

Draft Regulations laid before the Assembly under section 48 of, and paragraph 2(3) of Schedule 6 to, the Agriculture Act 2020 (c. 21), and subject to affirmative resolution procedure of the Assembly.

DRAFT STATUTORY RULES OF NORTHERN IRELAND

2026 No.

AGRICULTURE

**The Farm Sustainability Payment Scheme (Eligibility etc)
(Amendment) Regulations (Northern Ireland) 2026**

Made

Coming into operation

The Department of Agriculture, Environment and Rural Affairs, in exercise of the powers conferred by section 48 of and paragraphs 2(1) and 5(1) of Schedule 6 to, the Agriculture Act 2020(1) and Article 35 of Regulation (EU) No. 1307/2013 of the European Parliament and of the Council of 17 December 2013(2) makes the following Regulations:

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the Farm Sustainability Payment Scheme (Eligibility etc) (Amendment) Regulations (Northern Ireland) 2026 and shall come into operation on XXXX 2026.

Interpretation

2.—(1) In these Regulations—

“the Commission Delegated Regulation” means Commission Delegated Regulation (EU) No. 640/2014(3) of 11 March 2014 supplementing Regulation (EU) No. 1306/2013 of the European Parliament and Council(4) with regard to the integrated administration and controls system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance; and

“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 under support schemes within the framework of the common agricultural policy.

(2) The Interpretation Act (Northern Ireland) 1954(5) shall apply to these Regulations as it applies to an Act of the Assembly.

(1) 2020 c. 21

(2) EUR 1307/2013

(3) EUR 640/2014 (as amended by S.R. 2025 No. 179.)

(4) EUR 1306/2013

(5) 1954 c. 33(N.I.)

PART 2

Amendment of the Farm Sustainability Payment Scheme (Eligibility etc) Regulations (Northern Ireland) 2025

Amendment of the Farm Sustainability Payment Scheme (Eligibility etc) Regulations (Northern Ireland) 2025

3.—(1) The Farm Sustainability Payment Scheme (Eligibility etc) Regulations (Northern Ireland) 2025(6) are amended as follows.

(2) In regulation 3, after paragraph (2) insert—

“(3) An eligible farm business must have registered and completed training offered to it in relation to carbon footprinting as the Department may require by 15 May 2029”.

(3) In Schedule 3, after Table 2 insert—

“Table 3

<i>Penalty to be applied for 2029 calendar year (%)</i>	<i>Penalty to be applied for 2030 calendar year onwards (%)</i>
10	15”

Amendment of the Commission Delegated Regulation

4.—(1) The Commission Delegated Regulation is amended as follows.

(2) In Article 16—

(a) in paragraph (a), omit “or”;

(b) in paragraph (b), after the words “scheme payment” for “.” Substitute “; or”; and

(c) after paragraph (b) insert—

“(c) regulation 3(3) of the Farm Sustainability Payment Scheme (Eligibility etc) Regulations (Northern Ireland) 2025, they shall have the penalties in Table 3 of Schedule 3 to those Regulations applied to their scheme payment.”.

PART 3

Amendment of Assimilated Law

Increase of the tetrahydrocannabinol content level of hemp

5. In Article 32(6) of the Direct Payments Regulation, for “0,2” substitute “the level stipulated in regulation 3(c) of the Hemp (Third Country Imports) Regulations 2002(7)”.

Amendment of the Commission Implementing Regulation

6. In Commission Implementing Regulation (EU) No. 809/2014 of 17 July laying down the rules for the application of Regulation (EU) No. 1306/2013 of the European Parliament and of the Council with regards to the integrated administration and control system, rural development measures and cross compliance(8) in Article 15(2), for “31 May” substitute “9 June”.

Sealed with the Official Seal of the Department of Agriculture, Environment and Rural Affairs on

(6) SR 2025 No. 179

(7) S.I. 2002 No. 787

(8) EUR 809/2014

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the conditionality requirements for farm sustainability payments provided by the Department and amends the Direct Payment Regulation.

These Regulations—

amend the conditionality requirements for farm sustainability payments (regulations 3 and 4);

amend the Direct Payments Regulation to align the tetrahydrocannabinol (THC) content of hemp with regulation 3(c) of The Hemp (Third Country Imports) Regulations 2002 (S.I. 2002/787) (regulation 5); and

amend the date of notification of an amendment of claim without penalty in the Commission Implementing Regulation (EU) No. 809/2014 (regulation 6).