirement to which that beneficiary is subject under—

F30 (i)

F30 (ii)

F30 (iii)

F30 (iv)

- (v) the Common Provisions Regulation;
- (vi) the Horizontal Delegated Regulation,
- (vii) the Horizontal Implementing Regulation,
- (viii) the Horizontal Regulation, excluding Title VI,
- (ix) the Rural Development Delegated Regulation,
- (x) the Rural Development Implementing Regulation,
- (xi) the Rural Development Regulation, or
- (xii) these Regulations;

- (d) the whole or any part of the sum paid or payable in relation to a commitment duplicates assistance provided or to be provided out of monies made available by—

- (i) the European Union,

- (ii) Parliament, or
 - (iii) a body exercising public functions within the United Kingdom;
 - (e) there has been a material change in the nature, scale, costs or timing of the operation or project in relation to which a commitment has been made; or
 - (f) the operation or project in relation to which a commitment has been made, has been or is being delayed, or is unlikely to be completed.
- (2) Before a delivery body makes a determination under paragraph (1), that body must—
- (a) give the beneficiary a written explanation of the reasons for proposing to make the determination; and
 - (b) afford that beneficiary the opportunity of making written representations within such period as that body considers reasonable (“the prescribed period”).
- (3) If on the expiry of the prescribed period, the delivery body has not received any written representations from the beneficiary, that body must make the determination as proposed.
- (4) If the delivery body has received written representations from the beneficiary in the prescribed period, that body must consider any such representations in deciding whether to make any determination.
- (5) In paragraph (1)(c)—
- “Regulation 1257/1999” means Council Regulation (EC) No. 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) ^{M15};
- “Regulation 1974/2006” means Commission Regulation (EC) No. 1974/2006 laying down detailed rules for the application of Council Regulation (EC) No. 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) ^{M16}; and
- F31 ...

Textual Amendments

- F30** Reg. 14(1)(c)(i)-(iv) omitted (1.1.2016) by virtue of [The Common Agricultural Policy \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1997\)](#), regs. 1(2), 9
- F31** Words in [reg. 14\(5\)](#) revoked (1.1.2024) by [The Agriculture \(Removal of Cross-Compliance and Miscellaneous Revocations and Amendments, etc.\) \(England\) Regulations 2023 \(S.I. 2023/816\)](#), [reg., Sch. Pt. 1 para. 1](#) Table 2 (with [Sch. Pt. 2 para. 2](#))

Marginal Citations

- M15** OJ No. L 160, 26.6.1999, p. 80, as last amended by Council Regulation (EC) No. 2223/2004 (OJ No. L 379, 24.12.2004, p.1).
- M16** OJ No. L 368, 23.12.2006, p. 15, as last amended by Commission Implementing Regulation (EU) No. 335/2013 (OJ No. L. 105, 13.4.2013, p. 1).

Powers of recovery etc in relation to rural development payments

15.—(1) Where a delivery body makes a determination under regulation 14(1), the Secretary of State or the appropriate [^{F32}delivery body] may—

- (a) withhold the whole or part of any rural development payment payable to the beneficiary; and
- (b) recover on demand the whole or part of any rural development payment already paid to the beneficiary.

(2) Where a delivery body makes a determination under regulation 14(1), that body may terminate the agreement containing the commitment, and any entitlement of the beneficiary to payment in respect of the unexpired period of the agreement shall consequently be terminated.

(3) Where a delivery body terminates an agreement under paragraph (2), that body may also prohibit the beneficiary from making any new commitment with the body under the same measure, for such period (not exceeding two years) from the date of the termination as the body may specify.

(4) The powers conferred on the delivery bodies by paragraphs (2) and (3) are exercisable by a notice served on the beneficiary.

Textual Amendments

F32 Words in reg. 15(1) substituted (1.1.2016) by [The Common Agricultural Policy \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1997\)](#), regs. 1(2), 10

Offences and penalties

16.—(1) It is an offence for any person to—

- (a) intentionally obstruct any person acting in the execution of these Regulations;
- (b) without reasonable cause, proof of which lies with that person, fail to give any person acting in the execution of these Regulations any assistance or information that that person may reasonably require under these Regulations; or
- (c) knowingly or recklessly furnish to any person acting in the execution of these Regulations any information that is false or misleading in any material particular.

(2) A person guilty of an offence under paragraph (1)(a) or (b) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) A person guilty of an offence under paragraph (1)(c) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding three months, or both; or
- (b) on conviction on indictment, to a fine, or to imprisonment for a term not exceeding two years, or both.

(4) Subject to paragraph (5), for an offence under paragraph (1) proceedings must be brought within the period of six months from the date on which evidence sufficient in the opinion of the prosecutor to justify proceedings came to the prosecutor's knowledge.

(5) No proceedings for an offence under paragraph (1) may begin more than two years after the date of the commission of the offence.

(6) For the purposes of this regulation, a certificate signed by or on behalf of the prosecutor and stating the date on which evidence sufficient, in the opinion of the prosecutor, to justify the proceedings came to their knowledge is conclusive of that fact.

