
STATUTORY INSTRUMENTS

2014 No. 3263

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

PART 2

CONTROL AND ENFORCEMENT

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.

[^{F1}(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.]

[^{F2}(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

- F1** 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)**
- F2** 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)**

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, Section 9.