Dear Mick,

I am writing to notify you that UK Government has made the Direct Payments to Farmers (Legislative Continuity) Act 2020 (Consequential Amendments) Regulations 2020 under powers set out in the Direct Payment for Farmers (Legislative Continuity) Act 2020 (‘the DPLC Act’).

The DPLC incorporated the EU legislation governing the 2020 CAP Direct Payment schemes into domestic law on Exit Day. This was due to the fact that Article 137 of the Withdrawal Agreement disapplied the Direct Payments Regulation for the UK for claim year 2020 from Exit Day.

Certain provisions in regulations made under the European Union (Withdrawal) Act 2018 (“2018 Act”) would not currently apply to any regulations made under the DPLC Act. This is because the DPLC Act incorporated the Direct Payments legislation into UK law separately from the 2018 Act and because the incorporation takes effect on Exit Day rather than at the end of the Implementation Period.


This instrument is made subject to the negative procedure.

The 2020 Regulations and accompanying Explanatory Memorandum, setting out the effect of amendments are available here: http://www.legislation.gov.uk/uksi/2020/463/contents/made
In respect of any impact the SI may have on the Assembly’s legislative competence and/or the Welsh Ministers’ executive competence, I confirm that the Common Agricultural Policy and its implementation in Wales is a devolved subject. The Assembly’s Standing Order (SO) 30A requires a SICM to be laid within three days of a UK statutory instrument being laid in Parliament, if the instrument makes provision in relation to Wales amending primary legislation within the Assembly’s legislative competence. This applies in the case of these Regulations as they make amendments to the Interpretation Act 1978, the Statutory Instruments Act 1946 and the Legislation (Wales) Act 2019 which make provision with regards to devolved matters.

The Welsh Ministers have provided consent for the UK Government to make these amendments in relation to, and on behalf of, Wales for reasons of efficiency, expediency and due to the technical nature of the amendments. The amendments have been considered fully; and there is no divergence in policy. These amendments ensure that the statute book remains functional following the UK’s exit from the EU.

I am copying this letter to the Counsel General and Minister for European Transition and the Minister for Environment, Energy and Rural Affairs.

Yours sincerely,

[Signature]

Rebecca Evans AC/AM
Y Gweinidog Cyllid a’r Trefnydd
Minister for Finance and Trefnydd