

SCHEDULES

SCHEDULE 1

Regulation 5(1)

Calculation of delinked payments

1. The Secretary of State must first calculate the reference amount that applies in respect of a person for each year within the delinking period. This is the amount described in paragraph 2 or 3 or, as the case may be, the sum of those amounts with any adjustment made under paragraph 4.

Commencement Information

I1 Sch. 1 para. 1 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

2. The amount described in this paragraph is the average amount paid to a person by way of direct payments under the basic payment scheme in relation to the reference period by virtue of payment entitlements activated by that person in England under Article 32 of the Direct Payments Regulation and before the application of any reductions or penalties under—

- (a) Article 19a of Commission Delegated [Regulation \(EU\) No 640/2014\(1\)](#);
- (b) Articles 24 to 28 of Commission Delegated [Regulation \(EU\) No 640/2014\(2\)](#); or
- (c) paragraphs 2(c) and (d) and 3 to 5 of Article 6 of Commission Implementing [Regulation \(EU\) No 809/2014\(3\)](#).

Commencement Information

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

3. The amount described in this paragraph is the reference amount transferred by the Secretary of State to a person following a transfer request made under regulation 8(1) and Schedule 2.

Commencement Information

I3 Sch. 1 para. 3 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

4. The reference amount described in paragraph 2 or 3 or, as the case may be, the sum of those amounts, is to be adjusted as necessary by the Secretary of State to take into account the implications for that amount of any previous transfers of a reference amount made following a request under regulation 8(1) and Schedule 2.

(1) EUR 2014/640. Article 19a was amended by [S.I. 2019/765](#) (to which there are amendments not relevant to these Regulations), [2020/90](#), [551](#), [1513](#) and [2021/407](#). EUR 2014/640 was incorporated into domestic law by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (c. 2).

(2) Articles 24 to 28 were revoked, in relation to England, by regulation 7(7)(b) of [S.I. 2020/1387](#).

(3) EUR 2014/809. Article 6 was amended by [S.I. 2019/765](#) (to which there are amendments not relevant to these Regulations), [2020/90](#) and [1513](#) and [2021/407](#). Paragraph 5 was inserted by regulation 2(c) of [S.I. 2021/407](#). EUR 2014/809 was incorporated into domestic law by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020.

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Commencement Information

I4 Sch. 1 para. 4 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

5. The Secretary of State must then calculate the amount of the delinked payment that is payable to the person for a year within the delinking period. This is the total value of the reference amounts calculated in respect of the person under paragraphs 2 and 3, adjusted as necessary under paragraph 4.

Commencement Information

I5 Sch. 1 para. 5 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

SCHEDULE 2

Regulation 8(1)

Part 1

Requests for the transfer of the reference amount: general

1. A request may be made to the Secretary of State under this paragraph by a person—
 - (a) for the transfer to another person of the reference amount calculated by the Secretary of State under Schedule 1 in respect of that person; or
 - (b) for the transfer of a specified part or parts of the reference amount calculated by the Secretary of State under Schedule 1 to one or more other persons provided that the sum of the specified parts of the reference amount that are to be transferred does not exceed the total value of that reference amount.

Commencement Information

I6 Sch. 2 para. 1 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

2. A request may be made to the Secretary of State under this paragraph by a person for the transfer to that person by the Secretary of State of the reference amount calculated by the Secretary of State under Schedule 1 in respect of another person only in the circumstances described in paragraph 6.

Commencement Information

I7 Sch. 2 para. 2 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

3. A request under paragraph 1 or paragraph 2—
 - (a) must be made to the Secretary of State in such form, and before the end of such period, as the Secretary of State may specify⁽⁴⁾;
 - (b) may not be made by a person who has submitted an application to the Secretary of State for a lump sum payment under regulation 4 of the Agriculture (Lump Sum Payment)

(4) The form in which a request for a transfer of a reference amount must be made and the deadline for making any such request will be specified on www.gov.uk at: <https://www.gov.uk/guidance/delinked-payments-replacing-the-basic-payment-scheme>.

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(England) Regulations 2022 unless the Secretary of State has decided, under regulation 11 of those Regulations, not to pay a lump sum payment in connection with that application.

Commencement Information

I8 Sch. 2 para. 3 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

4. This paragraph applies where—
- (a) the reference amount calculated by the Secretary of State under Schedule 1 in respect of a person exceeds £30,000.00; and
 - (b) the transfer request is made by a person under paragraph 1(b).