Offences by bodies corporate, partnerships or unincorporated associations

17.—(1) Proceedings for an offence under regulation 16 alleged to have been committed by a partnership or an unincorporated association may be brought against the partnership or association in the name of the partnership or association.

(2) For the purposes of such proceedings—

- (a) rules of court relating to the service of documents have effect as if the partnership or association were a body corporate, and

(b) section 33 of the Criminal Justice Act 1925 ^{M17} (procedure on charge of offence against corporation) and Schedule 3 to the Magistrates' Courts Act 1980 ^{M18} (corporations) apply in relation to the partnership or association as they apply in relation to a body corporate.

(3) A fine imposed on a partnership or association on its conviction of an offence under these Regulations is to be paid out of the funds of the partnership or association.

(4) If an offence under regulation 16 committed by a body corporate is proved—

(a) to have been committed with the consent or connivance of an officer, or

(b) to be attributable to the negligence of an officer,

the officer, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) If the affairs of a body corporate are managed by its members, paragraph (4) applies to the acts and omissions of a member in connection with the member's functions of management as it applies to an officer of a body corporate.

(6) If an offence under regulation 16 committed by a partnership is proved—

(a) to have been committed with the consent or connivance of a partner, or

(b) to be attributable to the negligence of a partner,

that partner, as well as the partnership, is guilty of the offence and liable to be proceeded against and punished accordingly.

(7) If an offence under regulation 16 committed by an unincorporated association is proved—

(a) to have been committed with the consent or connivance of an officer or member of the governing body of the association or other person having management responsibilities in respect of the association, or

(b) to be attributable to the negligence of that officer, member or other person,

that officer, member or other person, as well as the association, is guilty of the offence and liable to be proceeded against and punished accordingly.

Marginal Citations

M17 1925 c. 86. Subsections (1), (2) and (5) were repealed by the [Magistrates' Courts Act 1952 \(c. 55\)](#), section 132 and Schedule 6; subsection (3) was amended by the [Courts Act 1971 \(c. 23\)](#), section 56(1) and Schedule 8, Part 2, paragraph 19; subsection (4) was amended by the [Courts Act 2003 \(c. 39\)](#), section 109(1) and (3), Schedule 8, paragraph 71, and Schedule 10.

M18 1980 c. 43. Paragraph 2(a) of Schedule 3 was amended by the [Criminal Procedure and Investigations Act 1996 \(c. 25\)](#), section 47, Schedule 1, paragraph 13, and was repealed by the [Criminal Justice Act 2003 \(c. 44\)](#), sections 41 and 332, Schedule 3, Part 2, paragraph 51(1) and (13)(a), and Schedule 37, Part 4 (partly commenced by [S.I. 2012/1320](#) and [S.I. 2012/2574](#) and with full effect from a date to be appointed); paragraph 5 was repealed by the [Criminal Justice Act 1991 \(c. 53\)](#) sections 25(2) and 101(2) and Schedule 13; paragraph 6 was repealed by the [Criminal Justice Act 2003](#), section 41, Schedule 3, Part 2, paragraph 51(1) and (13)(b) (partly commenced by [S.I. 2012/1320](#) and [S.I. 2012/2574](#) and with full effect from a date to be appointed).

PART 3

CROSS-COMPLIANCE

Standards for good agricultural and environmental condition

18.—(1) The standards for good agricultural and environmental condition set out in Schedule 2 apply as minimum requirements for the purposes of Article 94 of, and Annex II to, the Horizontal Regulation.

(2) But the provisions of Schedule 3 set out the circumstances in which breach of a provision of Schedule 2 does not constitute a non-compliance.

Competent control authorities

19.—(1) The Secretary of State is the competent control authority for the purposes of Article 67 of the Horizontal Implementing Regulation.

(2) Natural England must carry out controls for the purposes of Articles 65 to 72 of the Horizontal Implementing Regulation if directed by the Secretary of State.

(3) The Secretary of State enforces this Part of these Regulations, and the Secretary of State or Natural England (if Natural England are acting under paragraph (2)) may authorise in writing persons to enforce this Part of these Regulations.

(4) The Secretary of State may delegate to the Director of Public Prosecutions functions in relation to the prosecution of an offence under these Regulations.

