

UK MINISTERS ACTING IN DEVOLVED AREAS

116 - The Common Agricultural Policy (Financing, Management and Monitoring Supplementary Provisions) (Miscellaneous Amendments) (EU Exit) Regulations 2019

Laid in the UK Parliament: 13 February 2019

Sifting

Subject to sifting in UK Parliament?	No
Procedure:	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	W/C 25/02/2019
Date sifting period ends in UK Parliament	N/A
Written statement under SO 30C:	Paper 54
SICM under SO 30A (because amends primary legislation)	Not required

Scrutiny procedure

Outcome of sifting	N/A
Procedure	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 of Schedule 7 to, the European Union (Withdrawal) Act 2018.

The intention of these Regulations is to ensure that retained EU Common Agricultural Policy (CAP) "Horizontal" regulations will work effectively throughout the UK after the UK leaves the EU, maintaining a status quo position and enabling payments to continue for farmers or land managers.

These Regulations amend Regulation (EU) No 1306/2016 of the European Parliament and of the Council of 17 December 2013 on the financial management and monitoring of the common agricultural policy. This EU

Regulation sets out the overarching framework for how the common agricultural policy (CAP) functions.

These Regulations also make a consequential amendment to article 11(1) of Commission Delegated Regulation (EU) No 639/2014 of 11 March 2014 supplementing Regulation (EU) No 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy. This amendment makes a technical change to amend reference to European funds.

Legal Advisers agree with the statement laid by the Welsh Government dated 15 February 2019 regarding the effect of these Regulations.

The statement notes that in addition to functions being conferred on the Welsh Ministers without encumbrance, two functions are being transferred to the Welsh Ministers, Secretary of State and other Devolved Authorities which can only be exercised by them jointly.

The statement further notes that functions which are transferred to the Secretary of State that are exercisable jointly with the Welsh Ministers constitute functions of a Minister of the Crown for the purposes of Schedule 7B to the Government of Wales Act 2006. This may be a relevant consideration in the context of the Assembly's competence to legislate in the future in these areas.

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.