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## EXPLANATORY NOTE

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

These Regulations amend the Agriculture (Financial Assistance) Regulations 2021 (S.I. 2021/405) (the “2021 Regulations”). They are made under the Agriculture Act 2020 (c. 21) (“the Act”).

Regulation 3 omits existing definitions in regulation 2 of the 2021 Regulations.

Regulation 4 omits regulation 7 of the 2021 Regulations (Payments under an environmental land management scheme).

Regulation 5 extends the scope of regulation 8 of the 2021 Regulations to apply to payments under any financial assistance scheme established under section 1 of the Act (including an environmental land management scheme). Where an agreement holder is not required to submit a request for payment under their agreement, they must submit an annual declaration confirming compliance with the conditions subject to which financial assistance is given.

Regulation 6 amends the conditions in which the Secretary of State may consent to the transfer of an agreement to another person (“the transferee”) in regulation 12 of the 2021 Regulations. The transferee is not required to have management control of the land or assets under the agreement in every case; they must however meet the eligibility criteria, which may include management control where relevant.

Regulation 7 amends the data publication requirements in regulation 13 of the 2021 Regulations. The Secretary of State is not required to publish specified information in relation to agreement holders under regulation 13 of the Regulations where the financial assistance has been awarded to protect or improve the health or welfare of livestock, or to protect or improve the health of plants, and the Secretary of State is satisfied that publication is likely to hinder the extent to which that purpose is achieved. The annual health and welfare review and tree health pilot scheme remain exempt from these publication requirements.

Regulation 8 amends the data publication requirements in regulation 14 of the 2021 Regulations. Where the Secretary of State is required to publish the aggregate of financial assistance paid under a financial assistance scheme (or part of a scheme), they must also publish the number of agreement holders.

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.