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The Direct Payments to Farmers (Reductions and Simplifications) (England) (Amendment) Regulations 2021 and The Official Controls (Exemptions from Controls at Border Control Posts) (Amendment) Regulations 2021: Statements under paragraph 15 of Schedule 8 to the European Union Withdrawal Act 2018

The Direct Payments to Farmers (Reductions and Simplifications) (England) (Amendment) Regulations 2021 and The Official Controls (Exemptions from Controls at Border Control Posts) (Amendment) Regulations 2021 amended instruments made under s2(2) of the European Communities Act 1972. In accordance with the requirements of paragraph 15 of Schedule 8 to the European Union (Withdrawal) Act 2018, the I am required to make a statement setting out:

- why there are good reasons for the amendment/revocation
- the law relevant to the amendment/revocation
- the effect of the amendment/revocation on retained EU law

While explanation of the amendments was given in the explanatory memorandum, the statements were not explicitly included, and I apologise for this omission. Having identified the omission, I make the following statements:

The Direct Payments to Farmers (Reductions and Simplifications) (England) (Amendment) Regulations 2021

In my view there are good reasons to amend the Common Agricultural Policy Basic Payment and Support Schemes (England) Regulations 2014 (S.I. 2014/3259) and the Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014 (S.I. 2014/3263), both of which are made under section 2(2) of the European Communities Act 1972. This is because the amendments are consequential to ensure that direct payments legislation operates coherently following changes being made under the Agriculture Act 2020.

As set out in section 7 of the explanatory memorandum, S.I. 2014/3259 is amended to remove a requirement to apply reductions to payments worth over EUR 150,000 in order to avoid overlap with new reduction provisions and amend the young farmer payment rate in consequence of changes to greening payments and S.I. 2014/3263 is amended to remove exchange rate provisions reflecting that payments are calculated and paid in sterling from the 2021 claim year.

The Official Controls (Exemptions from Controls at Border Control Posts) (Amendment) Regulations 2021

In my view there are good reasons to amend the Trade in Animals and Related Products Regulations 2011 (S.I. 2011/1197) and the Trade in Animals and Related Products (Scotland) Regulations 2012 (S.S.I. 2012/177), both of which are made under section 2(2) of the European Communities Act 1972. This is because the amendments are consequential to the changes made to Commission Delegated Regulation (EU) 2019/2122 supplementing Regulation (EU) 2017/625 as regards certain categories of animals and goods exempted from official controls at border control posts, specific controls on passengers' personal luggage and on small consignments of goods sent to natural persons which are not intended to be placed on the market (EUR 2019/2122). Those changes alter the scope of the exemptions from official controls at border control posts, and these amendments are needed to ensure consistency between the scope of the exemptions and the provisions under which they are enforced.

As set out in paragraph 7 of the explanatory memorandum, S.I. 2011/1197 and S.S.I. 2012/177 are amended to remove the requirement for certain animals needed for scientific research to enter Great Britain through a Border Control Post. It is considered disproportionate and costly in terms of time and resources to impose this requirement given that no animal health risks are required to be managed.

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