
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Agriculture (Legislative
Functions) (EU Exit) Regulations 2019**

PART 4

Amendments to Rural Development Regulations

Amendment of Regulation (EU) No 1305/2013

49. Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development is amended in accordance with regulations 50 to 72.

50. In Article 2—

(a) in paragraph 1, after point (u)(1) insert—

“(v) ‘appropriate authority’ means—

(i) the relevant authority for the constituent nation in which the regulations apply, or

(ii) the Secretary of State:

(aa) in relation to regulations applying in Scotland, if consent is given by the Scottish Ministers;

(bb) in relation to regulations applying in Northern Ireland, if consent is given by the Department of Agriculture, Environment and Rural Affairs.”;

(b) in paragraph 3, for the words from “Commission” to “Article 83” substitute “appropriate authority may make regulations”.

51. For Article 8(3) substitute—

“**3.** The appropriate authority may make regulations laying down rules for the presentation of the elements described in paragraph 1 in rural development programmes.”.

52. For Article 11 substitute—

“Article 11

Amendment of rural development programmes

The appropriate authority may make regulations to supplement or amend Commission Implementing Decision C(2015) 855, Commission Implementing Decision C(2015) 3488, Commission Implementing Decision C(2015) 3489 or Commission Implementing Decision

(1) Article 2(1) of Regulation (EU) No. 1305/2013 is amended to insert new points (including definitions of “relevant authority and “constituent nation”) by The Rural Development (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/XXXX).

C(2015) 6018 as applicable⁽²⁾ for the purpose of amending programmes concerning one or more of the following:

- (a) a change in the:
 - (i) programme strategy through a change of more than 50% in the quantified target linked to a focus area;
 - (ii) contribution rate of one or more measures;
 - (iii) annual distribution of the contribution at programme level;
- (b) the introduction or withdrawal of measures or other types of operations;
- (c) transfer of funds between measures.”.

53. For Article 12 substitute—

“Article 12

Rules on amendments

The appropriate authority may make regulations setting the frequency of amendments that may be made during the programming period.”.

54. In Article 14—

- (a) in paragraph 5—
 - (i) omit “Union”;
 - (ii) from the words “Commission” to “Article 83” substitute “appropriate authority may make regulations”;
- (b) in paragraph 6—
 - (i) in the first subparagraph, for “Commission shall adopt implementing acts” substitute “appropriate authority may make regulations”;
 - (ii) omit the second subparagraph.

55. In Article 16(5)—

- (a) for “Union law” substitute “statutory requirements”;
- (b) for “Union instruments” substitute “EU-derived domestic legislation or retained direct EU legislation”;
- (c) for the words from “Commission” to “Article 83” substitute “appropriate authority may make regulations”;
- (d) omit “Union” in the third place it occurs.

56. In Article 19(8)—

- (a) for “EAFRD resources” substitute “support for rural development”;
- (b) for the words from “Commission” to “Article 83” substitute “appropriate authority may make regulations”;
- (c) omit “by Member states”.

57. In Article 22(3), for the words from “Commission” to “Article 83” substitute “appropriate authority may make regulations”.

58. In Article 28—

- (a) in paragraph 10—

(2) The Commission Implementing Decisions listed apply to England, Wales, Scotland and Northern Ireland respectively.

- (i) omit “Union”;
 - (ii) for the words from “Commission” to “Article 83” substitute “appropriate authority may make regulations”;
- (b) in paragraph 11, for the words from “Commission” to “Article 83” substitute “appropriate authority may make regulations”.
- 59.** In Article 29(6), for the words from “Commission” to “Article 83” substitute “appropriate authority may make regulations”.
- 60.** In Article 30(8), for the words from “Commission” to “Article 83” substitute “appropriate authority may make regulations”.
- 61.** In Article 33(4)—
- (a) omit “Union”;
 - (b) for the words from “Commission” to “Article 83” substitute “appropriate authority may make regulations”.
- 62.** In Article 34(5)—
- (a) for “EAFRD budgetary resources” substitute “support for rural development”;
 - (b) for the words from “Commission” to “Article 83” substitute “appropriate authority may make regulations”.
- 63.** In Article 35(10)—
- (a) for “EAFRD budgetary resources” substitute “support for rural development”;
 - (b) for the words from “Commission” to “Article 83” substitute “appropriate authority may make regulations”.
- 64.** In Article 36(5)—
- (a) for “EAFRD budgetary resource” substitute “support for rural development”;
 - (b) for the words from “Commission” to “Article 83” substitute “appropriate authority may make regulations”.
- 65.** in Article 41—
- (a) In the first paragraph—
 - (i) for the words from “Commission” to “acts” substitute “the appropriate authority may make regulations”;
 - (ii) in point (b), for “Member State” substitute “Managing Authority”;
 - (b) omit the second paragraph.
- 66.** In Article 45(6), for the words from “Commission” to “Article 83” substitute “appropriate authority may make regulations”.
- 67.** In Article 47(6)—
- (a) for “secure the financial interests of the Union” substitute “proper management of public money”;
 - (b) for the words from “Commission” to “Article 83” substitute “appropriate authority may make regulations”.
- 68.** In Article 58—
- (a) in paragraph 7, for the words from “Commission” to “Article 83” substitute “Secretary of State may make regulations”;

