



# Direct Payments to Farmers (Legislative Continuity) Act 2020

## 2020 CHAPTER 2

### *Final provisions*

#### **6 Consequential and transitional provision**

- (1) The Secretary of State or the relevant national authority may by regulations make such provision as the Secretary of State or relevant national authority considers appropriate in consequence of this Act.
- (2) The power to make regulations under subsection (1) may (among other things) be exercised by modifying any provision made by or under an enactment.
- (3) Schedule 1 contains consequential provision.
- (4) The Secretary of State or the relevant national authority may by regulations make such transitional, transitory or saving provision as the Secretary of State or relevant national authority considers appropriate in connection with the coming into force of any provision of this Act.
- (5) But the Secretary of State may only make regulations under this section that apply (whether or not the regulations also apply in relation to England)—
  - (a) in or as regards Scotland,
  - (b) in or in relation to Wales,
  - (c) in or as regards Northern Ireland,if the Secretary of State has obtained the required consent.
- (6) For the purposes of subsection (5), the “required consent” is—
  - (a) the consent of the Scottish Ministers, if the regulations apply in or as regards Scotland,
  - (b) the consent of the Welsh Ministers, if the regulations apply in or in relation to Wales, and

- (c) the consent of DAERA, if the regulations apply in or as regards Northern Ireland.

(7) In this section, “the relevant national authority” is—

- (a) the Scottish Ministers, for regulations that apply only in or as regards Scotland,
- (b) the Welsh Ministers, for regulations that apply only in or in relation to Wales, and
- (c) DAERA, for regulations that apply only in or as regards Northern Ireland.

## 7 Regulations

Schedule 2 makes provision about regulations under this Act.

## 8 Interpretation

In this Act—

“CAP direct payment schemes” has the meaning given by section 1;

“claim year” has the meaning given by section 1;

“DAERA” means the Department of Agriculture, Environment and Rural Affairs in Northern Ireland;

the “Direct Payments Regulation” has the meaning given by section 1;

“domestic law” means—

- (a) in section 1, the law of England and Wales, Scotland and Northern Ireland, and
- (b) in any other provision, the law of England and Wales, Scotland or Northern Ireland;

“enactment” includes—

- (a) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament,
- (b) an enactment contained in, or in an instrument made under, a Measure or Act of the National Assembly for Wales,
- (c) an enactment contained in, or in an instrument made under, Northern Ireland legislation, and
- (d) any retained direct EU legislation;

“EU entity” means an EU institution or any office, body or agency of the EU;

the “Horizontal Regulation” has the meaning given by section 1;

“modify” includes amend, repeal or revoke (and related expressions are to be read accordingly);

“retained direct EU CAP legislation” has the meaning given by section 2;

“retained EU law governing the CAP direct payment schemes” has the meaning given by section 2.

## 9 Extent, commencement and short title

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) Section 5 comes into force on exit day.
- (3) The other provisions of this Act come into force on the day on which this Act is passed.

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*Status: This is the original version (as it was originally enacted).*

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- (4) This Act may be cited as the Direct Payments to Farmers (Legislative Continuity) Act 2020.