Commencement Information

I9 Sch. 2 para. 4 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

5. This paragraph applies where the transfer request—
- (a) is made by a person under paragraph 1(a) or (b); and
 - (b) relates to all or part of a reference amount that has previously been transferred to that person under paragraph 1(a) or (b).

Commencement Information

I10 Sch. 2 para. 5 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

6. The circumstances described in this paragraph are that the transfer request relates to all or part of—
- (a) the reference amount that applies in relation to a business which has ceased trading whether by reason of a change in the legal structure of the business or otherwise; or
 - (b) the total sum of the reference amounts that apply in relation to two or more businesses which, for the purposes of the Direct Payments Regulation, were treated by the Secretary of State as a single business in respect of the basic payment scheme claim year 2022 or 2023.

Commencement Information

I11 Sch. 2 para. 6 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

7. Where paragraph 4 or 5 applies, the Secretary of State must only transfer the reference amount, or any part of that amount, to any other person or persons specified in the request (“the transferee”) where the Secretary of State is satisfied that the person requesting the transfer completed the transfer of eligible land in England to the transferee between 15th May 2020 and 16th May 2023.

Commencement Information

I12 Sch. 2 para. 7 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

8. Where paragraph 6 applies, the Secretary of State must transfer the reference amount, or any part of that amount, to the person who made the request under paragraph 2 (“the transferee”) where

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the Secretary of State is satisfied that there has been a transfer of eligible land in England from the business concerned to the transferee completed between 15th May 2020 and 16th May 2023.

Commencement Information

I13 Sch. 2 para. 8 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

9. The Secretary of State may require information or evidence from any person making a request under paragraph 1 or 2 relating to the completion of the transfer of eligible land in England for the purposes of paragraph 4, 5 or 6.

Commencement Information

I14 Sch. 2 para. 9 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

10. Where the Secretary of State requests information or evidence under paragraph 9, that information or evidence must be provided to the Secretary of State on or before the date specified by the Secretary of State in the request.

Commencement Information

I15 Sch. 2 para. 10 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

Part 2

Requests for the transfer of the reference amount: inheritance cases

11. A request may be made to the Secretary of State by a person for the transfer to that person by the Secretary of State of the reference amount calculated in respect of a deceased person in circumstances where paragraph 12 or 13 applies.

Commencement Information

I16 Sch. 2 para. 11 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

12. This paragraph applies where the person making the request under paragraph 11 has, after 15th May 2020, inherited eligible land in England from the deceased person in circumstances to which paragraph 13 does not apply.

Commencement Information

I17 Sch. 2 para. 12 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

- 13.** This paragraph applies where the person making the request under paragraph 11—
- (a) has inherited eligible land in England after 15th May 2023; or
 - (b) has inherited eligible land in England before 15th May 2023 but that land was leased out under a farm business tenancy or an agricultural holdings tenancy which still subsisted on 15th May 2023.

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Commencement Information

I18 Sch. 2 para. 13 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

14. A request under paragraph 11—

- (a) may be made to the Secretary of State in such form as the Secretary of State may specify⁽⁵⁾; and
- (b) must be made before the end of the agricultural transition period in England.

Commencement Information

I19 Sch. 2 para. 14 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

15. A request under paragraph 11 may—

- (a) be made by one or more persons who have each inherited eligible land in England from the deceased person; and
- (b) relate to a specified part or parts of the reference amount calculated under Schedule 1 in respect of the deceased person provided that the sum of the specified parts of the reference amount that are to be transferred does not exceed the total value of that deceased person's reference amount.

Commencement Information

I20 Sch. 2 para. 15 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

16. The Secretary of State may request information or evidence relating to the inheritance of eligible land in England by a person for the purposes of a request made by that person under paragraph 11.

Commencement Information

I21 Sch. 2 para. 16 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

17. Where the Secretary of State has requested additional information or evidence under paragraph 16, that information or evidence must be provided to the Secretary of State on or before the date specified by the Secretary of State in the request.

Commencement Information

I22 Sch. 2 para. 17 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

(5) The form in which a request for a transfer of a reference amount must be made will be specified on [www.gov.uk](https://www.gov.uk/guidance/delinked-payments-replacing-the-basic-payment-scheme) at: <https://www.gov.uk/guidance/delinked-payments-replacing-the-basic-payment-scheme>.