PART 4

SCRUTINY OF EUROPEAN AGRICULTURAL GUARANTEE FUND TRANSACTIONS

Interpretation

20. In this Part—

“authorised person” means any person who is authorised in writing, either generally or specifically—

- (a) by the competent authority to act in matters arising under this Part of these Regulations, or
- (b) for the purposes of any action taken by that authority under this Part of these Regulations in relation to a ^{F33}... debt, in a case where that debt was paid or is payable by that authority;

“^{F34}debt” means—

- (a) any amount of money paid by the competent authority to a specified beneficiary in relation to a regulated transaction—
 - (i) in connection with which that person has made a statement or furnished any information which is false or misleading in any material particular; or
 - (ii) which that person has failed to carry out or to carry out in accordance with any EU requirement relating to that regulated transaction;
- (b) any amount of money which a specified beneficiary or specified contributor has become liable to pay to the competent authority in relation to a regulated transaction;

[^{F35}“EU requirement” means, in relation to a regulated transaction, a requirement specified by or in pursuance of—

- (a) EU law prior to exit day;
- (b) retained EU law;]

“regulated transaction” means a transaction forming part of the system of financing by [^{F36}CMO support] to which Chapter III of Title V of the Horizontal Regulation applies;

“specified beneficiary” means any person who, in the course of a trade or business in, or in the production of, a specified commodity, has applied for or received the whole or any part of any sum financed by [^{F36}CMO support];

“specified commodity” means—

- (a) any of the products that are subject to the provisions of Articles 39 to 44 of the Treaty on the Functioning of the European Union (which are listed in Annex I to that Treaty);
- (b) any goods listed in Annex II to [^{F37}Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products] and in [^{F38}Annexes II and III of Commission Regulation (EU) No 578/2010 of 29 June 2010 on the implementation of Council Regulation (EC) No 1216/2009 as regards the system of granting export refunds for certain agricultural products exported in the form of goods not covered by Annex I to the Treaty, and the criteria for fixing the amount of such refunds,]

and includes oils the release of which into free circulation is subject to destination of end use controls under Commission Regulation (EEC) No 2828/93 laying down common rules on verification of the use and/or destination of imported products etc ^{M19};

“specified contributor” means any person who, in the course of a trade or business in, or in the production of, a specified commodity, has paid or incurred a liability to pay, the whole or any part of any sum for the account of [^{F36}CMO support];

“specified person” means any person who is a specified beneficiary or a specified contributor.

Textual Amendments

- F33** Word in reg. 20 omitted (31.12.2020) by virtue of The Common Agricultural Policy and Agriculture and Horticulture Development Board (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/733), regs. 1, **5(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F34** Word in reg. 20 substituted (31.12.2020) by The Common Agricultural Policy and Agriculture and Horticulture Development Board (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/733), regs. 1, **5(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F35** Words in reg. 20 substituted (31.12.2020) by The Common Agricultural Policy and Agriculture and Horticulture Development Board (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/733), regs. 1, **5(4)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F36** Words in reg. 20 substituted (31.12.2020) by The Common Agricultural Policy and Agriculture and Horticulture Development Board (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/733), regs. 1, **5(4)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F37** Words in reg. 20 substituted (1.1.2016) by The Common Agricultural Policy (Amendment) (No. 2) Regulations 2015 (S.I. 2015/1997), regs. 1(2), **11(a)**
- F38** Words in reg. 20 substituted (1.1.2016) by The Common Agricultural Policy (Amendment) (No. 2) Regulations 2015 (S.I. 2015/1997), regs. 1(2), **11(b)**

Marginal Citations

M19 OJ No L 258, 16.10.1993, p. 15, as last amended by Commission Regulation (EC) No. 592/95 (OJ No. L 60, 18.3.1995, p. 1).

Powers of entry

21.—(1) An authorised person, on producing, if so required, a duly authenticated document showing that person's authority, may exercise the powers specified in this regulation for the purpose of ascertaining whether, in respect of any regulated transaction—

- (a) the regulated transaction has been carried out in accordance with any EU requirement relating to that regulated transaction; or
- (b) an offence under regulation 25(1)(a), (b) or (d), (3) ^{F39}... or (9) has been or is being committed.

(2) An authorised person may at any reasonable hour enter any land or premises which that person has reasonable cause to believe to be occupied by, or in the possession of, any specified person or employee or agent of that person, other than premises used wholly or mainly as a private dwelling.

(3) A justice of the peace may by signed warrant permit an authorised person to enter any land or premises, if necessary by reasonable force, if the justice, on sworn information in writing, is satisfied that—

- (a) there are reasonable grounds for an authorised person to enter the land or premises for a purpose mentioned in paragraph (1); and
- (b) one or more of the conditions in paragraph (4) is met.

(4) The conditions are that—

- (a) entry to the land or premises has been refused, or is likely to be refused, and—
 - (i) notice of the intention to apply for a warrant has been served on the occupier; or
 - (ii) no such notice has been served on the occupier because serving such a notice would interfere with the purpose or effectiveness of the entry;
- (b) entry is required urgently; or
- (c) the premises are unoccupied or the occupier is temporarily absent.

(5) A warrant is valid for three months.

[^{F40}(6) An authorised person entering any land or premises by virtue of this regulation may be accompanied by such other persons as the authorised person considers necessary for any purpose mentioned in paragraph (1).]

(7) An authorised person who enters any unoccupied premises must leave them as effectively secured as they were before entry.

(8) In this regulation—

- (a) in Scotland, a reference to a justice of the peace means a sheriff, and the reference to sworn information in writing is a reference to evidence on oath; and
- (b) in Northern Ireland, a reference to a justice of the peace is a reference to a lay magistrate, and the reference to sworn information in writing is a reference to a sworn complaint in writing.

