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STATUTORY INSTRUMENTS

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**2018 No. 1026**

**AGRICULTURE, ENGLAND**

**The Common Agricultural Policy Basic Payment and  
Support Schemes (England) (Amendment) Regulations 2018**

<i>Made</i>	- - - -	<i>24th September 2018</i>
<i>Laid before Parliament</i>		<i>26th September 2018</i>
<i>Coming into force</i>	- -	<i>30th September 2018</i>

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972<sup>(1)</sup> in relation to the common agricultural policy and makes these Regulations under the powers conferred by that section.

**Citation and commencement**

1. These Regulations may be cited as the Common Agricultural Policy Basic Payment and Support Schemes (England) (Amendment) Regulations 2018 and come into force on 30th September 2018.

**Derogation from catch crops and green cover requirements for 2018**

2.—(1) Regulation 13 of the Common Agricultural Policy Basic Payment and Support Schemes (England) Regulations 2014<sup>(2)</sup> (ecological focus areas) is amended as follows.

(2) In paragraph (4), after “Regulation” insert “, and subject to paragraph (4A)”.

(3) After paragraph (4) insert—

“(4A) For claim year 2018, areas sown as green cover—

(a) may be established without sowing a mixture of crop species provided that—

(i) the crops sown are grasses or other herbaceous forage, and

(ii) the requirements in relation to the periods for sowing and retention of the green cover in paragraph (4)(c) are met;

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(1) 1972 c. 68; section 2(2) was amended by section 27(1)(a) of the Legislative and Regulatory Reform Act 2006 (c.51) and Part 1 of the Schedule to the European Union (Amendment) Act 2008 (c.7). The function of the former Minister of Agriculture, Fisheries and Food of making regulations under section 2(2) was transferred to the Secretary of State by article 2(2) of the Minister of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794).

(2) S.I. 2014/3259. Regulation 13 was amended by S.I. 2017/1198.

- (b) may include areas under winter crops which are sown in autumn for harvesting, for forage or for grazing;
- (c) need only be retained for 4 weeks provided that—
  - (i) a mixture of crops species is sown in accordance with the requirements in paragraph (4)(a) and (c)(i), and
  - (ii) a winter crop is sown afterwards.”.

*Michael Gove*  
Secretary of State  
Department for Environment, Food and Rural  
Affairs

24th September 2018

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## EXPLANATORY NOTE

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

These Regulations amend The Common Agricultural Policy Basic Payment and Support Schemes (England) Regulations 2014 ([S.I. 2014/3259](#)) to provide for a derogation from the requirements for areas under green cover for the 2018 scheme year. The changes are made pursuant to Commission Implementing Decision of 18.9.2018 authorising derogations from Regulation (EU) No. 1307/2013 of the European Parliament and of the Council and from Commission Delegated Regulation (EU) No. 639/2014 as regards the implementation of certain conditions relating to the greening payment for the claim year 2018 in Belgium, Denmark, Germany, Ireland, France, Latvia, Lithuania, the Netherlands, Poland, Sweden and the United Kingdom in respect of England and Scotland.

Under the derogation, areas under green cover may be established without sowing a mix of crop species and may include areas under winter crops sown in autumn for harvesting, forage or grazing. Where farmers sow a mix of crops for green cover, the period for which it must be retained is shortened to 4 weeks.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.