

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



Llywodraeth Cymru  
Welsh Government

Mick Antoniw AM  
Chair,  
Legislation, Justice and Constitution Committee  
[Mick.Antoniw@assembly.wales](mailto:Mick.Antoniw@assembly.wales)

28 April 2020

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.

The Direct Payments to Farmers (Legislative Continuity) Act 2020 (Consequential Amendments) Regulations 2020 amend provisions in the Interpretation Act 1978, the Statutory Instruments Act 1946, the Legislation (Wales) Act 2019 (anaw 4), the Interpretation and Legislative Reform (Scotland) Act 2010, the Interpretation (Northern Ireland) Act 1954, the Statutory Rules (Northern Ireland) Order 1979, the European Union (Withdrawal) Act 2018 and the European Union (Withdrawal) Act 2018 (Consequential Modifications and Repeals and Revocations) (EU Exit) Regulations 2019.

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>

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

[Correspondence.Rebecca.Evans@gov.wales](mailto:Correspondence.Rebecca.Evans@gov.wales)  
[Gohebiaeth.Rebecca.Evans@llyw.cymru](mailto:Gohebiaeth.Rebecca.Evans@llyw.cymru)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

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,

A handwritten signature in black ink that reads "Rebecca Evans". The signature is written in a cursive, flowing style.

**Rebecca Evans AC/AM**  
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Minister for Finance and Trefnydd