Textual Amendments

- F39** Word in reg. 21(1)(b) omitted (1.1.2016) by virtue of [The Common Agricultural Policy \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1997\)](#), regs. 1(2), **12**
- F40** [Reg. 21\(6\)](#) substituted (31.12.2020) by [The Common Agricultural Policy and Agriculture and Horticulture Development Board \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/733\)](#), regs. 1, **5(5)**; 2020 c. 1, Sch. 5 para. 1(1)

Powers of inspection etc

22.—(1) An authorised person who has entered any land or premises in exercise of a power conferred by regulation 21 may—

- (a) inspect the land or premises;
 - (b) inspect any animal or equipment found on the land or premises which is, or which the authorised person reasonably suspects to be, an animal or equipment to which a regulated transaction relates;
 - (c) inspect and take samples of any specified commodity or other substance found on the land or premises which the authorised person reasonably suspects to be a specified commodity or any substance which, in accordance with any EU requirement, may be used with a specified commodity.
- (2) An authorised person may—
- (a) require any specified person or employee or agent of the specified person to produce any commercial document and to supply such additional information in that person's possession or under that person's control relating to a ^{F41}... debt or to a trade or business in a specified commodity as the authorised person may reasonably request;
 - (b) inspect any such commercial document and, where any such document is kept by means of a computer, have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with that document;
 - (c) require that copies of, or extracts from, any commercial document be produced;
 - (d) seize and retain any commercial document which the authorised person has reason to believe may be required as evidence in proceedings under this Part of these Regulations and, where any such document is kept by means of a computer, require it to be produced in a form in which it may be taken away.

(3) In paragraph (2), “commercial document” has the meaning given by Article 79(3)(a) of the Horizontal Regulation.

Textual Amendments

- F41** Word in [reg. 22\(2\)\(a\)](#) omitted (31.12.2020) by virtue of [The Common Agricultural Policy and Agriculture and Horticulture Development Board \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/733\)](#), regs. 1, **5(6)**; 2020 c. 1, Sch. 5 para. 1(1)

Assistance to authorised persons

23. A specified person or employee or agent of that person must give to an authorised person (“AP”) such assistance as AP may reasonably request so as to enable AP to exercise any power

conferred by regulation 21 or 22 and must arrange for the collection, penning and securing of any animal if requested.

Scrutiny for the purposes of the Horizontal Regulation

24.—(1) An authorised person is an officer responsible for scrutiny for the purposes of Articles 79 to 90 of the Horizontal Regulation and has the powers conferred on such officials by the following paragraphs of Article 82 of that Regulation—

- (a) paragraph (1) (which relates to the supply of commercial documents and additional information);
- (b) paragraph (2) (which relates to the supply of extracts or copies of documents referred to in paragraph (1); and
- (c) paragraph (4) (which deals with the seizure of commercial documents).

(2) The powers conferred on member States by Article 82(3) of the Horizontal Regulation must be exercised by the competent authority.

Offences and penalties

25.—(1) It is an offence for any person—

- (a) to fail to comply with Article 82(1) of the Horizontal Regulation (which relates to the supply of commercial documents and additional information);
- (b) to fail to comply with a requirement under Article 82(2) of the Horizontal Regulation (which relates to the supply of extracts or copies of commercial documents);
- (c) to fail to comply with a requirement under the third sub-paragraph of Article 82(3) of the Horizontal Regulation (which enables the determination of the place and time at which an undertaking must, in certain circumstances, make available for inspection commercial documents required for scrutiny pursuant to Articles 79 to 90 of that Regulation);
- (d) intentionally to obstruct an authorised person (or a person accompanying the authorised person and acting under the authorised person's instructions) acting in the exercise of a power conferred by regulation 21 or 22 or by virtue of regulation 24; or
- (e) to fail to comply with a request made under regulation 23.

(2) A person guilty of an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) It is an offence for a specified beneficiary or a specified contributor to fail to comply with—

- (a) Article 43 of the Horizontal Finance Implementing Regulation (which lays down requirements relating to the retention of commercial documents);
- (b) a direction under the first sub-paragraph of Article 82(3) of the Horizontal Regulation (which enables an undertaking to be directed to maintain future records for scrutiny); or
- (c) a determination under the second sub-paragraph of Article 82(3) (which enables the determination of the date from which records referred to in the first sub-paragraph are to be established).

(4) A person guilty of an offence under paragraph (3) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(5) Proceedings in England and Wales and in Northern Ireland for an offence under paragraph (1), (3) or (9) may be brought within a period of six months from the date of which evidence sufficient in the opinion of the competent authority to justify proceedings comes to its knowledge, and in any case within twelve months from the commission of the offence.

(6) Summary proceedings in Scotland for an offence under paragraph (1), (3) or (9) may be commenced within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to justify proceedings comes to the prosecutor's knowledge, and in any case within twelve months from the commission of the offence.