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SCHEDULE 3

Regulation 16

Revocations and Saving

PART 1

Revocation of retained direct EU legislation
governing the basic payment scheme in England

1. Subject to the saving specified in Part 2, the instruments listed in column 1 of Table 1 and column 1 of Table 2 (which collectively established the rules for direct payments to farmers under support schemes within the framework of the common agricultural policy) are revoked, in relation to England only, to the extent specified in the corresponding entry in column 2 of each of those tables.

Table 1

**Revocation of specified retained direct EU legislation
governing the basic payment scheme in England**

<i>Legislation to be revoked</i>	<i>Extent of revocation</i>
1. 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.	The whole Regulation in so far as it applies in relation to England.
2. Commission Delegated Regulation (EU) No 639/2014 of 11 March 2014 supplementing 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 and amending Annex 10 to that Regulation ⁽⁶⁾ .	The whole Regulation in so far as it applies in relation to England.
3. Commission Implementing Regulation (EU) 641/2014 of 16 June 2014 laying down rules for the application of 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 ⁽⁷⁾ .	The whole Regulation in so far as it applies in relation to England.

⁽⁶⁾ EUR 2014/639, to which there are amendments not relevant to these Regulations. This instrument was incorporated into domestic law by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020.

⁽⁷⁾ EUR 2014/641, to which there are amendments not relevant to these Regulations. This instrument was incorporated into domestic law by section 1 of the Direct Payments to Farmers (Legislative Continuity) Act 2020.

Table 2

Revocation of specified domestic secondary legislation governing the basic payment scheme in England

	<i>Legislation to be revoked</i>	<i>Extent of revocation</i>
1.	The Common Agricultural Policy Basic Payment and Support Schemes (England) Regulations 2014 (8) .	The whole of the Regulations.
2.	The Common Agricultural Policy (Amendment) Regulations 2015 (9) .	The whole of the Regulations in so far as they apply in relation to England.
3.	The Common Agricultural Policy (Amendment) (No. 2) Regulations 2015 (10) .	Part 2 of the Regulations.
4.	The Common Agricultural Policy Basic Payment and Support Schemes (England) (Amendment) Regulations 2017 (11) .	The whole of the Regulations.
5.	The Common Agricultural Policy Basic Payment and Support Schemes (England) (Amendment) Regulations 2018 (12) .	The whole of the Regulations.
6.	The Financing, Management and Monitoring of Direct Payments to Farmers (Amendment) Regulations 2020 (13) .	The whole of the Regulations in so far as they apply in relation to England.
7.	The Rules for Direct Payments to Farmers (Amendment) Regulations 2020 (14) .	The whole of the Regulations in so far as they apply in relation to England.
8.	The Direct Payments to Farmers (Crop Diversification Derogation) (England) Regulations 2020 (15) .	The whole of the Regulations.
9.	The Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) (Coronavirus) (Amendment) (England) Regulations 2020 (16) .	The whole of the Regulations.
10.	The Direct Payments to Farmers (Application Deadlines) (Coronavirus) (Amendment) (England) Regulations 2020 (17) .	The whole of the Regulations.
11.	The Direct Payments Penalty Simplification (England) Regulations 2020 (18) .	The whole of the Regulations.

(8) [S.I. 2014/3259](#), to which there are amendments not relevant to these Regulations.

(9) [S.I. 2015/1325](#).

(10) [S.I. 2015/1997](#).

(11) [S.I. 2017/1198](#), to which there are amendments not relevant to these Regulations.

(12) [S.I. 2018/1026](#).

(13) [S.I. 2020/90](#), to which there are amendments not relevant to these Regulations.

(14) [S.I. 2020/91](#).

(15) [S.I. 2020/475](#).

(16) [S.I. 2020/477](#).

(17) [S.I. 2020/510](#).

(18) [S.I. 2020/551](#).

