

## STATUTORY INSTRUMENTS

# 2023 No. 1430

## The Agriculture (Delinked Payments and Consequential Provisions) (England) Regulations 2023

### PART 1

#### Introduction

#### Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Agriculture (Delinked Payments and Consequential Provisions) (England) Regulations 2023.

(2) These Regulations—

- (a) come into force on 1st January 2024; and
- (b) extend to England and Wales but apply in relation to England only.

#### Commencement Information

**II** Reg. 1 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

#### Interpretation

2. In these Regulations—

“the Act” means the Agriculture Act 2020;

“the Direct Payments Regulation” means [Regulation \(EU\) No 1307/2013](#) of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009<sup>(1)</sup> as that Regulation applied in relation to England immediately before the end of 2023;

“agricultural holdings tenancy” means a tenancy to which the Agricultural Holdings Act 1986<sup>(2)</sup> applies;

“delinking period” is the period beginning with 1st January in the year prescribed in regulation 4 and ending on the last day of the agricultural transition period for England<sup>(3)</sup>;

“eligible land in England” means any land in England that was an “eligible hectare” within the meaning given by Article 32(2) of the Direct Payments Regulation;

(1) EUR 2013/1307; as amended by [S.I. 2020/91, 576](#) and [760](#). This Regulation was incorporated into domestic law by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2).

(2) 1986 c. 5.

(3) See section 7(4) of the Agriculture Act 2020 (“the Act”) for the meaning given to “agricultural transition period for England”.

“farm business tenancy” means a tenancy to which the Agricultural Tenancies Act 1995(4) applies;

“reference amount” has the meaning given in regulation 5(3);

“reference period” has the meaning given in regulation 5(2);

“transfer”, in relation to eligible land in England, means—

- (a) where the transferor is the owner of the land, a transfer by sale or gift or by lease under a farm business tenancy or agricultural holdings tenancy;
- (b) where the transferor is a tenant occupying the land under a farm business tenancy, a transfer by surrender or assignment of the tenancy;
- (c) where the transferor is a tenant occupying the land under an agricultural holdings tenancy, a transfer by surrender or assignment of the tenancy or by the transfer of the tenancy to a successor in accordance with Part 4 of the Agricultural Holdings Act 1986.

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**Commencement Information**

**I2** Reg. 2 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Agriculture (Delinked Payments and Consequential Provisions) (England) Regulations 2023, PART 1.