(7) For the purposes of paragraph (6), proceedings are deemed to be commenced on the date on which a warrant to apprehend or to cite the accused is granted, if such a warrant is executed without undue delay.

(8) A certificate purporting to be signed—

- (a) for the purpose of paragraph (5), by or on behalf of the competent authority, or
- (b) for the purpose of paragraph (6), by the prosecutor,

is conclusive evidence of the date on which evidence sufficient to justify proceedings came to the knowledge of that authority or prosecutor, as the case may be.

(9) It is an offence for any person—

- (a) to fail to comply with Article 103(2) of the Horizontal Regulation (which restricts the communication of information collected in the course of scrutiny); or
- (b) for a relevant purpose, to knowingly or recklessly—
 - (i) furnish any information,
 - (ii) make or sign any document,
 - (iii) deliver any document,
 - (iv) make in a record, register or document any entry,
 which is false or misleading in any material particular.

(10) In paragraph (9)(b)—

- (a) “a relevant purpose” means—
 - (i) the purpose of obtaining for that person or any other person the whole or any part of any sum by or for the account of [F42CMO support]; or
 - (ii) the purpose of evading payment of the whole or any part of such a sum for which that person or any other person is liable;
- (b) “document” includes any declaration, notice or certificate;
- (c) the references to furnishing information, to making or signing any document, to delivering any document and to making any entry, in each case, include a reference to causing or permitting that act to be done;
- (d) the reference to knowingly or recklessly delivering a document which is false or misleading in any material particular includes a reference to transmitting such a document with the intent to secure that the false or misleading information is recorded by the machine to which it is transmitted so as to be accessible for subsequent reference, in the knowledge that the information as recorded is false or misleading in any material particular, or being reckless as to the possibility that it may be so.

(11) A person guilty of an offence under paragraph (9) is liable—

- (a) on summary conviction to a fine not exceeding the statutory maximum, or to imprisonment for a term not exceeding three months, or both; or
- (b) on conviction on indictment to a fine, or to imprisonment for a term not exceeding two years, or both.

Textual Amendments

- F42** Words in [reg. 25\(10\)\(a\)\(i\)](#) substituted (31.12.2020) by [The Common Agricultural Policy and Agriculture and Horticulture Development Board \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/733\)](#), regs. 1, [5\(7\)](#); 2020 c. 1, Sch. 5 para. 1(1)

Offences by bodies corporate, partnerships and unincorporated associations

26.—(1) Proceedings for an offence under regulation 25 alleged to have been committed by a partnership or unincorporated association may be brought against the partnership or association in the name of the partnership or association.

(2) For the purposes of such proceedings—

- (a) rules of court relating to the service of documents have effect as if the partnership or association were a body corporate, and
- (b) the following provisions apply in relation to the partnership or association as they apply in relation to a body corporate—
 - (i) section 33 of the Criminal Justice Act 1925 ^{M20} (procedure on charge of offence against corporation) and Schedule 3 to the Magistrates' Courts Act 1980 ^{M21} (corporations), and
 - (ii) section 18 of the Criminal Justice Act (Northern Ireland) 1945 ^{M22} (procedure on charge) and Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981 ^{M23} (corporations).

(3) A fine imposed on a partnership or association on its conviction of an offence under regulation 25 is to be paid out of the funds of the partnership or association.

(4) If an offence under regulation 25 committed by a body corporate is proved—

- (a) to have been committed with the consent or connivance of an officer, or
- (b) to be attributable to the negligence of an officer,

that officer, as well as the body corporate, is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) If the affairs of a body corporate are managed by its members, paragraph (4) applies to the acts and omissions of a member in connection with the member's functions of management as it applies to an officer of a body corporate.

(6) If an offence under regulation 25 committed by a partnership is proved—

- (a) to have been committed with the consent or connivance of a partner, or
- (b) to be attributable to the negligence of a partner,

that partner, as well as the partnership, is guilty of the offence and liable to be proceeded against and punished accordingly.

(7) If an offence under regulation 25 committed by an unincorporated association is proved—

- (a) to have been committed with the consent or connivance of an officer or member of the governing body of the association or other person having management responsibilities in respect of the association, or
- (b) to be attributable to the negligence of that officer, member or other person,

that officer, member or other person, as well as the association, is guilty of the offence and liable to be proceeded against and punished accordingly.