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<i>Legislation to be revoked</i>	<i>Extent of revocation</i>
12. The Direct Payments to Farmers (Inspections) (Coronavirus) (England) Regulations 2020 (19) .	The whole of the Regulations.
13. The Direct Payments to Farmers (Amendment) Regulations 2020 (20) .	The whole of the Regulations in so far as they apply in relation to England.
14. The Direct Payments Ceilings Regulations 2020 (21) .	The whole of the Regulations.
15. The Direct Payments to Farmers and Cross-Compliance (Simplifications) (England) (Amendment) Regulations 2020 (22) .	The whole of the Regulations.
16. The Direct Payments to Farmers (England) (Amendment) Regulations 2020 (23) .	The whole of the Regulations.
17. The Direct Payments to Farmers (Reductions and Simplifications) (England) (Amendment) Regulations 2021 (24) .	The whole of the Regulations.
18. The Direct Payments to Farmers (Inspections) (England) Regulations 2021 (25) .	The whole of the Regulations.
19. The Direct Payments to Farmers (Allocation of Payment Entitlements from the National Reserve) (England) Regulations 2022 (26) .	The whole of the Regulations.
20. The Direct Payments to Farmers (Reductions) (England) Regulations 2022 (27) .	The whole of the Regulations.
21. The Direct Payments to Farmers (Advanced Payments and Activation of Payment Entitlements) (Amendment) (England) Regulations 2022 (28) .	The whole of the Regulations.
22. The Direct Payments to Farmers (Reductions) (England) Regulations 2023 (29) .	The whole of the Regulations.
23. The Direct Payments to Farmers (Eligible Hectares and Afforested Areas) (Amendment) (England) Regulations 2023 (30) .	The whole of the Regulations.

(19) [S.I. 2020/575](#).

(20) [S.I. 2020/576](#).

(21) [S.I. 2020/760](#).

(22) [S.I. 2020/1387](#).

(23) [S.I. 2020/1513](#).

(24) [S.I. 2021/407](#).

(25) [S.I. 2021/1057](#).

(26) [S.I. 2022/200](#).

(27) [S.I. 2022/407](#).

(28) [S.I. 2022/706](#).

(29) [S.I. 2023/456](#).

(30) [S.I. 2023/718](#).

Commencement Information

I23 Sch. 3 para. 1 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

PART 2

Saving

2. The provisions revoked by Part 1, notwithstanding that revocation, continue to have effect, in relation to England only, in so far as is necessary for the purposes of finally determining any outstanding rights to, and liabilities arising in respect of applications for, direct payments under the basic payment scheme in England made in respect of a claim year ending on or before 31st December 2023.

Commencement Information

I24 Sch. 3 para. 2 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

SCHEDULE 4

Regulation 17

Consequential Amendments

Amendment of [Regulation \(EU\) No 1305/2013](#) of the European Parliament and of the Council

1.—(1) [Regulation \(EU\) No 1305/2013](#) of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005⁽³¹⁾ is amended as follows.

(2) In Article 2 (definitions), in paragraph 1, in point (f) (definition of “agricultural area”), for “Article 4 of [Regulation \(EU\) No 1307/2013](#)” substitute “Article 2(1) of [Regulation \(EU\) No 1306/2013](#)”.

(3) In Article 8 (content of rural development programmes), in paragraph 1(h)(i), for the words “the appropriations provided” to the end substitute “the appropriations provided to the less developed regions”.

(4) In Article 15 (advisory services, farm management and farm relief services), for paragraph 4(b) substitute—

“(b) where applicable, the maintenance of the agricultural area as referred to in point (c) of Article 2(1) of [Regulation \(EU\) No 1306/2013](#);”.

(5) In Article 16 (quality schemes for agricultural products, and foodstuffs), in paragraph 3, omit the final subparagraph.

(6) In Article 18 (restoring agricultural production potential damaged by natural disasters and catastrophic events and introduction of appropriate prevention actions), in paragraph 4, omit “or direct payment support”.

⁽³¹⁾ EUR 2013/1305, amended by [S.I. 2019/764](#) (to which there are amendments not relevant to these Regulations), [S.I. 2023/816](#); there are other amending instruments but none are relevant.

