
STATUTORY INSTRUMENTS

2023 No. 124

**The Market Measures Payment Schemes
(Amendments, Revocation and Transitional
Provision) (England) Regulations 2023**

PART 3

Other amendments to retained direct EU legislation

Commission Delegated Regulation (EU) 2016/1238

8.—(1) Commission Delegated Regulation (EU) 2016/1238 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage⁽¹⁾ is amended as follows.

(2) In Article 2 (eligibility of operators), after paragraph 3, insert—

“**4.** This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(3) In Article 3 (eligibility of products), after paragraph 3, insert—

“**4.** This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(4) In Article 4 (security), at the end, insert—

“This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020, or in relation to private storage aid schemes in England.”.

(5) In Article 5 (release and forfeiture of security), after paragraph 8, insert—

“**9.** This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020, or in relation to private storage aid schemes in England.”.

(6) In Article 6 (intervention storage places), after paragraph 2, insert—

“**3.** This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(7) In Article 7 (requirements for storage places), after paragraph 3, insert—

(1) EUR 2016/1238, amended by [S.I. 2019/823](#) (which itself was amended by [S.I. 2020/1445](#)).

“4. This Article does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(8) In Article 8 (payment of aid for private storage)—

(a) after paragraph 2, insert—

“2A. In relation to England, paragraph 2 is to be read as if “or the forfeiture of the security” were omitted.”;

(b) after paragraph 4, insert—

“4A. In relation to England, the first subparagraph of paragraph 4 is to be read as if “during storage or” were omitted.”.

(9) In each of Annexes 1 (buying-in of cereals) to 5 (buying-in of skimmed milk powder), at the beginning, insert—

“A1. This Annex does not apply in relation to public intervention schemes in England, otherwise than in connection with exceptional market conditions which are the subject of a declaration under section 20 of the Agriculture Act 2020.”.

(10) In Annex 6 (quality requirements for aid for private storage), after the fourth paragraph under heading 5, insert—

“In relation to England, the text under this heading is to be read as if—

(a) the first and second paragraphs were omitted;

(b) in the third paragraph, for “Furthermore, the cheese” there were substituted “Cheese”.”.