Marginal Citations

- M20** 1925 c. 86. Subsections (1), (2) and (5) were repealed by the [Magistrates' Courts Act 1952 \(c. 55\)](#), section 132 and Schedule 6; subsection (3) was amended by the [Courts Act 1971 \(c. 23\)](#), section 56(1) and Schedule 8, Part 2, paragraph 19; subsection (4) was amended by the [Courts Act 2003 \(c. 39\)](#), section 109(1) and (3), Schedule 8, paragraph 71, and Schedule 10.
- M21** 1980 c. 43. Paragraph 2(a) of Schedule 3 was amended by the [Criminal Procedure and Investigations Act 1996 \(c. 25\)](#), section 47, Schedule 1, paragraph 13, and was repealed by the [Criminal Justice Act 2003 \(c. 44\)](#), sections 41 and 332, Schedule 3, Part 2, paragraph 51(1) and (13)(a), and Schedule 37, Part 4 (partly commenced by [S.I. 2012/1320](#) and [S.I. 2012/2574](#) and with full effect from a date to be appointed): paragraph 5 was repealed by the [Criminal Justice Act 1991 \(c. 53\)](#) sections 25(2) and 101(2) and Schedule 13; paragraph 6 was repealed by the [Criminal Justice Act 2003](#), section 41, Schedule 3, Part 2, paragraph 51(1) and (13)(b) (partly commenced by [S.I. 2012/1320](#) and [S.I. 2012/2574](#) and with full effect from a date to be appointed).
- M22** 1945 c. 15 (N.I.) . Section 18 was amended by the [Magistrates Courts Act 1964 \(c. 21\)](#) and by the [Justice \(Northern Ireland\) Act 2002 \(c. 26\)](#), Schedule 12.
- M23** [S.I. 1981/1675 \(N.I. 26\)](#).

Prosecutions

27. Proceedings for an offence under regulation 25 may not be instituted in England, Wales or Northern Ireland except by a competent authority.

Defence of due diligence

28. In any proceedings for an offence under regulation 25(1)(a), (b) or (c), (3)^{F43} ... or (9), it is a defence for the person charged (“A”) to prove that A took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by A or by a person under A's control.

Textual Amendments

- F43** Word in reg. 28 omitted (1.1.2016) by virtue of [The Common Agricultural Policy \(Amendment\) \(No. 2\) Regulations 2015 \(S.I. 2015/1997\)](#), regs. 1(2), **12**

Recovery powers

[^{F44}29. The competent authority may recover from any specified person any debt owing to the authority by that person.]

Textual Amendments

- F44** [Reg. 29](#) substituted (31.12.2020) by [The Common Agricultural Policy and Agriculture and Horticulture Development Board \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/733\)](#), regs. 1, **5(8)**; 2020 c. 1, Sch. 5 para. 1(1)

PART 5

APPEALS

Modifications etc. (not altering text)

- C1** Pt. 5 modified (31.12.2023) by [The Direct Payments to Farmers \(Reconsideration and Appeal\) \(Modification\) \(England\) Regulations 2023 \(S.I. 2023/1181\)](#), regs. 1(1), **3** (with reg. 4)

Interpretation

30. In this Part—

“appellant” means a Pillar 1 appellant or a Pillar 2 appellant;

“appointed person” means a person or persons (not exceeding three) appointed by the Secretary of State in relation to an appeal;

“Pillar 1 appellant” means a farmer in respect of whom or in relation to whose holding, or other person in respect of whom, an initial Pillar 1 decision has been made, who wishes to have that initial decision reconsidered by the Secretary of State;

“Pillar 1 decision” means, in relation to [^{F45}CMO support][^{F46}and direct payments], a decision made by or on behalf of the Secretary of State under any of the following ^{F47}... instruments—

- (a) the Direct Payments Delegated Regulation,
- (b) the Direct Payments Implementing Regulation,
- (c) the Direct Payments Regulation,
- (d) the Horizontal Delegated Regulation,
- (e) the Horizontal Implementing Regulation,
- (f) the Horizontal Regulation,
- (g) the SCMO Regulations;

“Pillar 2 appellant” means a rural development applicant aggrieved by any initial Pillar 2 decision who wishes to have that initial decision reconsidered by the Secretary of State;

“Pillar 2 decision” means, in relation to [^{F48}rural development support granted under Title III of the Rural Development Regulation or Title III, Chapter 2 of the Common Provisions Regulation]—

- (a) a decision made by or on behalf of the Secretary of State under any of the following ^{F49}... instruments—
 - (i) the Common Provisions Regulation,
 - (ii) the Horizontal Delegated Regulation,
 - (iii) the Horizontal Implementing Regulation,
 - (iv) the Horizontal Regulation,
 - (v) the Rural Development Delegated Regulation,
 - (vi) the Rural Development Implementing Regulation,
 - (vii) the Rural Development Regulation; or
- (b) a determination made by a delivery body under regulation 14;

“sum in dispute” means, in relation to any decision to make a payment, the sum which represents the difference between the sum the Secretary of State has determined to pay under the decision and the sum which the appellant claims to be due.