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- (7) In Article 19 (farm and business development)—
- (a) in paragraph 1, omit point (c);
 - (b) in paragraph 2, omit the final subparagraph;
 - (c) in paragraph 4, omit the third subparagraph;
 - (d) omit paragraph 7.
- (8) In Article 20 (basic services and village renewal in rural areas), in paragraph 2, for “support under other” to “direct payment support” substitute “support under Regulation 508/2014”.
- (9) In Article 28 (agri-environment-climate)—
- (a) in paragraph 3, for “point (c)(ii) and (c)(iii) of Article 4(1) of [Regulation \(EU\) No 1307/2013](#)” substitute “points (b)(ii) and (b)(iii) of Article 2(1) of [Regulation \(EU\) 1306/2013](#)”;
 - (b) in paragraph 6, omit the second subparagraph;
 - (c) omit paragraph 11.
- (10) In Article 29 (organic farming)—
- (a) in paragraph 1, omit from “and who are active farmers” to the end;
 - (b) in paragraph 2, for “points (c)(ii) and (c)(iii) of Article 4(1) of [Regulation \(EU\) No 1307/2013](#)” substitute “points (b)(ii) and (b)(iii) of Article 2(1) of [Regulation \(EU\) 1306/2013](#)”;
 - (c) in paragraph 4, omit the second subparagraph;
 - (d) omit paragraph 6.
- (11) In Article 30 (Natura 2000 and Water Framework Directive payments)—
- (a) in paragraph 1, omit the second subparagraph;
 - (b) in paragraph 3, for “points (c)(ii) and (c)(iii) of Article 4(1) of [Regulation \(EU\) No 1307/2013](#)” substitute “points (b)(ii) and (b)(iii) of Article 2(1) of [Regulation \(EU\) 1306/2013](#)”;
 - (c) in paragraph 4, in point (b), for “points (c)(ii) and (c)(iii) of Article 4(1) of [Regulation \(EU\) No 1307/2013](#)” substitute “points (b)(ii) and (b)(iii) of Article 2(1) of [Regulation \(EU\) 1306/2013](#)”.
- (12) In Article 31 (payments to areas facing natural or other specific constraints)—
- (a) in paragraph 1, in the second subparagraph, omit from “, taking into account payments” to the end;
 - (b) in paragraph 2, omit from “and are active farmers” to the end.
- (13) In Article 33 (animal welfare), in paragraph 1, omit from “and who are active farmers” to the end.
- (14) In Article 35 (co-operation)—
- (a) in paragraph 6, for “, CMO support or direct payment support” substitute “or CMO support”;
 - (b) in paragraph 9, omit “or direct payment support”.
- (15) In Article 36 (risk management), omit paragraph 2.
- (16) In Article 39b (exceptional temporary support to farmers and SMEs particularly affected by the COVID-19 crisis), in paragraph 6, omit “or direct payment support”.
- (17) In Article 48 (revision clause), in the first subparagraph, omit the final sentence.
- (18) In Article 58 (resources and their distribution)—

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- (a) omit paragraphs 5 and 6;
 - (b) in paragraph 7, omit “including the transfers referred to in paragraphs 5 and 6 of this Article,”.
- (19) In Article 59 (fund contribution)—
- (a) in paragraph 4, omit point (e);
 - (b) in paragraph 8, omit “or direct payment support”.

Commencement Information

I25 Sch. 4 para. 1 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

Amendment of [Regulation \(EU\) No 1306/2013](#) of the European Parliament and of the Council

2.—(1) [Regulation \(EU\) No 1306/2013](#) of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations ([EEC](#)) No 352/78, ([EC](#)) No 165/94, ([EC](#)) No 2799/98, ([EC](#)) No 814/2000, ([EC](#)) No 1290/2005 and ([EC](#)) No 485/2008⁽³²⁾ is amended as follows.

(2) At the end of Article 1 (scope) insert—

“This Regulation does not apply to direct payments in England in respect of any year falling after the end of 2023.”.

(3) In Article 2 (terms used in this Regulation)—

(a) in paragraph 1—

(i) for point (a), substitute—

“(a) “farmer” means a natural or legal person, or a group of natural or legal persons, regardless of the legal status granted to such group and its members by law, whose holding is situated within England, and who exercises an agricultural activity;”;

(ii) for point (b) substitute—

“(b) “agricultural activity” means—

(i) production, rearing or growing of agricultural products, including harvesting, milking, breeding animals, and keeping animals for farming purposes,

(ii) maintaining an agricultural area in a state which makes it suitable for grazing or cultivation without preparatory action going beyond usual agricultural methods and machineries, based on criteria established by the relevant authority, or

(iii) carrying out a minimum activity, defined by the relevant authority, on agricultural areas naturally kept in a state suitable for grazing or cultivation;”;

(iii) for point (c), substitute—

“(c) “agricultural area” means any area taken up by arable land, permanent grassland and permanent pasture, or permanent crops;”;

(iv) for point (d), substitute—

⁽³²⁾ EUR 2013/1306, to which there are amendments not relevant to these Regulations.

