

# SL(5)498 - The Common Agricultural Policy (Direct Payments to Farmers)(Miscellaneous Amendments)(Wales) Regulations 2020

## Background and Purpose

These Regulations are made under section 3(3)(a) of the Direct Payments to Farmers (Legislative Continuity) Act 2020 ("DPLC Act"), which received Royal Assent on 30 January 2020. The Regulations are made in order to address failures of retained EU law governing the Common Agricultural Policy Direct Payment Schemes to operate effectively, and deficiencies in that retained EU law. The Regulations amend two pieces of subordinate legislation in the field of agriculture:

- The Common Agricultural Policy (Integrated Administration and Control System and Enforcement and Cross Compliance)(Wales) Regulations 2014; and
- The Common Agricultural Policy Basic Payment and Support Schemes (Wales) Regulations 2015.

## Procedure

Made Affirmative. The Regulations have already been made, but require Assembly approval for them to come into force for more than 28 days.

## Technical Scrutiny

One point is identified for reporting under Standing Order 21.2 in respect of this instrument.

### **Standing Order 21.2(vi) - that its drafting appears to be defective or it fails to fulfil statutory requirements**

1. The Explanatory Memorandum, in the third paragraph following the heading "Matters of special interest to the Constitutional and Legislative Affairs Committee", provides that "the instrument could not be made until the DPLC Act received Royal Assent on 30 March 2020". However, the DPLC Act received Royal Assent on 30 January 2020, which enabled these Regulations to be made.

## Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

## Implications arising from exiting the European Union

These Regulations come into force on Exit Day (11pm on 31 January 2020). The Regulations provide that paragraph 1(1) of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020 does not apply. The Regulations will enable the domestic EU derived legislation governing the Direct Payment Scheme for claim year 2020, which runs from 1 January 2020 to 31 December 2020, to operate effectively in the UK immediately after EU Exit.

## Government Response

The Welsh Government acknowledges that there is an error in the Explanatory Memorandum (third paragraph following the heading "Matters of special interest to the Constitutional and Legislative Affairs



Committee"). The Direct Payments to Farmers (Legislative Continuity) Act 2020 (c.2) received Royal Assent on 30 January 2020, not 30 March 2020.

I can confirm that this will be corrected, and a revised Explanatory Memorandum laid as soon as possible.

**Legal Advisers**

**Legislation, Justice and Constitution Committee**

**February 2020**



Cynulliad Cenedlaethol Cymru

**Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**

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National Assembly for Wales

**Legislation, Justice and Constitution Committee**