Textual Amendments

- F45** Words in reg. 30 substituted (31.12.2020) by [The Common Agricultural Policy and Agriculture and Horticulture Development Board \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/733\)](#), regs. 1, [5\(9\)\(a\)\(i\)](#) (as amended by [S.I. 2020/1445](#), regs. 1(2)(a), [11\(3\)\(b\)](#)); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F46** Words in reg. 30 inserted (31.1.2020) by [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), [16\(4\)\(a\)\(i\)](#)
- F47** Word in reg. 30 omitted (31.1.2020) by virtue of [The Financing, Management and Monitoring of Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/90\)](#), regs. 1(2), [16\(4\)\(a\)\(ii\)](#); and that same word is expressed to be omitted (31.12.2020) by virtue of [The Common Agricultural Policy and Agriculture and Horticulture Development Board \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/733\)](#), regs. 1, [5\(9\)\(a\)\(ii\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F48** Words in reg. 30 substituted (31.12.2020) by [The Common Agricultural Policy and Agriculture and Horticulture Development Board \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/733\)](#), regs. 1, [5\(9\)\(b\)\(i\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)
- F49** Word in reg. 30 omitted (31.12.2020) by virtue of [The Common Agricultural Policy and Agriculture and Horticulture Development Board \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/733\)](#), regs. 1, [5\(9\)\(b\)\(ii\)](#); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

Application to Pillar 1 decisions made under the SCMO Regulations

31. This Part of these Regulations only applies to an appeal against a Pillar 1 decision made by or on behalf of the Secretary of State under any of the SCMO Regulations if the Pillar 1 appellant's trading address or, where there is more than one such address, principal trading address, was in England on the date of the decision.

Appeals

32.—(1) A Pillar 1 appellant may appeal in writing to the Secretary of State against a Pillar 1 decision.

(2) A Pillar 2 appellant may appeal in writing to the Secretary of State against a Pillar 2 decision providing the appeal—

- (a) is on the grounds that—
 - (i) the decision was based on an error of fact;
 - (ii) the decision was wrong in law;
 - (iii) the delivery body made a procedural error;
- (b) sets out the grounds; and
- (c) is received within sixty days of notification of the decision.

(3) The appointed person must consider any appeal under this regulation and report in writing to the Secretary of State with the person's conclusions on it and a recommendation as to the manner in which the matter should be finally determined by the Secretary of State.

(4) The Secretary of State may—

- (a) pay to the appointed person such reasonable remuneration in respect of that person's functions in this regard, and such travelling and other allowances, as the Secretary of State may determine; and

- (b) charge an appellant an appeal fee payable when the appeal is lodged.
- (5) For the purposes of paragraph (4)(b), the appeal fee is—
 - (a) £100 if there is no sum in dispute; or
 - (b) determined by reference to the sum in dispute in accordance with the applicable level as set out in Schedule 4.
- (6) Following receipt of a report pursuant to paragraph (3), the Secretary of State must make a final determination.
- (7) The Secretary of State must refund the appeal fee (if any) to the appellant if, as a result of the appeal, the Secretary of State revises the decision that was the subject of the appeal.

PART 6

Final provisions

Notices

- 33.**—(1) For the purposes of regulations 10, 15, and 21, any notice required to be served on a person may be served by—
- (a) delivering it to that person;
 - (b) leaving it at that person's proper address;
 - (c) sending it by post or fax to that person's proper address; or
 - (d) sending it by email to that person's last known email address.
- (2) For the purposes of paragraph (1)(a), a notice is delivered to—
- (a) a body corporate where it is given to an officer of that body;
 - (b) a partnership where it is given to a partner or person having control or management of the partnership;
 - (c) an unincorporated association where it is given to an officer or member of the governing body of the association or other person having management responsibilities in respect of the association.
- (3) For the purposes of paragraph (1)(d), a notice is sent by email to—
- (a) a body corporate, where it is sent to an email address of—
 - (i) the body corporate; or
 - (ii) an officer of that body,where that address is supplied by that body for the conduct of the affairs of that body;
 - (b) a partnership, where it is sent to an email address of—
 - (i) the partnership; or
 - (ii) a partner or person having control or management of the partnership,where that address is supplied by that partnership for the conduct of the affairs of that partnership;
 - (c) an unincorporated association where it is sent to an email address of an officer or member of the governing body of the association, or other person having management responsibilities in respect of the association, where that address is supplied by that association for the conduct of the affairs of that association.
- (4) In paragraph (1)(b) and (c), “proper address” means, in the case of—

- (a) a body corporate, the registered office (if it is in the United Kingdom) or the principal office of the body in the United Kingdom;
- (b) a partnership, the principal office of the partnership in the United Kingdom;
- (c) an unincorporated association, the principal office of the association in the United Kingdom;
- (d) any other person, that person's last known address.

Exchange rate for direct payments

34. [^{F50}For the purposes of Article 106(3) of the Horizontal Regulation, [^{F51}as it applies to claim years prior to 2020,] the amount of aid expressed in euro is to be converted into sterling on the basis of the average of the exchange rates set by the European Central Bank during the month prior to 1st October of the year in respect of which the aid is granted.]

Textual Amendments

- F50** Reg. 34 omitted (E.) (26.3.2021) by virtue of [The Direct Payments to Farmers \(Reductions and Simplifications\) \(England\) \(Amendment\) Regulations 2021 \(S.I. 2021/407\)](#), regs. 1(2), **8(2)**
- F51** Words in [reg. 34](#) inserted (8.6.2020) by [The Direct Payments to Farmers \(Amendment\) Regulations 2020 \(S.I. 2020/576\)](#), regs. 1, **6**

Revocations and savings

35.—(1) The instruments listed in Schedule 5 are revoked subject to the following savings.