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“(d) “holding” means all the units situated in England which are used for agricultural activities and managed by a farmer;”;

(v) for point (e), substitute—

“(e) “direct payments” means, in relation to England only, direct payments within the meaning of Article 1 of [Regulation \(EU\) No 1307/2013](#) as that regulation applied in relation to England immediately before the end of 2023;”;

(vi) after point (e), insert—

“(ea) “permanent crops” means non-rotational crops other than permanent grassland and permanent pasture that occupy the land for five years or more and yield repeated harvests, including nurseries and short rotation coppice;

(eb) “permanent grassland and permanent pasture” (together referred to as “permanent grassland”) means land used to grow grasses or other herbaceous forage naturally (self-seeded) or through cultivation (sown) and that has not been included in the crop rotation of the holding for five years or more, and, where the relevant authority so decides, that has not been ploughed up for five years or more; it may include other species such as shrubs and/or trees which can be grazed and, where the relevant authority so decides, other species such as shrubs and/or trees which produce animal feed, provided that the grasses and other herbaceous forage remain predominant. The relevant authority may also decide to consider as permanent grassland:

(i) land which can be grazed and which forms part of established local practices where grasses and other herbaceous forage are traditionally not predominant in grazing areas; and/or

(ii) land which can be grazed where grasses and other herbaceous forage are not predominant or are absent in grazing areas;

(ec) “grasses or other herbaceous forage” means all herbaceous plants traditionally found in natural pastures or normally included in mixtures of seeds for pastures or meadows in the United Kingdom, whether or not used for grazing animals;”.

(4) In Article 69 (computerised database), in paragraph 1, in the second subparagraph, for “point (h) of” to “1307/2013” substitute “point (eb) of Article 2(1) of this Regulation”.

(5) In Article 75 (payment to beneficiaries)—

(a) in paragraph 1, omit point (a);

(b) in paragraph 2 omit “(other than advances made under paragraph 1(a))”.

Commencement Information

I26 Sch. 4 para. 2 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

Amendment of Article 189 of [Regulation \(EU\) No 1308/2013](#) of the European Parliament and of the Council

3. In [Regulation \(EU\) No 1308/2013](#) of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and

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repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007⁽³³⁾, in Article 189 (imports of hemp)—

- (a) in paragraph (1)(a), for “the conditions laid down in Article 32(6) and in Article 35(3) of [Regulation \(EU\) No 1307/2013](#)” substitute “the conditions laid down in Article 32(6) of [Regulation \(EU\) No 1307/2013](#) as that Article applied in relation to England immediately before the end of 2023”; and
- (b) in paragraph (1)(b), for “fixed in accordance with Article 32(6) and in Article 35(3) of [Regulation \(EU\) No 1307/2013](#)” substitute “fixed in accordance with Article 32(6) of [Regulation \(EU\) No 1307/2013](#) as that Article applied in relation to England immediately before the end of 2023”.

Commencement Information

I27 Sch. 4 para. 3 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

Amendment of Commission Delegated Regulation 640/2014

4.—(1) Commission Delegated [Regulation \(EU\) No 640/2014](#) of 11 March 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⁽³⁴⁾ is amended as follows.

(2) At the end of Article 1 (scope) insert—

“This Regulation does not apply to direct payments in England under [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 in respect of any year falling after the end of 2023.”.

(3) In Article 2 (definitions), after paragraph 2, insert—

“3. In this Regulation, references to “Regulation (EU) No 1307/2013” are to be construed as references to that Regulation as it applied in relation to England immediately before the end of 2023.”.

(4) In Article 4 (force majeure and exceptional circumstances), in paragraph 1, omit the first subparagraph.

(5) In Article 5 (identification of agricultural parcels), in paragraph 1, in the first subparagraph, for “Article 4(1)(e) of [Regulation \(EU\) 1307/2013](#)” substitute “Article 2(1)(c) of [Regulation \(EU\) No 1306/2013](#)”.

