

UK MINISTERS ACTING IN DEVOLVED AREAS

164 - The European Structural and Investment Funds Common Provisions and Common Provision Rules etc. (Amendment) (EU Exit) (Revocation) Regulations 2020

Laid in the UK Parliament: 13 July 2020

Sifting

Subject to sifting in UK Parliament?	No
Procedure:	Draft affirmative
Date of consideration by the House of Commons European Statutory Instruments Committee	N/A
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	N/A
Date sifting period ends in UK Parliament	N/A
Written statement under SO 30C:	Paper 55
SICM under SO 30A (because amends primary legislation)	Not required

Scrutiny procedure

Outcome of sifting	N/A
Procedure	Draft affirmative
Date of consideration by the Joint Committee on Statutory Instruments	Not known
Date of consideration by the House of Commons Statutory Instruments Committee	Not known
Date of consideration by the House of Lords Secondary Legislation Scrutiny Committee	Not known

Commentary

These Regulations are proposed to be made by the UK Government pursuant to section 8(1) of, and paragraph 21(a)(ii) and (b) of Schedule 7 to, the European Union (Withdrawal) Act 2018.

These Regulations revoke Statutory Instrument 2019/625 made on 18 March 2019. Statutory Instrument 2019/625 (SI 625) disapplied the common provision regulations on European Structural and Investment Funds insofar as they applied to the European Regional Development Fund, European Social Fund, Cohesion Fund, and European Territorial Cooperation Fund (together the Funds). SI 625 was passed so that, in the event of there being no Withdrawal Agreement, projects supported by the Funds could continue to operate domestically by including transitional provisions for projects agreed before exit and by creating a power to pay out to relevant recipients for the continued delivery of projects. Article 138

of the Withdrawal Agreement as embodied in The European Union (Withdrawal Agreement) Act 2020 states that all applicable European Union law will continue to apply to the UK for all programmes and activities committed under the Multi-annual Financial Framework 2014-2020. Such 'programmes and activities' include the Funds. The effect is, therefore, that the common provision regulations will continue to apply to the Funds. SI 625 is therefore being revoked in order to avoid confusion.

Legal Advisers agree with the statement laid by the Welsh Government dated 16 July 2020 regarding the effect of these Regulations.

The above summary and the content of the Explanatory Memorandum to these Regulations confirm their effect. Legal Advisers do not consider that any significant issues arise under paragraph 8 of the Memorandum on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks in relation to these Regulations.