(b) after paragraph 7 insert—

“7A. The Secretary of State may not make regulations under paragraph 7 without the consent of each of the relevant authorities for Wales, Scotland and Northern Ireland.

Where the relevant authority for Wales, Scotland or Northern Ireland requests that the Secretary of State makes regulations under paragraph 7, the Secretary of State must have regard to that request.”.

69. For Article 67 substitute—

“Article 67

Monitoring and evaluation system

The appropriate authority may make regulations setting out a monitoring and evaluation system.”.

70. In Article 75(5)—

(a) for the words from “Commission” to “acts” substitute “appropriate authority may make regulations”;

(b) omit the last sentence.

71. For Article 76(1) substitute—

“1. The appropriate authority may make regulations establishing the minimum requirements for the evaluation plan referred to in Article 56 of Regulation (EU) No. 1303/2013.”.

72. For Articles 83 and 84 substitute—

“Article 83

Regulations

1. Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.

2. For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010.

3. Any power of the Department of Agriculture, Environment and Rural Affairs to make regulations under this Regulation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.

4. Regulations under this Regulation may:

(a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments);

(b) make different provision for different purposes.

5. Before making any regulations under this Regulation, the person or Department making the regulations must consult:

(a) such bodies or persons as appear to the person or Department to be representative of the interests likely to be substantially affected by the regulations, and

(b) such other bodies or persons as the person or Department may consider appropriate.

Article 84

Regulations: parliamentary procedure

1. A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

2. A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

3. Regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

4. Regulations made by the Department of Agriculture, Environment and Rural Affairs under this Regulation are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.”.

Amendment of Regulation (EU) No 1303/2013

73. Regulation (EU) No 1303/2013 of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund as amended by the European Structural and Investment Funds Common Provisions (Amendment) (EU Exit) Regulations 2019⁽³⁾ is amended in accordance with regulations 74 to 86.

74. In Article 2(4), at the end insert—

“(40) ‘appropriate authority’ means:

(a) in relation to regulations which relate to support under Regulation (EU) No 508/2014, the Secretary of State;

(b) in relation to regulations which relate to rural development:

(i) subject to point (ii):

(aa) insofar as the regulations apply in England, the Secretary of State;

(bb) insofar as the regulations apply in Wales, the Welsh Ministers;

(cc) insofar as the regulations apply in Scotland, the Scottish Ministers;

(dd) insofar as the regulations apply in Northern Ireland, the Department of Agriculture, Environment and Rural Affairs, or

(ii) the Secretary of State:

(aa) for regulations applying in Scotland, if consent is given by the Scottish Ministers;

(bb) for regulations applying in Northern Ireland, if consent is given by the Department of Agriculture, Environment and Rural Affairs.

(3) S.I. 2019/XXX

(4) The European Structural and Investment Funds Common Provisions (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/XXXX) amend Article 2 of Regulation (EU) No. 1303/2013 to insert new subparagraphs (including a definition of “relevant authority”) by The Common Agricultural Policy (Financing, Management and Monitoring) (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/XXXX).

- (41) Where the appropriate authority is the Secretary of State by virtue of paragraph (40) (a):
- (a) the Secretary of State may not make regulations without the consent of each of the relevant authorities for Wales, Scotland and Northern Ireland, and
 - (b) where the relevant authority for Wales, Scotland or Northern Ireland requests that the Secretary of State makes regulations, the Secretary of State must have regard to that request.”.