“Amendment of Commission Delegated Regulation (EU) No 807/2014”

Commencement Information

I28 Sch. 4 para. 4 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

5. In Commission Delegated [Regulation \(EU\) No 807/2014](#) of 11 March 2014 supplementing [Regulation \(EU\) No 1305/2015](#) of the European Parliament and of the Council on support for rural

⁽³³⁾ EUR 2013/1308, to which there are amendments not relevant to these Regulations.

⁽³⁴⁾ EUR 2014/640, to which there are amendments not relevant to these Regulations.

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development by the European Agricultural Fund for Rural Development (EAFRD) and introducing transitional provisions⁽³⁵⁾, omit Article 9 (exclusion of double funding of agricultural practices beneficial for the climate and the environment and of equivalent practices).

Commencement Information

I29 Sch. 4 para. 5 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

Commencement Information

I28 Sch. 4 para. 4 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

I29 Sch. 4 para. 5 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

Amendment of Annex 1 of Commission Implementing Regulation (EU) No 808/2014

6.—(1) In Annex 1 of Commission Implementing Regulation (EU) No 808/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1305/2015 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD)⁽³⁶⁾, Part 1 is amended as follows.

- (2) In paragraph 8(2)(e) (description of the measures selected)—
- (a) in point 9 (agri-environment-climate)—
 - (i) in the first indent, for “Article 4(1)(c)(ii) and (iii) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council” substitute “Article 2(1)(b)(ii) and (iii) of Regulation (EU) No 1306/2013”;
 - (ii) in the fifth indent, omit from “where relevant, that methodology” to “exclude double funding.”;
 - (b) in point 10 (organic farming)—
 - (i) in the first indent, for “Article 4(1)(c)(ii) and (iii) of Regulation (EU) No 1307/2013” substitute “Article 2(1)(b)(ii) and (iii) of Regulation (EU) No 1306/2013”;
 - (ii) in the second indent, omit from “; where relevant, that methodology” to “double funding”;
 - (c) in point 11 (Natura 2000 and Water Framework Directive Payments), in the fourth indent—
 - (i) omit from “the relevant criteria and minimum activities referred to” to “Regulation (EU) No 1307/2013.”;
 - (ii) in the second place it occurs, for “Article 4(1)(c)(ii) and (iii) of Regulation (EU) No 1307/2013” substitute “Article 2(1)(b)(ii) and (iii) of Regulation (EU) No 1306/2013”;
 - (iii) in the seventh indent, omit from “; where relevant, that methodology” to the end.

Commencement Information

I30 Sch. 4 para. 6 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

⁽³⁵⁾ EUR 2014/807, to which there are amendments not relevant to these Regulations.

⁽³⁶⁾ EUR 2014/808, to which there are amendments not relevant to these Regulations.

Amendment of Commission Implementing Regulation 809/2014

7.—(1) Commission Implementing [Regulation \(EU\) No 809/2014](#) of 17 July 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⁽³⁷⁾ is amended as follows.

(2) At the end of Article 1 (scope), insert—

“This Regulation does not apply to direct payments in England under [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](#) in respect of any year falling after the end of 2023.”

(3) In Article 12 (single applications)—

- (a) in paragraph 1, omit “for direct payments”;
- (b) in paragraph 2, omit “area-related direct payments or”.

(4) In Article 17 (requirements pertaining to area-related aid applications), omit paragraph 6.

(5) In Article 27 (cross-notification of results of checks), omit the third paragraph.

(6) In Article 29 (cross-checks), in paragraph 1, in point (a)—

- (a) omit “on declared payment entitlements and”;
- (b) omit “respectively,”;
- (c) omit from “area-related aid schemes” to “1307/2013, and”.

(7) In Article 36 (reduction of control rate), in paragraph 4, omit the second subparagraph.

(8) In Article 38 (area measurement), omit paragraph 8.

Commencement Information

I31 Sch. 4 para. 7 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

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

8.—(1) The Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014⁽³⁸⁾ are amended as follows.

(2) In regulation 1 (citation, commencement, application and extent)—

- (a) in paragraph (2), for “paragraphs (3) and (4)” substitute “paragraphs (2A), (3) and (4)”;
- (b) after paragraph (2) insert—

“(2A) These Regulations do not apply to direct payments in England in respect of any year falling after the end of 2023.”