(2) The IACS Regulations and regulation 3 of the Agriculture (Miscellaneous Amendments) Regulations 2012 ^{M24} continue to apply in relation to a single application within the meaning of regulation 2(1) of the IACS Regulations.

(3) The ERDP Enforcement Regulations, the ERDP Enforcement Amendment Regulations and regulation 14 of the RD Enforcement Regulations continue to apply in relation to any application or commitment within the meaning of regulation 2(1) of the ERDP Enforcement Regulations.

(4) Regulations 1 to 13 of the RD Enforcement Regulations and the RD Enforcement Amendment Regulations continue to apply in relation to any application, commitment or rural development payment within the meaning of regulation 2(1) of the RD Enforcement Regulations.

(5) Any appointment of an authorised person by the Secretary of State for the purposes of the IACS Regulations in effect immediately before 1st January 2015 continues to have effect as if it were an appointment of that person as an authorised person for the purposes of these Regulations.

(6) Any appointment of an authorised person for the purposes of the RD Enforcement Regulations or the Agriculture (Cross compliance) (No. 2) Regulations 2009 ^{M25} in effect immediately before 1st January 2015 continues to have effect as if it were an appointment of that person as an authorised person by the Secretary of State, Forestry Commissioners or Natural England (as the case may be) for the purposes of these Regulations.

(7) Any appointment of an authorised officer by a competent authority for the purposes of the Common Agricultural Policy (Protection of Community Arrangements) Regulations 1992 ^{M26} in effect immediately before 1st January 2015 continues to have effect as if it were an appointment of that person as an authorised person by that competent authority for the purposes of these Regulations.

(8) The Rural Development Programme (Transfer and Appeals) (England) Regulations 2011 ^{M27} continue to apply in relation to any appeal against a decision within the meaning of regulation 3(1) of those Regulations.

(9) The Common Agricultural Policy Single Payment and Support Schemes (Appeals) Regulations 2010^{M28} continue to apply in relation to any appeal against an initial determination within the meaning of regulation 2(1) of those Regulations.

(10) In this regulation—

“the ERDP Enforcement Amendment Regulations” means the England Rural Development Programme (Enforcement) (Amendment) Regulations 2001^{M29};

“the ERDP Enforcement Regulations” means the England Rural Development Programme (Enforcement) Regulations 2000^{M30};

“the IACS Regulations” means the Common Agricultural Policy Single Payment and Support Schemes (Integrated Administration and Control System) Regulations 2009^{M31};

“the RD Enforcement Amendment Regulations” means the Rural Development (Enforcement) (England) (Amendment) Regulations 2010^{M32};

“the RD Enforcement Regulations” means the Rural Development (Enforcement) (England) Regulations 2007^{M33}.

Marginal Citations

M24 S.I. 2012/66.

M25 S.I. 2009/3365, amended by S.I. 2010/2941, 2012/66 and 2897 and 2013/3231.

M26 S.I. 1992/314, amended by S.I. 2001/ 3198 and 2011/1043 and also amended, in relation to England, Wales and Northern Ireland, by S.I. 2001/3686, and, in relation to Scotland, by S.S.I. 2001/390.

M27 S.I. 2011/1433.

M28 S.I. 2010/39.

M29 S.I. 2001/431.

M30 S.I. 2000/3044, amended by S.I. 2001/431, 2002/271, 2003/289 and 1235, 2004/145, 2005/154 and 621, 2006/225, 2007/75, and 2011/1043.

M31 S.I. 2009/3263, amended by S.I. 2012/66.

M32 S.I. 2010/2078.

M33 S.I. 2007/75, amended by S.I. 2010/2078 and 2012/666.

Review

36.—(1) Before the end of each review period, the Secretary of State must—

- (a) carry out a review of these Regulations as they apply in England;
- (b) set out the conclusions of the review in a report; and
- (c) publish the report.

^{F52}(2)

(3) The report must in particular—

- (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
- (b) assess the extent to which those objectives are achieved; and
- (c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first review period is the period of five years beginning with the date on which these Regulations come into force.

Changes to legislation: There are currently no known outstanding effects for the The Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014. (See end of Document for details)

(5) Each subsequent review period is a period of five years beginning with the date on which the report of the preceding review was published.

Textual Amendments

F52 Reg. 36(2) omitted (31.12.2020) by virtue of S.I. 2019/733, **reg. 5(10)** (as inserted by [The Agriculture \(Payments\) \(Amendment, etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1445), regs. 1(2)(a), **11(3)(c)**)

Department for Environment, Food and Rural
Affairs

George Eustice
Parliamentary Under Secretary of State

We consent

Two of the Lords Commissioners of Her
Majesty's Treasury

David Evennett
Gavin Barwell

Changes to legislation:

There are currently no known outstanding effects for the The Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014.