75. Omit Article 5(3).

76. In Article 8, for the third paragraph substitute—

“The appropriate authority may make regulations setting out uniform conditions for support for rural development for the application of the methodology referred to in the second paragraph.”.

77. For Article 37(13) substitute—

“**13.** The appropriate authority may make regulations in relation to support for rural development laying down additional specific rules on the purchase of land and on combining technical support with financial instruments.”.

78. In Article 38—

- (a) in paragraph 3, in the second subparagraph—
 - (i) for “Commission shall adopt implementing acts” substitute “appropriate authority may make regulations in relation to support for rural development”;
 - (ii) omit the second sentence;
- (b) in paragraph 4, omit the final subparagraph;
- (c) in paragraph 10—
 - (i) for “The Commission shall adopt implementing acts” substitute “The appropriate authority may make regulations in relation to support for rural development”;
 - (ii) omit the second sentence.

79. In Article 41(3), for the words from “Commission” to “Article 149” substitute “appropriate authority may make regulations in relation to support for rural development”.

80. In Article 42—

- (a) in paragraph 1, in the second subparagraph, for the words from “Commission” to “Article 149” substitute “appropriate authority may make regulations in relation to support for rural development”;
- (b) in paragraph 5, for “the delegated act referred to in” substitute “legislation made under”;
- (c) in paragraph 6, for the words from “Commission” to “Article 149” substitute “appropriate authority may make regulations in relation to support for rural development.”.

81. In Article 61(3)—

- (a) in the second subparagraph, for the words from “Commission” to “Article 149” substitute “appropriate authority may make regulations”;
- (b) omit the third subparagraph;
- (c) in the fourth subparagraph—
 - (i) for the words from “Commission” to “Article 149” substitute “appropriate authority may make regulations”;
 - (ii) for “supported by the ESI funds” substitute “funded by support for rural development”;

- (d) in the sixth subparagraph, for the words from “the adoption” to “subparagraphs” substitute “legislation in accordance with the fourth subparagraph”;
 - (e) in the seventh subparagraph, for the words from “Commission” to “Article 149” substitute “appropriate authority may make regulations”.
- 82.** In Article 63—
- (a) in paragraph 4, for the words from “Commission” to “Article 149” substitute “appropriate authority may make regulations”;
 - (b) in paragraph 5, for “a delegated act adopted” substitute “regulations made”.
- 83.** In Article 64(4), for the words from “Commission” to “Article 149” substitute “appropriate authority may make regulations”.
- 84.** In Article 67—
- (a) in paragraph 1(e), for “the delegated act adopted in accordance with” substitute “legislation made under”;
 - (b) in paragraph 5a, for the words from “Commission” to “Article 149” substitute “appropriate authority may make regulations”.
- 85.** In Article 68, in the second subparagraph, for the words from “Commission” to “Article 149” substitute “appropriate authority may make regulations”.
- 86.** For Articles 149 and 150 substitute—

“Article 149

Regulations

1. Regulations made by the Secretary of State or the Welsh Ministers under this Regulation are to be made by statutory instrument.

2. For regulations made under this Regulation by the Scottish Ministers, see section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010.

3. Any power of the Department of Agriculture, Environment and Rural Affairs to make regulations under this Regulation is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.

4. A statutory instrument containing regulations made by the Secretary of State under this Regulation is subject to annulment in pursuance of a resolution of either House of Parliament.

5. A statutory instrument containing regulations made by the Welsh Ministers under this Regulation is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

6. Regulations made by the Scottish Ministers under this Regulation are subject to the negative procedure (see section 28 of the Interpretation and Legislative Reform (Scotland) Act 2010).

7. Regulations made by the Department of Agriculture, Environment and Rural Affairs under this Regulation are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 as if they were a statutory instrument within the meaning of that Act.

8. Regulations under this Regulation may:

- (a) contain consequential, incidental, supplementary, transitional or saving provision (including provision amending, repealing or revoking enactments);
 - (b) make different provision for different purposes.
- 9.** Before making any regulations under this Regulation, the person or Department making the regulations must consult:
- (a) such bodies or persons as appear to the person or Department to be representative of the interests likely to be substantially affected by the regulations, and
 - (b) such other bodies or persons as the person or Department may consider appropriate.”.