

## **STATUTORY INSTRUMENT CONSENT MEMORANDUM**

### **The Direct Payments to Farmers (Legislative Continuity) Act 2020 (Consequential Amendments) Regulations 2020**

1. This Statutory Instrument Consent Memorandum is laid under Standing Order 30A.2. Standing Order 30A prescribes that a Statutory Instrument Consent Memorandum must be laid and a Statutory Instrument Consent Motion may be tabled before the National Assembly for Wales (“Assembly”) if a UK statutory instrument makes provision, in relation to Wales, amending primary legislation which is within the legislative competence of the Assembly.
2. The Direct Payments to Farmers (Legislative Continuity) Act 2020 (Consequential Amendments) Regulations 2020 were laid before Parliament on 28 April 2020. The Regulations can be found at:

<http://www.legislation.gov.uk/uksi/2020/463/made>

#### **Summary of the Regulations and their objective**

3. These Regulations makes consequential amendments required as a result of the Direct Payments to Farmers (Legislative Continuity) Act 2020 (“2020 Act”).
4. The 2020 Act incorporated the EU Direct Payments legislation into domestic law on exit day – and not at the end of the Implementation Period. These Regulations will ensure that the retained EU Direct Payments legislation is treated in the same way as legislation under the European Union (Withdrawal) Act 2018 (the “2018 Act”).
5. Farmers across the UK have planned on the basis that the 2020 Direct Payment scheme will continue to operate without interruption and that they will receive payment. It is important that there is no disruption for farmers as this could have a severe impact on their financial viability.
6. The Regulations to which this Memorandum relates vary in territorial extent and application. The amendments relating to the Interpretation Act 1978, the Statutory Instruments Act 1946 extend and apply to England and Wales only. In terms of the amendment relating to the Legislation (Wales) Act 2019, Regulation 4 extends and applies to Wales only.
7. The SI to which this Statutory Instrument Consent Memorandum relates has been laid in the UK Parliament under the negative procedure, which will automatically become law unless there is an objection from a member of either House of Parliament. If there is no such objection, the provisions that amend the primary legislation referenced in this Memorandum will come into force on 30 April 2020.

## **Provisions to be made by the Regulations for which consent is sought**

8. Regulations 2, 3 and 4 make consequential amendments to the Interpretation Act 1978 (c. 30), the Statutory Instruments Act 1946 (c.36), and the Legislation (Wales) Act 2019 (anaw 4) to ensure that the Direct Payments to Farmers (Legislative Continuity) Act 2020 and EU legislation incorporated into domestic law under that Act is treated in the same way as EU legislation incorporated into domestic law under the European Union (Withdrawal) Act 2018.
9. It is the view of the Welsh Government that the provisions described in paragraph 8 relate to subject matter that is within the legislative competence of the Senedd. Agriculture, and the Common Agricultural Policy are devolved matters and are not reserved in Schedule 7A to Government of Wales Act 2006. A Legislative Consent Motion was previously laid in relation to the Direct Payments to Farmers (Legislative Continuity) Act 2020 in its entirety.

## **Why is it appropriate for the Regulations to make this provision?**

10. As set out under paragraph 3, there is a need to make a number of consequential amendments required as a result of the Direct Payments to Farmers (Legislative Continuity) Act 2020, a UK-wide Act to ensure the statute book remains accessible and functional.
11. It is the view of the Welsh Government that it is appropriate and proportionate to deal with the amendments in these Regulations due to the territorial extent of the enactments being amended. Furthermore, making the necessary consequential amendments in one instrument helps to promote the accessibility of the law during this period of change.

## **Financial implications**

12. There are no anticipated financial implications for the Welsh Government associated with these Regulations.

**Lesley Griffiths AM**  
**Minister for Environment, Energy and Rural Affairs**

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