(3) In regulation 2(1) (interpretation)—

- (a) in the definition of “the Direct Payments Delegated Regulation”, at the end insert “as that Regulation applied in relation to England immediately before the end of 2023”;

⁽³⁷⁾ EUR 2014/809, to which there are amendments not relevant to these Regulations.

⁽³⁸⁾ [S.I. 2014/3263](#); regulations 1 to 6 were amended by [S.I. 2015/1325](#) and [1997, 2018/591, 2019/733](#) and [785](#) and [2020/90, 477](#) and [1387](#). There are other amendments none of which are relevant to these Regulations.

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- (b) in the definition of “the Direct Payments Implementing Regulation”, at the end insert “as that Regulation applied in relation to England immediately before the end of 2023”;
 - (c) in the definition of “the Direct Payments Regulation”, at the end insert “as that Regulation applied in relation to England immediately before the end of 2023”;
 - (d) omit the definition of “area-related aid schemes”;
 - (e) omit the definition of “single application”.
- (4) Omit regulation 3 (competent authority).
- (5) In regulation 4(3) (agency arrangements), omit “support schemes listed in Annex 1 to the Direct Payments Regulation or”.
- (6) In regulation 5(1) (applications), for “a single application,” substitute “an”.
- (7) Omit regulation 6 (minimum size of agricultural area).

Commencement Information

I32 Sch. 4 para. 8 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

Amendment of Article 2 of Commission Delegated Regulation (EU) 2017/891

9.—(1) Commission Delegated [Regulation \(EU\) 2017/891](#) of 13 March 2017 supplementing [Regulation \(EU\) No 1308/2013](#) of the European Parliament and of the Council with regard to the fruit and vegetables and processed fruit and vegetable sectors and supplementing [Regulation \(EU\) No 1306/2013](#) of the European Parliament and of the Council with regard to penalties to be applied in those sectors and amending Commission Implementing [Regulation \(EU\) No 543/2011](#)(**39**) is amended as follows.

(2) In Article 2, in point (a) (definition of producer), for “Article 4(1)(a) of [Regulation \(EU\) No 1307/2013](#) of the European Parliament and of the Council” substitute “Article 2(1)(a) of [Regulation \(EU\) No 1306/2013](#)”.

Commencement Information

I33 Sch. 4 para. 9 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

Amendment of regulation 2 of the Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020

10. In regulation 2 of the Agriculture (Payments) (Amendment, etc.) (EU Exit) Regulations 2020 (treatment of CAP Horizontal Legislation)(**40**)—

- (a) omit paragraph (1)(a);
- (b) in paragraph (1)(b), omit “in all other cases.”.

Commencement Information

I34 Sch. 4 para. 10 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

(39) EUR 2017/891. There are no relevant amendments.

(40) S.I. 2020/1445. There are no relevant amendments.

Amendment of the Agriculture (Lump Sum Payment) (England) Regulations 2022

11.—(1) The Agriculture (Lump Sum Payment) (England) Regulations 2022⁽⁴¹⁾ are amended as follows.

(2) In regulation 2 (interpretation), at the end of the definition of “Regulation (EU) 1307/2013” and the definition of “Regulation (EU) 640/2014” insert “as that Regulation operated in relation to England immediately before the end of 2023”.

(3) In the Schedule (calculating the lump sum payment)—

(a) in paragraph 1(3)(c)(iii) (definition of SRA), at the end insert “as that Regulation applied in relation to England immediately before the end of 2023”;

(b) in paragraph 3—

(i) in sub-paragraph (2)—

(aa) at the end of paragraph (a) omit “and”; and

(bb) at the end of paragraph (b), after “17th May 2021” insert—
“; and

(c) the total value of any payment entitlements that were recorded in the register in the applicant’s name before the date on which these Regulations come into force (excluding any payment entitlements that have been leased out).”;

(ii) in sub-paragraph (5)(b) (definition of PES)—

(aa) at the end of paragraph (i) omit “and”; and

(bb) after paragraph (ii) insert—

“(iii) the total value of any payment entitlements that were recorded in the register in the applicant’s name before the date on which these Regulations come into force (excluding any payment entitlements that have been leased out); and”.

Commencement Information

I35 Sch. 4 para. 11 in force at 1.1.2024, see [reg. 1\(2\)\(a\)](#)

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Changes and effects yet to be applied to :

- Pt. 3 modified by [S.I. 2024/691 reg. 4](#)