

Draft Regulations laid before the National Assembly for Wales under paragraph 1(9) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2019 No. (W.)

**EXITING THE EUROPEAN
UNION, WALES**

AGRICULTURE, WALES

The Common Agricultural Policy
(Miscellaneous Amendments)
(Wales) (EU Exit) Regulations 2019

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of retained EU law to operate effectively and other deficiencies arising from the withdrawal of the United Kingdom from the European Union.

These Regulations apply in relation to Wales and make miscellaneous amendments to subordinate legislation about the common agriculture policy.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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Made ***

Coming into force ***

The Welsh Ministers, in exercise of the powers conferred by paragraph 1(1) of Schedule 2 and paragraph 21 of Schedule 7 to the European Union (Withdrawal) Act 2018(1), make the following Regulations.

In accordance with paragraph 1(9) of Schedule 7 to that Act, a draft of this instrument has been laid before and approved by a resolution of the National Assembly for Wales.

Title, commencement and application

1.—(1) The title of these Regulations is the Common Agricultural Policy (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019.

(2) These Regulations come into force on exit day.

(3) These Regulations apply in relation to Wales.

The Agricultural Subsidies and Grants Schemes (Appeals) (Wales) Regulations 2006

2. In regulation 2(1) of, and in the heading of the Schedule to, the Agricultural Subsidies and Grants Schemes (Appeals) (Wales) Regulations 2006(1), for “EU legislation”, in each place it occurs, substitute “retained EU law”.

The Rural Development Programmes (Wales) Regulations 2014

3.—(1) The Rural Development Programmes (Wales) Regulations 2014(2) are amended as follows.

(2) In regulation 2—

(a) in paragraph (1)—

(i) in the definition of “approved operation” (“*gweithrediad a gymeradwywyd*”), at the end, insert “(see paragraph (3))”;

(ii) in the definition of “authorised person” (“*person awdurdodedig*”), omit the words from “, and includes” to “such an authorised person”;

(iii) omit the definition of “the Commission” (“*y Comisiwn*”);

(iv) omit the definition of “EU assistance” (“*cymorth yr UE*”);

(b) after paragraph (2) insert—

“(3) For the avoidance of doubt, an “approved operation” includes an operation which the Welsh Ministers have approved for the receipt of financial assistance under regulation 4 before exit day.”

(3) In regulation 4(2), for “EU” substitute “financial”.

(4) In regulation 7(2)(d), for “EU” substitute “financial”.

(5) In regulation 10—

(a) omit paragraph (1)(j)(i);

(b) omit paragraph (3).

The Common Agricultural Policy (Integrated Administration and Control System and Enforcement and Cross Compliance) (Wales) Regulations 2014

4.—(1) The Common Agricultural Policy (Integrated Administration and Control System and Enforcement

(1) S.I. 2006/3342 (W. 303), amended by S.I. 2010/1807 (W. 175); there are other amending instruments but none is relevant.

(2) S.I. 2014/3222 (W. 327).

and Cross Compliance) (Wales) Regulations 2014⁽¹⁾ are amended as follows.

(2) In regulation 5—

(a) in paragraph (2)(b), omit “or the coordinating body”;

(b) omit paragraph (3).

(3) For regulation 7(7) substitute—

“(7) An authorised person entering any land or premises by virtue of this regulation may be accompanied by such other persons as the authorised person considers necessary for any purpose mentioned in paragraph (1).”

(4) For regulation 8(3) substitute—

“(3) Paragraph (1) applies in relation to a person referred to in regulation 7(7) when such a person is acting under the instruction of an authorised person, as if such person were an authorised person.”

The Common Agricultural Policy Basic Payment and Support Schemes (Wales) Regulations 2015

5.—(1) The Common Agricultural Policy Basic Payment and Support Schemes (Wales) Regulations 2015⁽²⁾ are amended as follows.

(2) In regulation 3—

(a) omit “and (2)”;

(b) for “Article 10(1)(b)” substitute “Article 10(1)”.

(3) In regulation 11(1) and (2), after “Direct Payments Delegated Regulation” insert “as it applied immediately prior to exit day”.

(4) In regulation 18(1), after “Direct Payments Regulation” insert “as it applied immediately prior to exit day”.

Lesley Griffiths

Minister for Environment, Energy and Rural Affairs,
one of the Welsh Ministers

Date

(1) S.I. 2014/3223 (W. 328), to which there are amendments not relevant to these Regulations.

(2) S.I. 2015/1252 (W. 84), amended by S.I. 2016/217 (W. 86).